

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066
LCB FILE NO. R178-20**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 483.

1. A clear and concise explanation of the need for the adopted regulation.

Development of this regulatory language stemmed from two areas: legislative action and response to the COVID-19 emergency. During the 2019 Session, the Legislature passed Assembly Bill 338, which revised the requirements for defensive driving instruction for young drivers, specifically with regard to hands-on instruction and experience. Subsequent to this, restrictions put in place in order to halt the exposure and impact of the COVID-19 infection required a shutdown of DMV offices and severely limited the ability of people to come in and obtain their driver's licenses. DMV management has proposed to put in place steps to ease this impact by giving the Department the authority to establish a third-party program to allow instructors from currently approve drive schools the ability to become third-party certifiers and to conduct drive examinations on behalf of the Department, and also allowed for the Department to authorize the use of virtual schools for the purposes of conducting driver education.

2. A description of how public comment was solicited, a summary of the public response, and an explanation of how other interested persons may obtain a copy of the summary.

The Department, over the past year and a half during the bill passage phase and continuing through the regulations development phase, has communicated with industry representatives and businesses regarding the elements to be included in the proposed regulations and they have been in accordance with the purposes and structure of the language. The Department also conducted a workshop and hearing as the regulations were drafted, at which affected businesses were in attendance and comments were offered. In addition to this, email communications with comments were also sent to Department staff regarding implementation of the proposed regulations. Other persons wishing to obtain a summary of the regulations adoption proceedings may contact:

Department of Motor Vehicles
Attn: Research and Project Management Division
555 Wright Way
Carson City, NV 89711
Southern NV- (702) 486-4368
Northern NV- (775) 684-4368

Email: mhefner@dmv.nv.gov

3. **The number of persons who:**
- (a) **Attended each hearing (remote meetings held via Webex and GoToMeeting, no physical location was held for these):**
1. **Workshop - 5**
 2. **Hearing 4**
- (b) **Testified at the hearing- 2**
- (c) **Submitted to the agency written statements- 3**

4. **A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity of organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit A.**

See attached Exhibit A

5. **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comment from interested participants was obtained through the workshops and hearings held on the topic, and during notification periods when the public meetings were posted. In addition to this, affected businesses also contacted RPM Division staff to inquire about the status of the regulations develop, offer their unsolicited comments and also offered comments sent in via email after the meetings were conducted. Other persons wishing to obtain a summary of the regulations adoption proceedings may contact:

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6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

N/A

7. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

(a) Business:

- i. Both adverse and beneficial effects; and**
- ii. Both immediate and long-term effects.**

The main purpose of this language is to expand the ability of learners to obtain drive experience and instruction without coming into a DMV facility and enable them to obtain licensure. This feature of virtual drive school education and third-party certification is part of the Department's transformation effort and move to facilitate customer convenience by engaging in remote services. The overall impact to the drive school industry by these regulations is projected to be neutral/positive. Through this update to the Nevada Administrative Code, the regulatory effects overall will be beneficial and provide drive schools the ability to gain access to a greater pool of customers to instruct in safe driving education and also allows customers the ability to obtain drive school education and experience without having to come into a Department field office and wait for instruction. This is especially germane now given the impact of COVID-19-related restrictions on businesses and governmental hours of operations and allows customers a viable option to obtain services despite an office's physical location availability being restricted by limited hours of operation or staff shortages.

Immediate Effects: Redirects customers away from DMV offices and enables convenient and expanded access to qualified drive school certifiers to gain driver knowledge.

Long-term Effects: Aligns with the Department's Transformation effort and move to put more transactions online and available to customers to complete necessary requirements related to licensing and registration and reduces the overall foot traffic anticipated to utilize physical DMV offices to receive services.

(b) Public:

- i. Both adverse and beneficial effects; and**
- ii. Both immediate and long-term effects.**

No adverse impact to the general public is estimated; the Department anticipates that the public will benefit through ensuring that new and learning drivers are receiving an adequate amount of drive testing time and will protect the safety of the driving public.

Anticipated immediate and long-term effect to the general public will be in the area of enhancing the safety and livability of the community by having qualified third party certifiers working with young drivers to get them the education necessary to safely drive on Nevada roads and streets.

8. The estimated cost to the agency for enforcement of the adopted regulation.

The Department incurs a standard amount of costs (\$342.00) for the general development of regulations. There is no anticipated additional cost to the Department for the enforcement of the adopted regulations.

9. A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or federal government agency regulations that are duplicated or overlapped by the adopted regulations.

10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

N/A

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

No additional fees or revenue are expected to be received due to adoption of these regulations.

NRS 233B.066 Informational statement required concerning adopted permanent or temporary regulation; contents of statement.

1. Except as otherwise provided in subsection 2, each adopted regulation which is submitted to the Legislative Counsel pursuant to [NRS 233B.067](#) or filed with the Secretary of State pursuant to subsection 2 or 3 of [NRS 233B.070](#) must be accompanied by a statement concerning the regulation which contains the following information:

- (a) A clear and concise explanation of the need for the adopted regulation.
- (b) A description of how public comment was solicited, a summary of the public response and an explanation of how other interested persons may obtain a copy of the summary.
- (c) The number of persons who:
 - (1) Attended each hearing;
 - (2) Testified at each hearing; and
 - (3) Submitted to the agency written statements.
- (d) For each person identified in subparagraphs (2) and (3) of paragraph (c), the following information if provided to the agency conducting the hearing:
 - (1) Name;
 - (2) Telephone number;
 - (3) Business address;
 - (4) Business telephone number;
 - (5) Electronic mail address; and
 - (6) Name of entity or organization represented.
- (e) A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.
- (f) If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.
- (g) The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:
 - (1) Both adverse and beneficial effects; and
 - (2) Both immediate and long-term effects.
- (h) The estimated cost to the agency for enforcement of the proposed regulation.
- (i) A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.
- (j) If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.
- (k) If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

2. **The requirements of paragraphs (b) to (f), inclusive, of subsection 1 do not apply to emergency regulations.**

(Added to NRS by [1981, 186](#); A [1987, 1581](#); [1989, 572](#); [1995, 131, 2580](#); [2003, 2006](#); [2011, 379](#); [2013, 78](#))

EXHIBIT A

Attendees at Public Workshops/Hearings for R178-20

Name	Organization	Address	Phone Number	Email	Testified? (Y/N)
Patrick Thomas	A-1 Driving School	2620 Regatta Dr., #102, LV, NV 89128	702-925-8763	N/A	N
Frank Cantor	Cantor Driving School	500 N. Rainbow Blvd., Ste. 359, LV, NV 89107	702-985-7993	cantorsdrivingnv@gmail.com	Y
Kathy Kelly	Safeway Driving School	8515 Edna Ave., Ste. 160, LV, NV 89117	702-892-0550	contact@safewaydrivingschools.net	Y
Ana Payne	All-American Driving School	4820 Alpine Pl., LV, NV 89107	702-384-7110	N/A	N
Diane P.	NW Driving School	7398 Smoke Ranch Rd., LV, NV 89128	702-212-5667	N/A	Y
Denisia Favela-Parra	Safe Driving School	9191 W. Flamingo Rd., Ste. 100, LV, NV 89147	702-522-9968	www.drivingschoollv.com	N