

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

LCB File No. R009-08

February 7, 2008

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

AUTHORITY: §§1, 2 and 4, NRS 481.051; §3, NRS 481.051 and 483.767; §5, NRS 481.051 and 483.745.

A REGULATION relating to schools for training drivers; requiring a school for training drivers to provide a federal identification number and electronic mail address when applying for a license or the renewal of a license; setting forth administrative fines for certain violations; requiring the inspection of vehicles used for training drivers; and providing other matters properly relating thereto.

Section 1. Chapter 483 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *An application for a license or the renewal of a license to operate a school for training drivers must include the federal identification number and an electronic mail address of the applicant's business.*

Sec. 3. 1. *The Department may impose an administrative fine of not less than \$1,500 or more than \$2,500 for any violation of NRS 483.700.*

2. For any other violation of NRS 483.700 to 483.780, inclusive, or any rule, regulation or order adopted or issued pursuant thereto, the Department may impose:

(a) For a first offense, an administrative fine of not less than \$100 or more than \$500.

(b) For a second offense, an administrative fine of not less than \$500 or more than \$1,000.

(c) For a third offense, an administrative fine of not less than \$1,000 or more than \$1,500.

(d) For a fourth or subsequent offense, an administrative fine of not less than \$1,500 or more than \$2,500.

3. For the purposes of determining whether an offense is a second or subsequent offense, a cease and desist order issued by the Department shall be deemed to be a first offense.

4. A person against whom the Department has imposed an administrative fine shall pay the amount of the fine to the Department not later than the date specified in the notice of the violation, unless the person has requested a hearing pursuant to NRS 483.767.

5. If a person fails to pay an administrative fine when due, the Director may:

(a) Refuse to issue any license to the person pursuant to this chapter and chapter 483 of NRS; and

(b) Suspend or revoke any license issued to the person pursuant to the provisions of this chapter and chapter 483 of NRS.

Sec. 4. NAC 483.708 is hereby amended to read as follows:

483.708 As used in NAC 483.708 to 483.795, inclusive, *and sections 2 and 3 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 483.712 to 483.740, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NAC 483.795 is hereby amended to read as follows:

483.795 1. ~~[An authorized representative of the Department, or an authorized representative of the Department of Public Safety, who is licensed to inspect commercial motor vehicles will, at least semiannually, visually inspect each vehicle used for behind the wheel training to ensure that the vehicle is in good operating condition.~~

~~—2.]~~ *The annual inspection of vehicles used for training drivers and operated on a highway that is required pursuant to NRS 483.745 must be performed by a registered garage or a*

licensed body shop and be reported to the Department on an inspection form provided by the Department.

2. The annual inspection of:

(a) A vehicle for which a Class C driver's license is required must include, as applicable, an inspection of the vehicle's windshield, side glass, rear glass, horn, muffler, air bags, fenders, tires and tread, headlights, taillights, turn signals, parking lights, brake lights, brakes, dual brakes, rearview mirror, second rearview mirror, steering, windshield wipers, emergency brake, safety belts, shoulder harness and dual clutch.

(b) A motorcycle must include an inspection of the motorcycle's horn, headlight, turn signals, reflectors, taillight, mufflers, brake light, fenders and mirrors.

3. Each vehicle which is not a commercial motor vehicle pursuant to NAC 483.802 and is used by a school for behind-the-wheel training must be maintained in a clean and safe operating condition at all times and have at least the following equipment:

(a) If the vehicle is equipped with an automatic transmission, a dual braking device which enables an instructor in the front passenger seat to bring the vehicle under control in an emergency;

(b) If the vehicle is equipped with a standard transmission, a dual clutch device and braking device which enables an instructor in the front passenger seat to bring the car under control in an emergency;

(c) A separate mirror which enables the instructor to view traffic behind the vehicle; and

(d) A safety belt for the driver and each passenger of the vehicle.

~~[3.]~~ 4. If a school for training drivers purchases or leases a motor vehicle for the training of drivers, ~~[an authorized representative of the Department will inspect the vehicle:]~~

~~—(a) Within 30 days after the purchase or lease.~~

~~—(b) At the discretion of the Department, during the semiannual inspection conducted pursuant to subsection 1.~~

~~4.]~~ *the school shall have the vehicle inspected by a registered garage or a licensed body shop not later than 30 days after the purchase or lease and before providing any training in the vehicle.*

5. Each vehicle which is a commercial motor vehicle pursuant to NAC 483.802 and is used by a school for behind-the-wheel training must meet all the requirements of the Federal Motor Carrier Safety Regulations as set forth in 49 C.F.R. §§ 390 et seq.

~~[5.]~~ 6. While being used for behind-the-wheel training on a public road, a vehicle must display conspicuously a sign which states “Student Driver” or the name of the school. The sign must:

- (a) Be securely mounted on a vehicle;
- (b) Not be constructed of paper; and
- (c) Have a background and letters of contrasting colors and be visible at least 100 feet from both the front and rear of the vehicle while operating in traffic.

7. *As used in this section, unless the context otherwise requires:*

(a) *“Licensed body shop” means a body shop licensed by the Department pursuant to NRS 487.630.*

(b) *“Registered garage” means a garage registered with the Department pursuant to NRS 487.560.*