

**SECOND REVISED PROPOSED REGULATION OF
THE DEPARTMENT OF MOTOR VEHICLES**

LCB File No. R136-17

May 14, 2018

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-7 and 9-19, NRS 482A.100, as amended by section 10 of Assembly Bill No. 69, chapter 608, Statutes of Nevada 2017, at page 4468; §8, NRS 482A.100, as amended by section 10 of Assembly Bill No. 69, chapter 608, Statutes of Nevada 2017, at page 4468, and section 5.8 of Assembly Bill No. 69, chapter 608, Statutes of Nevada 2017, at page 4466 (NRS 482A.095).

A REGULATION relating to autonomous vehicles; revising provisions relating to the operation of an autonomous vehicle on the highways of this State; revising provisions relating to the registration of an autonomous vehicle; requiring a certificate of compliance for certain autonomous vehicles; making certain information submitted to the Department of Motor Vehicles relating to autonomous vehicles confidential; authorizing the testing of an autonomous vehicle or an automated driving system on the highways of this State under certain circumstances; requiring a testing certificate and testing license plates on an autonomous vehicle or a vehicle using an automated driving system for testing purposes; authorizing licensure of an autonomous vehicle certification facility; repealing certain provisions relating to autonomous vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to adopt regulations relating to the operation and testing of autonomous vehicles on the highways of this State which are consistent with the provisions of NRS relating to autonomous vehicles and which do not impose additional requirements upon such operation and testing. Such regulations may provide for the licensing of an autonomous vehicle certification facility, which is authorized to certify that an autonomous vehicle or an automated driving system complies with certain state and federal requirements. (NRS 482A.100, as amended by section 10 of Assembly Bill No. 69, chapter 608, Statutes of Nevada 2017, at page 4468) **Sections 2 and 9-16** of this regulation provide for the licensure of such an autonomous vehicle certification facility and revise provisions of existing regulations that refer to an autonomous technology certification facility to instead use this term.

Sections 3 and 4 of this regulation require a person to obtain a certificate of compliance for an autonomous vehicle that the person wishes to test or operate on the highways of this State. **Section 7** of this regulation revises the requirements for the registration of an autonomous vehicle. **Section 8** of this regulation requires a person who wishes to test an autonomous vehicle or automated driving system to obtain a testing certificate and testing license plates for the vehicle. **Section 5** of this regulation requires the Department to keep as confidential all documents and records submitted to the Department relating to the testing or operation of an autonomous vehicle or automated driving system or the licensure of an autonomous vehicle certification facility.

Existing regulations authorize the operation of an autonomous vehicle by a person with a restricted driver's license under certain conditions, including, without limitation, the presence of: (1) another person in the autonomous vehicle who can take active or physical control of the autonomous vehicle; and (2) a pilot car in front of the autonomous vehicle. (NAC 482A.130) **Section 18** of this regulation repeals that provision.

Existing law eliminates the requirement to hold a driver's license endorsement for the operation of an autonomous vehicle on the highways of this State. (NRS 482A.200, as amended by section 11 of Assembly Bill No. 69, chapter 608, Statutes of Nevada 2017, at page 4469) **Section 17** of this regulation makes conforming changes to provisions of existing regulations concerning driver's license endorsements.

Finally, **section 18** repeals various provisions of existing regulations that conflict with or are made superfluous by the provisions of this regulation.

Section 1. Chapter 482A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. *“Autonomous vehicle certification facility” means a facility licensed pursuant to NAC 482A.220 to issue certificates of compliance.*

Sec. 3. *“Certificate of compliance” means a document which certifies that an autonomous vehicle or an automated driving system installed in an autonomous vehicle meets the applicable requirements of chapter 482A of NRS.*

Sec. 4. 1. *An autonomous vehicle may not be tested on the highways of this State until the person who is responsible for the testing of the autonomous vehicle has submitted to the Department a certificate of compliance for the autonomous vehicle and obtained a testing certificate and testing license plates pursuant to NAC 482A.110.*

2. *An autonomous vehicle may not be operated on the highways of this State until:*

(a) *The manufacturer of the autonomous vehicle, the manufacturer or developer of the automated driving system utilized in the autonomous vehicle or an autonomous vehicle certification facility has submitted to the Department a certificate of compliance for the autonomous vehicle; and*

(b) *The owner or operator of the autonomous vehicle has obtained from the Department registration for the autonomous vehicle pursuant to chapter 482 of NRS.*

3. *A certificate of compliance required by this section must:*

(a) *Be made on a form prescribed by the Department; and*

(b) *Certify that the autonomous vehicle or the automated driving system installed in the autonomous vehicle, as applicable, meets the applicable requirements of NRS 482A.070, as amended by section 8 of Assembly Bill No. 69, chapter 608, Statutes of Nevada 2017, at page 4467, and 482A.080, as amended by section 9 of Assembly Bill No. 69, chapter 608, Statutes of Nevada 2017, at page 4467.*

Sec. 5. 1. *The Department will keep confidential any document or record submitted to or obtained by the Department pursuant to this chapter and chapter 482A of NRS in relation to the:*

(a) *Testing or operation of an autonomous vehicle or an automated driving system; or*

(b) Licensure of an autonomous vehicle certification facility.

2. Any document or record that the Department keeps confidential pursuant to subsection 1:

(a) Is deemed to be the proprietary or confidential information of the person who submitted the document or record;

(b) Is not a public record; and

(c) Will not be disclosed by the Department unless:

(1) The Department first obtains the consent of the person who submitted the document or record; or

(2) The Department is ordered to disclose the document or record by a court of competent jurisdiction.

Sec. 6. NAC 482A.001 is hereby amended to read as follows:

482A.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in ~~NAC 482A.003 and 482A.007~~ *sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

Sec. 7. NAC 482A.050 is hereby amended to read as follows:

482A.050 1. *An autonomous vehicle must be registered before the autonomous vehicle may be operated on the highways of this State in the same manner and under the same circumstances as a vehicle which is not an autonomous vehicle which is required to be registered in this State pursuant to chapter 482 of NRS.*

2. Before an autonomous vehicle may be registered in this State, the owner of the autonomous vehicle must submit to the Department, in addition to any other requirement set

forth in chapter 482 or 482A of NRS for registering a vehicle ~~[, a copy of the certificate of compliance issued by the manufacturer of the vehicle or by a licensed autonomous technology certification facility pursuant to NAC 482A.190.~~

~~2. A person who submits an application to register an autonomous vehicle in this State must submit proof] :~~

(a) Proof that the person has obtained the insurance coverage required pursuant to NRS 485.185, *as amended by section 2 of Senate Bill No. 308, chapter 258, Statutes of Nevada 2017, at page 1340*, and not an operator's policy of liability insurance pursuant to NRS 485.186.

(b) Except as otherwise provided in subsection 3, for an autonomous vehicle which is not a fully autonomous vehicle, a signed affidavit, on a form prescribed by the Department, which states that the operator of the autonomous vehicle has been trained in the capabilities and limitations of the automated driving system in the autonomous vehicle.

(c) Any other information requested by the Department to determine:

(1) If the autonomous vehicle is a fully autonomous vehicle; and

(2) The type of automated driving system in the autonomous vehicle, including, without limitation, whether the automated driving system is capable of switching or being switched from automated driving to physical control of the vehicle.

~~3. [Upon registering an autonomous vehicle pursuant to this section, the Department will issue license plates to the owner of the vehicle indicating that the vehicle is an autonomous vehicle. The Department will not charge an additional fee to register an]~~ *A person who registers a fleet of autonomous vehicles which are not fully autonomous vehicles must, in addition to the requirements of subsection 2, provide a signed affidavit, on a form prescribed by the*

Department, which states that every person who is authorized by the person registering the fleet to operate an autonomous vehicle that is part of the fleet has been trained in the capabilities and limitations of the automated driving system of the autonomous vehicle.

Sec. 8. NAC 482A.110 is hereby amended to read as follows:

482A.110 1. A person may *not test an autonomous vehicle or an automated driving system on the highways of this State unless the person has met the requirements of NRS 482A.060, as amended by section 7.7 of Assembly Bill No. 69, chapter 608, Statutes of Nevada 2017, at page 4467, and obtained a testing certificate and testing license plates. A person may apply for a ~~license to test the autonomous technology installed on the autonomous vehicles of the person~~ testing certificate and testing license plates which, when attached to an autonomous vehicle, authorize solely the testing of the autonomous vehicle, the automated driving system, or both the autonomous vehicle and the automated driving system on the highways of this State* by submitting ~~an application~~ to the Department ~~on a~~ :

(a) *A form ~~provided~~ prescribed by the Department ~~. A license issued pursuant to this section authorizes the testing of the autonomous technology installed on the autonomous vehicles of the licensee on the highways of this State even if certificates of compliance have not been issued for the autonomous vehicles pursuant to NAC 482A.190.] to request a testing certificate and testing license plates.~~*

(b) *A document on which the manufacturer of the autonomous vehicle or the manufacturer or developer of the automated driving system certifies that the autonomous vehicle, the automated driving system, or both the autonomous vehicle and the automated driving system meet the applicable requirements of NRS 482A.070, as amended by section 8 of*

Assembly Bill No. 69, chapter 608, Statutes of Nevada 2017, at page 4467, and NRS 482A.080, as amended by section 9 of Assembly Bill No. 69, chapter 608, Statutes of Nevada 2017, at page 4467.

2. ~~{The form provided by the Department must require the applicant to affirm that, to the best of the applicant's knowledge and belief, each autonomous vehicle to be tested:~~
 - ~~—(a) Is safe to operate on the highways of this State.~~
 - ~~—(b) Has a separate mechanism in addition to, and separate from, any other mechanism required by law, to capture and store the autonomous technology sensor data for at least 30 seconds before a crash occurs between the autonomous vehicle and another vehicle, object or natural person while the vehicle is operating in autonomous mode. The autonomous technology sensor data must be captured and stored in a read-only format by the mechanism so that the data is retained until extracted from the mechanism by an external device capable of downloading and storing the data. Such data must be preserved for 3 years after the date of the crash. The provisions of this paragraph do not authorize or require the modification of any other mechanism to record data that is installed on the autonomous vehicle in compliance with federal law.~~
 - ~~—(c) Has a switch to engage and disengage the autonomous vehicle that is easily accessible to the operator of the autonomous vehicle and is not likely to distract the operator from focusing on the road while engaging or disengaging the autonomous vehicle.~~
 - ~~—(d) Has a system to safely alert the operator of the autonomous vehicle to take active control or physical control of the autonomous vehicle if a technology failure is detected.~~
 - ~~—(e) Is equipped with autonomous technology which does not adversely affect any other safety features of the vehicle which are subject to federal regulation.~~

~~—3.— An applicant to operate a business to test autonomous vehicles pursuant to this section must:~~

~~—(a) Submit proof to the Department that each autonomous vehicle which will be tested in this State is covered by insurance in an amount that meets or exceeds the minimum requirements for a vehicle registered in this State as set forth in NRS 485.185, and not an operator’s policy of liability insurance as described in NRS 485.186. Any change in the information submitted concerning a policy of insurance pursuant to this section must be reported to the Department within 10 business days after the effective date of the change.~~

~~—(b) Submit with the application proof satisfactory to the Department that one or more of the autonomous vehicles of the applicant has been driven by the applicant for a combined minimum of not less than 10,000 miles in autonomous mode. The applicant must further provide proof that such autonomous vehicle or vehicles of the applicant have been driven in various conditions for a number of miles that demonstrates the safety of the vehicle or vehicles in those conditions. Such conditions include, without limitation, operating the autonomous vehicle in various weather conditions, on various types of roads and during various times of the day and night.~~

~~—(c) Demonstrate the artificial intelligence and technology used in its autonomous vehicles to the Department for approval.~~

~~—(d) Submit the proposed geographic locations where the applicant wishes to test the autonomous vehicles. The applicant must establish to the satisfaction of the Department that the autonomous vehicles of the applicant are capable of being driven in the conditions of the proposed geographic locations in compliance with the traffic laws and other laws applicable to drivers and motor vehicles operated in this State.~~

~~—4.— An application to test autonomous vehicles.] A form to request a testing certificate and testing license plates~~ submitted pursuant to this section must be accompanied by a nonrefundable fee of \$100 and ~~†~~

~~—(a) Proof of insurance or self-insurance acceptable to the Department in the amount prescribed by NRS 482A.060; or~~

~~—(b) A surety bond or deposit of cash in lieu of the bond in the amount prescribed by NRS 482A.060.~~

~~—5.— The Department may require such additional information, documentation and affirmations as the Department deems necessary or appropriate before approving an application to test autonomous vehicles that is submitted pursuant to this section.~~

~~—6.— A license to test autonomous vehicles.] a nonrefundable fee of \$12 for each set of testing license plates requested by the applicant.~~

3. *A person who holds a testing certificate* that is issued by the Department pursuant to this section ~~is valid for 1 year after the date of issuance and may be renewed by submitting an application in the same manner as for the initial license. To avoid a lapse in the license issued pursuant to this section, a licensee wishing to renew his or her license must submit an application for renewal at least 30 days before the date on which the license is set to expire.] :~~

(a) For the purposes of section 5.8 of Assembly Bill No. 69, chapter 608, Statutes of Nevada 2017, at page 4466, must provide to the Department a copy of any report prepared by law enforcement personnel and, if no report was prepared by law enforcement personnel, a completed “Report of Traffic Crash,” form SR-1, available on the Internet website of the Department;

(b) Must ensure that the testing certificate is:

(1) In the autonomous vehicle at all times when the autonomous vehicle or automated driving system is being tested; and

(2) Accessible and available to be examined by a peace officer regardless of the presence or absence of any person in the autonomous vehicle; and

(c) Is not required to register, pursuant to chapter 482 of NRS, an autonomous vehicle if the person is solely testing the autonomous vehicle or automated driving system.

Sec. 9. NAC 482A.200 is hereby amended to read as follows:

482A.200 As used in NAC 482A.200 to 482A.290, inclusive, unless the context otherwise requires, “licensee” means ~~an operator of an autonomous technology certification facility that~~ *a person who* has been issued a license pursuant to NAC 482A.220 ~~to operate an autonomous vehicle certification facility.~~

Sec. 10. NAC 482A.210 is hereby amended to read as follows:

482A.210 1. A person may apply for a license to operate an autonomous ~~technology~~ *vehicle* certification facility by submitting an application to the Department on a form provided by the Department.

2. The form provided by the Department must require the applicant to ~~submit such proof as the Department deems necessary or appropriate to demonstrate that the applicant~~ *certify that he or she* possesses the necessary knowledge and expertise to certify the safety of autonomous vehicles, including, without limitation, whether the autonomous vehicles meet the requirements for the issuance of a certificate of compliance set forth in ~~NAC 482A.190.~~ *subsection 3 of section 4 of this regulation.*

3. An application for a license to operate an autonomous ~~technology~~ *vehicle* certification facility submitted pursuant to this section must be accompanied by:
 - (a) A nonrefundable fee of \$300; and
 - (b) A surety bond or deposit of cash in lieu of the bond in the amount of \$500,000.
4. The applicant must identify on the application the location of the facility of the applicant.
5. The Department may require the applicant to allow the Department to inspect the autonomous ~~technology~~ *vehicle* certification facility before approving a license to operate the facility. During such an inspection, the Department may require the applicant to demonstrate the manner in which autonomous vehicles will be certified at the facility.

Sec. 11. NAC 482A.220 is hereby amended to read as follows:

- 482A.220 1. Upon approval of an application for the issuance or renewal of a license to operate an autonomous ~~technology~~ *vehicle* certification facility, the Department will issue a license to the operator of the facility.
2. A license issued pursuant to this section must include, without limitation, the name of the person licensed to operate the autonomous ~~technology~~ *vehicle* certification facility and the name and address of the facility. A license issued pursuant to this section is valid only as to the operation of an autonomous ~~technology~~ *vehicle* certification facility identified on the application, and a separate application must be submitted for each facility to be operated by the applicant.
 3. The licensee shall post the license issued pursuant to this section in a conspicuous location in the facility which is clearly visible to the general public.

4. The licensee shall ensure that each estimate and invoice issued for services rendered at the facility includes the number of the license to operate the facility.

5. After a license is issued to operate an autonomous ~~technology~~ *vehicle* certification facility, a certificate of compliance as described in ~~NAC 482A.190~~ *subsection 3 of section 4 of this regulation* may be issued at the facility to a manufacturer of an autonomous vehicle or to any other person who wishes to obtain such a certificate for a new or used vehicle with autonomous technology.

6. A license to operate an autonomous ~~technology~~ *vehicle* certification facility that is issued by the Department pursuant to this section is valid for 1 year after the date of issuance and may be renewed by submitting an application in the same manner as for the initial license. To avoid a lapse in the license issued pursuant to this section, a licensee wishing to renew his or her license must submit an application for renewal at least 30 days before the date on which the license is set to expire.

Sec. 12. NAC 482A.230 is hereby amended to read as follows:

482A.230 1. If a licensee changes the name or location of the autonomous ~~technology~~ *vehicle* certification facility identified on the license, the licensee must notify the Department of the change within 10 business days after the effective date of the change.

2. A licensee shall maintain his or her principal place of business in this State and keep his or her books and records related to the certification of autonomous vehicles at his or her principal place of business in this State. A licensee shall allow any authorized agent of the Director to inspect those books and records during usual business hours. The books and records must include, without limitation, the year, make, model and identification number of each autonomous

vehicle for which the autonomous ~~technology~~ *vehicle* certification facility has provided a certificate of compliance.

Sec. 13. NAC 482A.240 is hereby amended to read as follows:

482A.240 1. The Department may require an applicant for a license to operate an autonomous ~~technology~~ *vehicle* certification facility or a licensee to submit to the Department authorization for the disclosure to the Department of financial information of the applicant or licensee or of the facility.

2. The Department may use any financial information obtained pursuant to this section only to determine the suitability of the applicant or licensee to obtain or maintain a license to operate an autonomous ~~technology~~ *vehicle* certification facility, including, without limitation, whether to issue or renew a license and whether to impose disciplinary action against a licensee.

3. Any financial information obtained by the Department pursuant to this section is confidential and may be viewed only by the Director and any employee of the Department responsible for assisting in making a determination concerning the suitability of the applicant as described in subsection 2.

4. As used in this section, “financial information” means:

(a) Any original or copy of a financial statement and any record or document held by a financial institution pertaining to a customer of the financial institution.

(b) The information contained in such a record or document.

Sec. 14. NAC 482A.250 is hereby amended to read as follows:

482A.250 Evidence of the unfitness of an applicant to operate an autonomous ~~technology~~ *vehicle* certification facility or of a licensee includes, without limitation:

1. Defrauding or attempting to defraud the State or a political subdivision of the State of any taxes or fees in connection with the sale or transfer of a vehicle.
2. Forging the signature of the registered or legal owner of an abandoned vehicle on any document that releases the interest of the owner in the abandoned vehicle.
3. Forging the signature of the registered or legal owner of a vehicle on a certificate of title or other document to obtain or transfer ownership in that vehicle.
4. Refusing to allow any peace officer or agent of the Department to inspect, during normal business hours, all books, records and files of the operator which are maintained in this State.
5. Committing any fraud which includes, without limitation:
 - (a) Misrepresenting in any manner, whether intentional or grossly negligent, a material fact.
 - (b) Intentionally failing to disclose a material fact.
6. Willfully failing to comply with any regulation adopted by the Department.

Sec. 15. NAC 482A.260 is hereby amended to read as follows:

482A.260 1. The Department may suspend, revoke or refuse to renew a license to operate an autonomous ~~technology~~ *vehicle* certification facility, or may deny a license to an applicant therefore, upon any of the following grounds:

- (a) Failure to maintain his or her principal place of business in this State as required pursuant to NAC 482A.230.
- (b) Conviction of the applicant or licensee of a crime which involves fraud, dishonesty or moral turpitude, or which the Department determines is related to the license in question.
- (c) Any material misstatement on the application for the issuance or renewal of a license.

(d) Willful failure of the applicant or licensee to comply with the provisions of this chapter or chapter 482A of NRS or any of the traffic laws of this State, and any regulations adopted pursuant thereto.

(e) Failure or refusal by the licensee to pay or otherwise discharge any final judgment against the applicant or licensee arising out of the operation of the autonomous ~~technology~~ *vehicle* certification facility.

(f) Failure of the applicant or licensee to provide the Department with the authorization to obtain financial records pursuant to NAC 482A.240.

(g) Commission of any of the acts demonstrating unfitness to operate an autonomous ~~technology~~ *vehicle* certification facility described in NAC 482A.250.

2. The Department may refuse to review a subsequent application for a license to operate an autonomous ~~technology~~ *vehicle* certification facility that is submitted by a person who violates any provision of this chapter or chapter 482A of NRS.

Sec. 16. NAC 482A.270 is hereby amended to read as follows:

482A.270 1. An applicant for a license to operate an autonomous ~~technology~~ *vehicle* certification facility or a licensee may, within 30 days after the receipt of the notice of denial or suspension, revocation, or refusal to renew the license, petition the Director in writing for a hearing which will be conducted by the Director or an authorized representative thereof.

2. Upon filing the petition, a hearing will be held not later than 90 days after the receipt of the request for hearing. The applicant or licensee is entitled to be present at the hearing, testify on his or her own behalf and have such other persons as he or she desires to be present to testify

at the hearing. For good cause shown, and upon agreement of all parties, the 90-day period provided for in this subsection may be extended.

3. Failure of the applicant or licensee to petition the Director in writing for a hearing within the 30-day period constitutes an automatic denial of the application or suspension or revocation of the license.

4. Within 30 days after the hearing, the Director or the authorized representative will make written findings of fact and conclusions of law and may, without limitation:

- (a) Grant or finally deny the application; or
- (b) Suspend or revoke the license.

5. For good cause shown, and upon agreement of all parties, the 30-day period provided for in subsection 4 may be extended by the Director or the authorized representative.

6. Notwithstanding the provisions of subsections 1 to 5, inclusive, the Department may, if the Director or authorized representative finds that the action is necessary and in the public interest, upon notice to the licensee, temporarily suspend or refuse to renew the license for a period not to exceed 30 days. For good cause shown, the Director or the authorized representative may extend the period of suspension of the license or continue to refuse to renew the license if he or she deems such action to be necessary and in the public interest. In any such case, a hearing must be held and a final decision rendered within 30 days after notice of the temporary suspension.

Sec. 17. NAC 483.110 is hereby amended to read as follows:

483.110 1. The holder of a Class A noncommercial driver's license may drive:

- (a) Any combination of vehicles with:

(1) A gross combination weight rating of 26,001 pounds or more, which includes one or more towed vehicles with:

(I) A gross vehicle weight rating of more than 10,000 pounds; or

(II) A gross vehicle weight of more than 10,000 pounds; or

(2) A gross combination weight of 26,001 pounds or more, which includes one or more towed vehicles with:

(I) A gross vehicle weight rating of more than 10,000 pounds; or

(II) A gross vehicle weight of more than 10,000 pounds;

(b) Any combination of vehicles not exceeding 70 feet in length with a gross combination weight rating of 26,000 pounds or less so long as the gross combination weight rating of the towed vehicles does not exceed the gross vehicle weight rating of the towing vehicle; or

(c) A vehicle falling within Class B or Class C, but may not drive a motorcycle ~~for an autonomous vehicle in autonomous mode~~ unless the holder obtains an appropriate endorsement.

2. The holder of a Class B noncommercial driver's license may drive any single vehicle with a gross vehicle weight rating or gross vehicle weight, whichever is greater, of 26,001 pounds or more, or any such vehicle which is towing another vehicle which does not have a gross vehicle weight rating of more than 10,000 pounds, and all vehicles falling within Class C, but may not drive a motorcycle ~~for an autonomous vehicle in autonomous mode~~ unless the holder obtains an appropriate endorsement.

3. The holder of a Class C noncommercial driver's license may drive any single vehicle, or combination of vehicles, that does not meet the definition of a vehicle for which a Class A or

Class B driver's license is required, including, without limitation, a moped or a low-speed vehicle, but the holder of a Class C driver's license may not:

- (a) Drive a motorcycle, unless the holder obtains an appropriate endorsement;
- (b) Tow a vehicle or a combination of vehicles with a gross vehicle weight rating or gross combination weight rating, as appropriate, of more than 10,000 pounds, unless the holder obtains a J endorsement; *or*
- (c) Drive a combination of vehicles exceeding 70 feet in length. ~~†; or~~
- ~~(d) Drive an autonomous vehicle in autonomous mode unless the holder obtains a G endorsement.†~~

4. The Department may place a restriction on a Class A, Class B or Class C driver's license if the holder of the driver's license does not pass a knowledge test and a driving skills test in a vehicle which is equipped with air brakes.

5. In addition to the tests authorized by chapter 483 of NRS, the holder of a driver's license may be required to pass a driving skills test in an appropriate vehicle to receive an endorsement authorizing the holder to drive a specific type of vehicle.

6. The holder of a driver's license who is exempt from the requirements of NRS 483.900 to 483.940, inclusive, and NAC 483.799 to 483.850, inclusive, pursuant to the provisions of subsection 1 or 2 of NAC 483.850, may operate a vehicle described in subsection 1 or 2 of NAC 483.850 only if the holder obtains an F endorsement on his or her driver's license. An applicant who applies for an F endorsement who is exempt from the requirements of subsection 2 of NAC 483.850 must submit to the Department an application on a form approved by the Department that is signed and approved by:

- (a) A firefighting battalion chief or other designated chief officer of a firefighting agency;
- (b) The chief of a law enforcement agency;
- (c) The sheriff of a county; or
- (d) Any other person associated with an agency who is exempt from the requirements of subsection 2 of NAC 483.850.

7. The holder of a Class M driver's license may drive a motorcycle, trimobile or moped. The holder of a Class A, Class B or Class C driver's license may drive a motorcycle only if the holder obtains a Class M endorsement on his or her driver's license.

8. An applicant who is administered a test of driving ability on a motorcycle which does not exceed 6 1/2 horsepower or a displacement of 90 cubic centimeters will be issued a Class M driver's license with a restriction indicating that the license does not authorize the operation of a motorcycle which exceeds a displacement of 90 cubic centimeters.

9. An applicant who is administered a test of driving ability on a motorcycle which has three wheels in contact with the ground will be issued a Class M driver's license with a restriction.

10. An applicant who is administered a test of driving ability on a moped will be issued a Class M driver's license with a moped restriction. A Class M driver's license with a moped restriction does not authorize the operation of any other motor vehicle.

11. An applicant who is administered a test of driving ability in a low-speed vehicle will be issued a Class C driver's license with a restriction. The Department will indicate on the back of such a driver's license that the holder may not drive a vehicle on a highway where the posted speed limit is greater than 35 miles per hour, except to cross a highway at an intersection.

12. ~~The holder of a Class A, Class B or Class C driver's license may operate an autonomous vehicle in autonomous mode only if the holder obtains a G endorsement on his or her driver's license as required pursuant to NAC 482A.040.~~

~~13.~~ A person operating a vehicle specified in subsection 2 of NAC 483.850 must have a valid driver's license with an F endorsement and is exempt from the requirement to hold a Class A or Class B noncommercial driver's license.

~~14.~~ 13. As used in this section, unless the context otherwise requires:

(a) ~~"Autonomous vehicle" has the meaning ascribed to it in NRS 482A.030.~~

~~(b)~~ "Gross combination weight rating" means:

(1) The weight specified by the manufacturer of a vehicle as the combined loaded weight of that vehicle and a trailing vehicle; or

(2) If the manufacturer fails to specify a weight, the sum of the gross vehicle weight rating of the power unit, the weight of the trailing vehicle and the weight of any load thereon.

~~(e)~~ (b) "Gross vehicle weight rating" means the weight specified by the manufacturer as the loaded weight of a single vehicle.

~~(d)~~ (c) "Low-speed vehicle" has the meaning ascribed to it in NRS 484B.637.

~~(e)~~ (d) "Moped" has the meaning ascribed to it in NRS 486.038.

~~(f)~~ (e) "Motorcycle" has the meaning ascribed to it in NRS 486.041.

~~(g)~~ (f) "Trimobile" has the meaning ascribed to it in NRS 486.057.

Sec. 18. NAC 482A.003, 482A.007, 482A.010, 482A.030, 482A.040, 482A.100, 482A.105, 482A.107, 482A.120, 482A.130, 482A.140, 482A.150, 482A.160, 482A.170, 482A.180 and 482A.190 are hereby repealed.

Sec. 19. This regulation becomes effective 180 days after the date on which the regulation is filed with the Secretary of State pursuant to NRS 233B.067.

TEXT OF REPEALED SECTIONS

482A.003 “Active control” defined. (NRS 482A.100) “Active control” means the electronic monitoring and control of the mechanical operations of an autonomous vehicle, including, without limitation, braking, steering and adjusting the throttle of the vehicle, by the operator of the autonomous vehicle through the use of sensors or other technology without the operator physically controlling such operations.

482A.007 “Physical control” defined. (NRS 482A.100) “Physical control” means the monitoring of, direct physical contact with and hands-on control of the mechanical operations of an autonomous vehicle, including, without limitation, braking, steering and adjusting the throttle, by the operator of the autonomous vehicle.

482A.010 “Autonomous vehicle” interpreted. (NRS 482A.100, 482A.200) As used in NRS 482A.030, the Department will interpret the term “autonomous vehicle” to exclude a vehicle enabled with a safety system or driver assistance system, including, without limitation, a system to provide electronic blind spot assistance, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keep assistance, lane departure warnings and traffic jam

and queuing assistance, unless the vehicle is also enabled with artificial intelligence and technology that allows the vehicle to carry out all the mechanical operations of driving without the active control, physical control or continuous monitoring of a natural person.

482A.030 Certificate of compliance to operate vehicle in autonomous mode; operation without physical presence of operator; operator deemed to be driver under certain circumstances. (NRS 482A.100, 482A.200)

1. Except as otherwise provided in NAC 482A.110, an autonomous vehicle that has been registered in this State may be operated in autonomous mode in this State only if a certificate of compliance has been issued for the autonomous vehicle pursuant to NAC 482A.190. If the certificate of compliance certifies that the autonomous vehicle is capable of being operated in autonomous mode without the physical presence of the operator in the vehicle, the person may operate the vehicle in this State without being physically present in the autonomous vehicle.

2. For the purpose of enforcing the traffic laws and other laws applicable to drivers and motor vehicles operated in this State, the operator of an autonomous vehicle that is operated in autonomous mode shall be deemed the driver of the autonomous vehicle regardless of whether the person is physically present in the autonomous vehicle while it is engaged.

482A.040 G endorsement on driver's license required for operation: Application; fee. (NRS 482A.100, 482A.200)

1. Except as otherwise provided in NAC 482A.130, a person who holds a driver's license in this State and wishes to operate an autonomous vehicle in autonomous mode in this State must obtain a G endorsement on his or her driver's license from the Department pursuant to NAC

483.110 before the person may operate an autonomous vehicle in this State. A person may apply for such an endorsement by submitting an application on a form provided by the Department.

2. The application for a driver's license endorsement to operate an autonomous vehicle in autonomous mode must require the applicant to acknowledge that the operator is subject at all times to the traffic laws and other laws applicable to drivers and motor vehicles operated in this State as provided pursuant to NAC 482A.030.

3. The applicant must provide such additional information as the Department deems necessary to determine the competency and eligibility of the person to operate an autonomous vehicle in autonomous mode.

4. The application for a driver's license endorsement to operate an autonomous vehicle in autonomous mode must be accompanied by a fee of \$5.

482A.100 Definitions. (NRS 482A.100) As used in NAC 482A.100 to 482A.180, inclusive, unless the context otherwise requires, the words and terms defined in NAC 482A.105 and 482A.107 have the meanings ascribed to them in those sections.

482A.105 "Licensee" defined. (NRS 482A.100) "Licensee" means a person who is licensed to test autonomous vehicles on the highways of this State.

482A.107 "Pilot vehicle" defined. (NRS 482A.100) "Pilot vehicle" means a motor vehicle that:

1. Is registered pursuant to chapter 482 of NRS;
2. Meets all the applicable requirements of chapter 484D of NRS to operate on the highways of this State;
3. Is insured as required pursuant to chapter 485 of NRS;

4. Is driven by a person who holds a valid license to operate the motor vehicle issued in the state in which the person resides; and

5. Is intended to be operated pursuant to subsections 3 and 4 of NAC 482A.130 directly in front of an autonomous vehicle being operated by the holder of a restricted driver's license.

↳ The term does not include a motorcycle or moped.

482A.120 Certificate identifying authorized geographic locations: Issuance; request to add locations; required to be carried in vehicle at all times and surrendered to peace officer upon demand. (NRS 482A.100)

1. When the Department issues a license pursuant to NAC 482A.110, the Department will issue a certificate to the licensee which identifies the geographic locations where the Department authorizes the licensee to test autonomous vehicles.

2. A licensee may submit a request to the Department to add one or more geographic locations where the licensee may test autonomous vehicles after a certificate is issued. To obtain approval for an additional geographic location, the licensee must establish to the satisfaction of the Department that the autonomous vehicles of the licensee are capable of being driven in the conditions of the proposed geographic location in compliance with the traffic laws and other laws applicable to drivers and motor vehicles operated in this State.

3. If the Department approves an additional geographic location where a licensee may test autonomous vehicles pursuant to subsection 2, the Department will issue a new certificate to the licensee indicating the geographic locations where the licensee is authorized to test its autonomous vehicles.

4. A licensee shall ensure that the certificate provided by the Department pursuant to this section which identifies the geographic locations where the licensee may test autonomous vehicles is carried in the autonomous vehicle at all times that it is being tested. Upon demand of a peace officer, the operator of an autonomous vehicle of a licensee that is being tested must surrender the certificate to the officer.

482A.130 Physical presence and duties of persons in vehicle during testing; exceptions for holder of certain restricted driver's license; testing limited to authorized geographic locations; report to Department regarding crashes or citations. (NRS 482A.100)

1. Except as otherwise provided in subsection 3 or unless otherwise approved in advance by the Department, a licensee shall ensure that at least one person is physically present in an autonomous vehicle at all times that the autonomous vehicle is being tested on a highway in this State, who must at all times be seated in a position which allows the person to take active control or physical control of the vehicle.

2. The person who is required to be physically present in an autonomous vehicle while it is tested on a highway in this State:

(a) Must hold a valid driver's license that has been issued in the state in which the person resides, but is not required to have a driver's license endorsement to operate the autonomous vehicle as provided in NAC 482A.040;

(b) Must be trained in the operation of the autonomous vehicle and have received instruction concerning the capabilities and limitations of the autonomous vehicle; and

(c) Shall actively monitor for any aberration in the functioning of the autonomous vehicle while it is engaged.

3. The holder of a restricted driver's license issued pursuant to NRS 483.360 with the Restriction JA described in NAC 483.360 may be the operator of an autonomous vehicle that is being tested on a highway in this State provided that:

(a) The detail form carried by the holder authorizes the holder to operate an autonomous vehicle that is being tested on a highway in this State pursuant to this section through the use of active control;

(b) The holder is employed by a licensee who has met the requirements of subsection 5;

(c) A pilot vehicle is being operated directly in front of the autonomous vehicle; and

(d) A second person in the autonomous vehicle:

(1) Is seated in a position which allows the person to safely engage and disengage the autonomous technology and take active control or physical control of the autonomous vehicle; and

(2) Holds a valid driver's license that has been issued in the state in which the person resides.

4. If a pilot vehicle operating directly in front of an autonomous vehicle being tested on a highway in this State pursuant to subsection 3 is for any reason unable to continue to operate in such a manner:

(a) The operator of the autonomous vehicle must pull the autonomous vehicle safely to the side of the road; or

(b) The second person in the autonomous vehicle must disengage the autonomous technology and take active control or physical control of the autonomous vehicle.

5. A licensee who employs the holder of a restricted driver's license issued pursuant to NRS 483.360 with the Restriction JA described in NAC 483.360 to test autonomous vehicles pursuant to subsection 3 must obtain the approval of the Department before allowing the holder to test an autonomous vehicle on a highway in this State. The Department shall approve a request for such approval if the licensee provides to the Department:

(a) Proof satisfactory to the Department that:

(1) The holder is an employee of the licensee; and

(2) The holder has completed not less than 50 hours of training in an autonomous vehicle

which:

(I) May include not more than 10 hours of operation of an autonomous vehicle simulator; and

(II) Must include not less than 40 hours of operating an autonomous vehicle that meets the requirements of NRS 482A.080 on any paved, graded or similar surface that is not a highway of this State, including, without limitation, a race track or private course; and

(b) Any other information requested by the Department.

6. An autonomous vehicle may only be tested on a highway in this State which is located in a geographic location that the Department has approved for such use for vehicles tested by the licensee and indicated on the certificate issued to the licensee pursuant to NAC 482A.120.

7. A licensee shall submit a report to the Department within 10 business days after an autonomous vehicle of the licensee that is tested in this State is involved in a crash during the course of testing or after an operator of such autonomous vehicle is issued a citation for any violation of the traffic laws or other laws applicable to drivers and motor vehicles operated in

this State during the course of testing. The report must include a copy of any crash report prepared regarding a crash and any citation issued to the operator or licensee and such additional information as may be required by the Department.

482A.140 Temporary license plates: Application and fee; validity; renewal; exemptions for vehicle registration and other fees. (NRS 482A.100)

1. A licensee must apply for a set of temporary license plates for each autonomous vehicle that will be tested in this State and pay a fee of \$12 for each set of license plates issued by the Department.

2. A set of temporary license plates issued pursuant to subsection 1 is valid only until the date of the expiration of the license of the licensee and may be renewed in the same manner as the initial application for the temporary license plates.

3. A licensee is not required to:

(a) Register an autonomous vehicle pursuant to chapter 482 of NRS if the vehicle is used in this State only for testing; or

(b) Pay any other fees set forth in chapter 482 of NRS, except that the licensee must pay the fee set forth in NRS 482.268.

482A.150 Grounds for disciplinary action. (NRS 482A.100)

1. The Department may suspend, revoke or refuse to renew a license to test autonomous vehicles, or may deny a license to an applicant therefore, upon any of the following grounds:

(a) Conviction of the applicant or licensee of a crime which involves fraud, dishonesty or moral turpitude, or which the Department determines is related to the license in question.

(b) Willful failure of the applicant or licensee to comply with any of the provisions of chapter 482A of NRS, any of the traffic laws of this State and any regulations adopted pursuant thereto.

(c) Any material misstatement on the application for the issuance or renewal of a license.

(d) Failure or refusal of the applicant or licensee to pay or otherwise discharge any final judgment against the licensee arising out of the operation of the business of the licensee.

(e) If the Department has reasonable cause to believe that any model of autonomous vehicle or artificial intelligence and technology used in an autonomous vehicle of the licensee presents an unsafe condition for operation on the highways of this State.

2. The Department may refuse to review a subsequent application for a license to test autonomous vehicles that is submitted by a person who has violated any provision of this chapter or chapter 482A of NRS.

482A.160 Hearings to consider appeal of disciplinary action. (NRS 482A.100)

1. An applicant for a license to test autonomous vehicles or a licensee may, within 30 days after the receipt of the notice of denial, suspension or revocation of, or refusal to renew, the license, petition the Director in writing for a hearing which will be conducted by the Director or an authorized representative thereof.

2. Upon filing the petition, a hearing will be held not later than 90 days after the receipt of the request for hearing. The applicant or licensee is entitled to be present at the hearing, testify on his or her own behalf and have such other persons as he or she desires to be present to testify at the hearing. For good cause shown, and upon agreement of all parties, the 90-day period provided for in this subsection may be extended.

3. Failure of the applicant or licensee to petition the Director in writing for a hearing within the 30-day period constitutes an automatic denial of the application or suspension or revocation of the license.

4. Within 30 days after the hearing, the Director or the authorized representative will make written findings of fact and conclusions of law and may, without limitation:

- (a) Grant or finally deny the application; or
- (b) Suspend or revoke the license.

5. For good cause shown, and upon agreement of all parties, the 30-day period provided for in subsection 4 may be extended by the Director or the authorized representative.

6. Notwithstanding the provisions of subsections 1 to 5, inclusive, the Department may, if the Director or authorized representative finds that the action is necessary and in the public interest, upon notice to the licensee, temporarily suspend or refuse to renew the license for a period not to exceed 30 days. For good cause shown, the Director or the authorized representative may extend the period of suspension of the license or continue to refuse to renew the license if he or she deems such action to be necessary and in the public interest. In any such case, a hearing must be held and a final decision rendered within 30 days after notice of the temporary suspension.

482A.170 Payment of child support: Required statement; grounds for denial of license; duty of Department. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support

arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] (NRS 482A.100)

1. An applicant for the issuance or renewal of a license issued pursuant to the provisions of NAC 482A.100 to 482A.180, inclusive, shall submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Department will include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Department.

3. A license may not be issued or renewed by the Department pursuant to the provisions of NAC 482A.100 to 482A.180, inclusive, if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department will advise the

applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

482A.180 Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] (NRS 482A.100)

1. If the Department receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license issued pursuant to the provisions of NAC 482A.100 to 482A.180, inclusive, the Department will deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Department receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Department will reinstate a license issued pursuant to the provisions of NAC 482A.100 to 482A.180, inclusive, that has been suspended by a district court pursuant to NRS 425.540 if the Department receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person

whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

482A.190 Requirements for issuance of certificate of compliance; contents. (NRS 482A.100)

1. Before an autonomous vehicle may be offered for sale by a licensed vehicle dealer in this State, a certificate of compliance must be issued for the autonomous technology installed on the autonomous vehicle by:

- (a) The manufacturer of the autonomous vehicle; or
- (b) An autonomous technology certification facility that is licensed pursuant to NAC

482A.220.

2. A certificate of compliance issued pursuant to subsection 1 must certify that the autonomous technology installed on the autonomous vehicle:

(a) Has a separate mechanism in addition to, and separate from, any other mechanism required by law, to capture and store the autonomous technology sensor data for at least 30 seconds before a crash occurs between the autonomous vehicle and another vehicle, object or natural person while the vehicle is operating in autonomous mode. The autonomous technology sensor data must be captured and stored in a read-only format by the mechanism so that the data is retained until extracted from the mechanism by an external device capable of downloading and storing the data. Such data must be preserved for 3 years after the date of the crash. The provisions of this paragraph do not authorize or require the modification of any other mechanism to record data that is installed on the autonomous vehicle in compliance with federal law.

(b) Has a switch to engage and disengage the autonomous vehicle that is easily accessible to the operator of the autonomous vehicle and is not likely to distract the operator from focusing on the road while engaging or disengaging the autonomous vehicle.

(c) Has a visual indicator inside the autonomous vehicle which indicates when the autonomous vehicle is engaged in autonomous mode.

(d) Has a system to safely alert the operator of the autonomous vehicle if a technology failure is detected while the autonomous vehicle is engaged in autonomous mode, and when such an alert is given, either:

(1) Requires the operator to take active control or physical control of the autonomous vehicle; or

(2) If the operator is unable to take active control or physical control of or is not physically present in the autonomous vehicle, is equipped with technology to cause the autonomous vehicle to safely move out of traffic and come to a stop. Nothing in this subparagraph shall be construed to authorize or require the modification of a system installed in compliance with the Federal Motor Vehicle Safety Standards and Regulations unless the modification can be performed without adversely affecting the autonomous vehicle's compliance with the federal standards and regulations.

(e) Does not adversely affect any other safety features of the autonomous vehicle which are subject to federal regulation.

(f) Is capable of being operated in compliance with the applicable traffic laws of this State and must indicate whether the autonomous vehicle may be operated with or without the physical presence of an operator.

(g) If it is necessary for the operator of the autonomous vehicle to be physically present in the autonomous vehicle when it is engaged, allows the operator to take active control or physical control of the autonomous vehicle in multiple manners, including, without limitation, through the use of the brake, the accelerator pedal and the steering wheel and alerts the operator that the autonomous mode has been disengaged.

3. In addition to the requirements set forth in subsection 2, the certificate of compliance must certify that an owner's manual has been prepared for the autonomous vehicle which describes any limitations and capabilities of the autonomous vehicle, including, without limitation, whether the operator of the autonomous vehicle must be physically present in the autonomous vehicle while the vehicle is engaged in autonomous mode. A licensed vehicle dealer or a licensed autonomous technology certification facility shall ensure that a copy of such a manual is provided to the purchaser of an autonomous vehicle.

4. As used in this section, "vehicle dealer" has the meaning ascribed to it in NRS 482.020.

Section 2 of LCB File No. 134-15:

Sec. 2. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.

Section 3 of LCB File No. 134-15:

Sec. 3. "Active control" means the electronic monitoring and control of the mechanical operations of an autonomous vehicle, including, without limitation, braking, steering and adjusting the throttle of the vehicle, by the operator of the autonomous vehicle through the use of sensors or other technology without the operator physically controlling such operations.

Section 4 of LCB File No. 134-15:

Sec. 4. “Physical control” means the monitoring of, direct physical contact with and hands-on control of the mechanical operations of an autonomous vehicle, including, without limitation, braking, steering and adjusting the throttle, by the operator of the autonomous vehicle.

Section 5 of LCB File No. 134-15:

Sec. 5. “Licensee” means a person who is licensed to test autonomous vehicles on the highways of this State.

Section 6 of LCB File No. 134-15:

Sec. 6. “Pilot vehicle” means a motor vehicle that:

1. Is registered pursuant to chapter 482 of NRS;
 2. Meets all the applicable requirements of chapter 484D of NRS to operate on the highways of this State;
 3. Is insured as required pursuant to chapter 485 of NRS;
 4. Is driven by a person who holds a valid license to operate the motor vehicle issued in the state in which the person resides; and
 5. Is intended to be operated pursuant to subsections 3 and 4 of NAC 482A.130 directly in front of an autonomous vehicle being operated by the holder of a restricted driver’s license.
- ↪ The term does not include a motorcycle or moped.