

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

LCB File No. R157-01

June 11, 2002

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

AUTHORITY: §§1-3, 5-23, 27-29, 31-34, 36-45 and 48-52, NRS 481.051; §§4, 24-26, 30, 35 and 46, NRS 481.051 and 483.725; §47, NRS 481.051, 483.255 and 483.725.

Section 1. Chapter 483 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this regulation.

Sec. 2. *“Branch location” means an established place of business, other than a principal place of business, that has been authorized by the department to conduct a school for drivers.*

Sec. 3. *“Classroom instruction to a person who is under 18 years of age” means instruction that is provided by a school for training drivers to enable a person who is under 18 years of age to obtain a license to drive pursuant to NRS 483.250.*

Sec. 4. *“Communications technology” has the meaning ascribed to it in NRS 483.725.*

Sec. 5. *“Director” means the director of the department of motor vehicles.*

Sec. 6. *“Instructor trainee” means a person licensed by the department to teach a course in a school for drivers so long as a licensed instructor is present in the classroom.*

Sec. 7. *“School for drivers” includes:*

- 1. A school for training drivers;*
- 2. A school or other entity that offers a course on the abuse of alcohol and controlled substances; and*

3. A school that offers a course on traffic safety, including, without limitation, defensive driving.

Sec. 8. 1. *An established place of business for a school for drivers, in addition to complying with all applicable statutory requirements:*

(a) Must be located within this state;

(b) Must not consist only of a temporary address, mail drop or post office box;

(c) Must be actually occupied continuously or during regular periods;

(d) Must provide for adequate:

(1) Ventilation;

(2) Heating and air-conditioning;

(3) Lighting;

(4) Space per student and space for testing purposes;

(5) Fire exits;

(6) Restrooms;

(7) Facilities for the handicapped;

(8) Desks, chairs and audiovisual aids; and

(9) Accessibility to public parking areas or spaces;

(e) Must comply with all applicable state and local zoning, health and safety codes; and

(f) Must not be housed within a:

(1) Facility that dispenses any alcoholic beverage;

(2) Hotel room;

(3) House trailer or mobile home unless, after inspection, a fire or health authority approves the use of the house trailer or mobile home as an established place of business;

(4) Private home, unless the private home is licensed for that use by a business-licensing agency of competent jurisdiction; or

(5) Rooming house.

2. If the established place of business is to be designated a principal place of business, it must be of sufficient size to store safely the books and records of the principal place of business and all branch locations operated under the same name.

3. A representative of the department may inspect an established place of business at any reasonable time to determine compliance with the requirements of this section.

Sec. 9. 1. *A course on the abuse of alcohol and controlled substances must include instruction in the following subjects:*

(a) The problem of driving under the influence of intoxicating liquor or controlled substances as it exists in this state and the United States, including relevant statistics;

(b) The law against driving under the influence of intoxicating liquor or controlled substances in this state, including penalties, the specific prohibition against driving with a concentration of 0.10 grams or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath, implied consent to a test of a driver's breath, blood or urine, summary revocation of drivers' licenses and related matters;

(c) The responsibilities and procedures of law enforcement agencies, the courts and the department regarding driving under the influence of intoxicating liquor or controlled substances;

(d) The adverse effects of alcohol and controlled substances on bodily organs and the central nervous system, including the effects of abuse and addiction;

(e) The adverse effects of alcohol and controlled substances on a person's ability to drive;

(f) The possible effects of a conviction for driving under the influence of intoxicating liquor or controlled substances on a person's employment and personal life; and

(g) The types of treatment that are available for abusers of alcohol and controlled substances.

2. The time of instruction in a course on the abuse of alcohol and controlled substances must include subjects relating to:

(a) The abuse of alcohol and controlled substances; and

(b) Traffic safety and traffic laws that are primarily applicable to driving under the influence of intoxicating liquor or controlled substances.

3. The instructor of a course on the abuse of alcohol and controlled substances:

(a) May administer a preliminary written examination at the first meeting of the class to determine the knowledge of each student regarding driving under the influence of intoxicating liquor or controlled substances and the abuse of alcohol, controlled substances and other chemicals; and

(b) Shall administer a final written or oral examination, at least half of which is directly related to driving under the influence of intoxicating liquor or controlled substances.

Sec. 10. 1. The department may suspend, revoke or refuse to renew:

(a) Any license issued pursuant to NRS 483.700 to 483.780, inclusive, if, in addition to the grounds set forth in NRS 483.760:

(1) The licensee is convicted of a:

(I) Felony in this state or any other jurisdiction;

(II) Gross misdemeanor;

(III) Misdemeanor for violating any of the provisions of NAC 483.580 to 483.658, inclusive, and 483.712 to 483.795, inclusive, and sections 2 to 13, inclusive, of this regulation;

(IV) Crime involving fraud, dishonesty or moral turpitude;

(V) Sexual offense as defined in NRS 179D.140; or

(VI) Crime that the department determines is related to the license in question.

(2) The licensee willfully fails to comply with any:

(I) Statute of this state governing motor vehicles, including, without limitation, NRS 483.700 to 483.780, inclusive, and any regulations adopted pursuant thereto; or

(II) Directive issued by the director.

(3) The licensee fails or refuses to pay or otherwise discharge any final judgment entered against the licensee arising out of any misrepresentation or fraud committed by the licensee in connection with the license.

(4) The director determines that:

(I) The licensee knowingly made a false or misleading statement or concealed a material fact in connection with his application for the license;

(II) The licensee is unfit to hold the license;

(III) The licensee no longer satisfies the requirements for the issuance of the license;

or

(IV) The suspension or revocation of the license, or the refusal to renew the license, is in the best interest of the public.

(b) A license to operate a school for drivers if the licensee:

(1) Makes any change in the curriculum, schedule of classes or physical or mailing address of the school without having first applied for and obtained the approval of the department for the change as required by NAC 483.656;

(2) Fails to provide the department with a current schedule of classes and instructors at least once a month;

(3) Fails to satisfy the department that the licensee:

(I) Holds a license as an instructor; or

(II) Employs or contracts with a licensed instructor to operate the school;

(4) Permits a class to be taught by:

(I) An unlicensed person; or

(II) An instructor trainee without an instructor being present in the classroom; or

(5) Ceases to maintain an established place of business in this state.

(c) A license to operate a school for training drivers if the licensee fails to maintain the surety bond required by NRS 483.710 or any other bond or license required by any political subdivision of this state.

(d) A license as an instructor or instructor trainee if the licensee is convicted of any traffic offense involving alcohol or a controlled substance.

2. If the department revokes the license of an instructor upon the revocation of the driver's license or driving privilege of the instructor following his conviction of any traffic offense involving alcohol or a controlled substance, the department will not:

(a) Issue to that person a new license as an instructor until 1 year after the date of the reinstatement of his driver's license or driving privilege; or

(b) Approve that person to provide behind-the-wheel training until 3 years after the date of the reinstatement of his driver's license or driving privilege.

3. For the purposes of this section, the failure of a licensee to comply with a directive of the director shall be deemed to be willful if the licensee fails to comply with the directive within 10 days after his receipt of the directive.

Sec. 11. *The department may deny an application for:*

1. Any license issued by the department pursuant to NRS 483.700 to 483.780, inclusive, if the applicant:

(a) Held, at any time, a license issued by the department that was refused renewal or was canceled, suspended or revoked; or

(b) Has committed an act that would be grounds for the refusal to renew or the cancellation, suspension or revocation of a license.

2. A license to operate a school for drivers if the name under which the applicant proposes to do business:

(a) Violates the provisions of NAC 483.765; or

(b) May tend to mislead or confuse the public.

Sec. 12. *The department will interpret the provisions of NRS 483.710 concerning the filing of a surety bond as not requiring a licensed operator of a school for training drivers who has filed such a surety bond to file an additional surety bond if:*

1. The operator files an application to operate a branch location of the school; and

2. The branch location will have the identical ownership and be operated under the same name as the school.

Sec. 13. *An instructor providing behind-the-wheel training in a motor vehicle shall, at all times while he is in the motor vehicle, be alert and in a physical and mental state that renders him capable of taking physical control of the motor vehicle if necessary.*

Sec. 14. NAC 483.010 is hereby amended to read as follows:

483.010 1. As used in this chapter, unless the context otherwise requires, the words and terms defined ~~[by NRS 483.025]~~ *in NRS 483.030* to 483.190, inclusive, and subsections 2 and 3 of this section have the meanings ascribed to them in those sections.

2. “Department” means the department of motor vehicles . ~~[and public safety.]~~

3. “Good cause to believe” means there are facts sufficient to warrant the belief in a reasonable person that the matter in question is true.

Sec. 15. NAC 483.580 is hereby amended to read as follows:

483.580 As used in NAC 483.580 to ~~[483.660,]~~ *483.658*, inclusive, *and 483.712 to 483.795, inclusive, and sections 2 to 13, inclusive, of this regulation*, unless the context otherwise requires ~~;~~

~~—1. “Course” means an educational course which provides instruction concerning:~~

~~—(a) The abuse of alcohol and controlled substances, and traffic safety and traffic laws which are primarily applicable to driving under the influence of intoxicating liquor or controlled substances; or~~

~~—(b) Traffic safety, including, without limitation, how to drive defensively.~~

~~—2. “Director” means the director of the department of motor vehicles and public safety.~~

~~—3. “Established place of business” means a school or the branch office of a school:~~

~~—(a) Where a licensed school conducts instruction or maintains records;~~

~~—(b) Which is actually occupied continuously or during regular periods; and~~

~~—(c) Which is not located in a house trailer, hotel room or private home.~~

~~—4. “Instructor trainee” means a person who is approved by the department to instruct courses in the presence of an instructor who is licensed by the department.~~

~~—5. “Operator” means a person who owns, manages or otherwise sets policies for a school.~~

~~—6. “School” means an agency or business which sponsors or provides a course for members of the public.~~

~~—7. “Student” means a person who is referred to a school by a court or other entity or person and registered with the school.] , the words and terms defined in NAC 483.712 to 483.740, inclusive, and sections 2 to 7, inclusive, of this regulation have the meanings ascribed to them in those sections.~~

Sec. 16. NAC 483.590 is hereby amended to read as follows:

483.590 1. A person ~~[wishing to]~~ **shall not** operate a school ~~[must be]~~ **for drivers in this state unless he is** licensed by the department.

2. ~~[Except as otherwise provided in NAC 483.636, any course must be presented in a classroom and consist of a program of instruction or training which complies with the provisions of this chapter.~~

~~—3.]~~ Except as otherwise provided in NAC 483.635, a person shall not ~~[give instruction for compensation]~~ **act as an instructor or an instructor trainee** in a school **for drivers** unless he holds a valid license to do so issued by the department.

~~[4.—A]~~

3. **Any** license issued pursuant to the provisions of ~~[this chapter]~~ **NRS 483.700 to 483.780, inclusive,** is personal to the licensee and is not transferable to any person.

~~[5. If the operator of a school allows an instructor trainee to instruct a course, he must ensure that an instructor is present while the instructor trainee instructs the course.]~~

Sec. 17. NAC 483.600 is hereby amended to read as follows:

483.600 1. ~~[The]~~ *An* application for ~~[-~~

~~—(a) A license to operate a school;~~

~~—(b) A license to be an instructor of a course; or~~

~~—(c) Approval as an instructor trainee;~~

~~must be completed]~~ *any license issued pursuant to the provisions of NRS 483.700 to 483.780, inclusive, must:*

(a) *Be completed* on a form provided by the department ~~[and submitted to the motor vehicles branch.~~

~~—2. Applications may be mailed];~~

(b) *Be signed by the applicant;*

(c) *Be submitted to the department:*

(1) *In person, at any field service office that provides full service; or*

(2) *By mail, to the Department of Motor Vehicles ~~[and Public Safety, Motor Vehicles Branch,], OL/BL Alternate Delivery, 555 Wright Way, Carson City, Nevada 89711 [-Attention: Course Coordinator.]; and~~*

(d) *Except as otherwise provided in subsections 2 and 3 and NAC 483.618, be accompanied by the fee required pursuant to NRS 483.780.*

2. *A request for a duplicate license must be submitted to the department in the same manner as an application for a license. No fee is required to obtain a duplicate license.*

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3. The department will not impose a fee for an application to operate a branch location of a school for which the applicant already has a license.

Sec. 18. NAC 483.616 is hereby amended to read as follows:

483.616 1. Each applicant for licensure as an instructor must ~~submit an application~~, *in addition to all applicable statutory requirements, provide* to the department : ~~The application for a license must provide:~~

(a) *Proof acceptable to the department that the applicant possesses a valid driver's license issued by this state;*

(b) *Proof acceptable to the department that the applicant:*

(1) *Has received a high school diploma or its equivalent; or*

(2) *If the application is for licensure as an instructor for a school for training drivers to operate commercial motor vehicles, has accumulated, in the 7 years immediately preceding his application, not less than 5 years' experience in the operation of commercial vehicles;*

(c) The applicant's:

(1) Name;

(2) Date of birth;

(3) Social security number ~~or~~ *and* driver's license number; and

(4) Residential address ~~;~~

~~(b)~~;

(d) The official name of the school at which the applicant will be an instructor;

~~(e)~~ (e) A résumé ~~or~~ *that summarizes* the applicant's education, experience, certification as an instructor and fitness for the position;

~~[(d)]~~ (f) Any certificates which substantiate that the applicant meets the qualifications for licensure as an instructor ~~[pursuant to NAC 483.610; and~~

~~—(e)]~~; and

(g) Any other information concerning the applicant which the department may consider necessary to determine whether the applicant is qualified for licensure.

2. *If the application is for a license as an instructor for a school for training drivers, the applicant, in addition to all applicable statutory requirements and the requirements of subsection 1, must:*

(a) Submit to the department to satisfy the requirements of NRS 483.7205:

(1) Two cards upon which the applicant's fingerprints, taken by an agent of the department who has been authorized by the department to take fingerprints or by a law enforcement agency, are displayed;

(2) Written permission that authorizes the department to forward those cards to the central repository for submission to the Federal Bureau of Investigation for its report; and

(3) A fee for processing the fingerprints of the applicant that is equal to the total amount charged by the central repository and the Federal Bureau of Investigation for processing the fingerprints of the applicant.

(b) Obtain a score of at least 80 percent on a practical demonstration of his driving ability over a prescribed course established by the department in the type of vehicle in which he will be providing instruction.

(c) If the applicant is seeking approval to provide behind-the-wheel training:

(1) Not have, in any jurisdiction:

(I) More than two convictions for a moving traffic violation within the 24 months immediately preceding the date on which the applicant submitted his application;

(II) Any convictions involving alcohol or controlled substances within the 3 years immediately preceding the date on which the applicant submitted his application; or

(III) Had his driver's license or driving privilege suspended or revoked within the 3 years immediately preceding the date on which the applicant submitted his application;

(2) Be authorized to operate a vehicle of the classification necessary for the type of vehicle in which he will be giving instruction; and

(3) Submit evidence that he has possessed, for at least 5 years, a driver's license of the classification necessary for the type of vehicle in which he will be giving instruction.

3. An applicant who seeks approval to provide classroom instruction to a person who is under 18 years of age must, except as otherwise provided in this subsection, submit school transcripts or other documentation as proof of completion of at least 40 hours of instruction at the college level, or the equivalent thereof, as evidenced by the accumulation of four credits for continuing education or other training acceptable to the department that pertains to the development of skills related to driving or providing instruction. An instructor in a school for training commercial vehicle operators and an instructor who is not approved to provide classroom instruction to a person who is under 18 years of age may submit proof of other education and experience that is acceptable to the department.

4. If the application is for a license as an instructor for a school for traffic safety or a school or other entity that offers a course on the abuse of alcohol or controlled substances, the applicant, in addition to any applicable statutory requirements and the requirements of subsection 1, must:

(a) Have education or experience in a field related directly to the subject matter to be taught, such as:

(1) Traffic safety;

(2) Law enforcement;

(3) Drivers' education or improvement; or

(4) Some other closely related field approved by the department.

(b) Present proof to the department that he has successfully completed a course of instruction in the subject matter to be taught.

(c) Not be a law enforcement officer whose primary duty assignment includes the enforcement of traffic laws in the jurisdiction in which the school is located.

(d) If the application is for a license as an instructor to teach at a school or other entity that offers a course on the abuse of alcohol or controlled substances, have a minimum of 2 years of education or experience in a field related directly to the problems of driving under the influence of intoxicating liquor or controlled substances, such as rehabilitative counseling for abusers of alcohol and controlled substances, or a combination of education and experience acceptable to the department.

5. A representative of the department may interview an applicant for any license as an instructor to evaluate his knowledge, skills and abilities, and his fitness for receiving a license.

6. An instructor may transfer his license to another school after notifying the department.

~~*3. An instructor must submit a separate application and fee for licensure at each school he is employed by, or has contracted with, simultaneously.*~~

~~*4. The department will issue a:*~~

~~*(a) License to an instructor; or*~~

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~~—(b) Letter of approval to an instructor trainee,
if it is satisfied that he has met the qualifications required by this chapter.~~

~~—5. Upon conviction of an instructor for any offense relating to alcohol or controlled substances, the department will revoke the instructor’s license. The instructor shall not teach a course for 3 years after the license is revoked.]~~

7. An instructor must obtain a separate license for each school at which he acts as an instructor. An instructor must file a separate application and pay a separate fee for each such license.

8. If an instructor terminates his employment or contractual relationship with a school for drivers, he shall surrender his license to instruct at that school to the operator of the school. The operator shall forward the surrendered license to the department not later than 10 days after the termination of the employment or relationship. The department will issue an updated license to authorize the instructor to teach at a different school for the remaining term of the surrendered license if the instructor submits to the department:

- (a) All documentation required by the department; and*
- (b) A certificate of employment indicating he has been reemployed by a licensed school.*

Sec. 19. NAC 483.618 is hereby amended to read as follows:

483.618 1. An applicant for ~~[approval]~~ *a license* as an instructor trainee must, *in addition to the requirements of NAC 483.600*, submit ~~[an application]~~ to the department ~~[. The application for approval as an instructor trainee must provide:~~

- ~~—(a) The applicant’s:~~
- ~~—(1) Name;~~
- ~~—(2) Date of birth;~~

~~—(3) Residential address; and~~

~~—(4) Social security number or driver's license number;~~

~~—(b) The official name of the school at which the applicant will be an instructor trainee;~~

~~—(c)] :~~

(a) A résumé of the applicant's education, experience and fitness for the position; and

~~[(d)] (b)~~ Any other information concerning the applicant which the department ~~[may consider]~~ *considers* necessary to determine whether the applicant is qualified for ~~[approval.]~~ *licensure.*

2. The department will not charge a fee for the ~~[submittal of an application to the department for approval as]~~ *issuance of a license as* an instructor trainee.

3. An instructor trainee shall not instruct a course unless an instructor is present while the instructor trainee instructs that course.

4. A ~~[letter of approval issued to]~~ *license as* an instructor trainee *issued* by the department is valid for 6 months ~~[.]~~ *and may be renewed not more than one time for an additional period of 6 months.*

Sec. 20. NAC 483.620 is hereby amended to read as follows:

483.620 1. A representative of the department appointed by the director will review ~~[all applications for:~~

~~—(a) A license to operate a school;~~

~~—(b) Licensure as an instructor; or~~

~~—(c) Approval as an instructor trainee.]~~ *each application for any license issued pursuant to the provisions of NRS 483.700 to 483.780, inclusive.*

2. The representative will approve or reject the application or request additional information within 30 days after the date on which the ~~[application is received.]~~ *department receives the application or additional information.*

3. *If the application is for a license to operate a school for training drivers, the representative will, before the application is approved or denied:*

(a) *Inspect the premises of the school for training drivers to ensure that the school has satisfactorily complied with all applicable state and local health and safety codes;*

(b) *Review all applicable city and county business licenses of the school;*

(c) *If the application requests approval to offer instruction in a classroom, inspect the premises of the school for training drivers to ensure:*

(1) *The existence of satisfactory:*

(I) *Space for each student;*

(II) *Facilities for the disabled;*

(III) *Desks or tables, and chairs;*

(IV) *Restroom facilities; and*

(V) *Accessibility of the classroom to the area for parking; and*

(2) *That the cleanliness of the equipment and facilities of the school for training drivers is satisfactory to the department; and*

(d) *Evaluate the curriculum and qualifications of each instructor of the school.*

4. *The department may, before approving or rejecting an application, request another state or local governmental agency to review the application, curriculum or facility of the school.*

Sec. 21. NAC 483.632 is hereby amended to read as follows:

483.632 *1.* The department may require an instructor ~~[licensed pursuant to this chapter]~~ *at a school for training drivers* to submit to a physical and mental examination as the department finds necessary to determine the applicant's fitness to instruct a course, if there is reason to believe that he does not have the ability to provide adequate instruction. If the instructor refuses or fails to submit to the physical and mental examination within 30 days after the date on which he was notified of the requirement, the department may ~~[, without a hearing,]~~ temporarily suspend his license until the instructor submits to the examination. The period of suspension commences 30 days after the date on which the suspension order was mailed.

2. The department will establish an examination for the licensure of an applicant as an instructor at a school for training drivers. The examination may consist of an actual demonstration or a written examination, or both. If the examination includes an actual demonstration, it will be sufficient in scope to determine if the applicant consistently complies with all traffic laws and consistently practices the safe operation of a motor vehicle. If the examination includes a written examination, it will cover the:

- (a) Traffic laws and procedures for licensing in this state;*
- (b) Practices of safe driving;*
- (c) Operation of a motor vehicle;*
- (d) Applicant's knowledge of teaching methods and techniques; and*
- (e) Laws and regulations that apply to an instructor.*

3. An applicant for a license as an instructor for a school for training drivers who fails to pass the examination established pursuant to subsection 2 must wait at least 24 hours before he may retake the examination.

4. The department may require a person who has a license to operate a school for training drivers or as an instructor at a school for training drivers to submit to a reexamination of his qualifications if the department has reason to believe that the licensee does not have the qualifications required for licensure. If the licensee refuses to submit to a reexamination, the department may suspend his license until he submits to a reexamination.

Sec. 22. NAC 483.633 is hereby amended to read as follows:

483.633 1. A school *for drivers* shall:

(a) Establish written statements of policy which an instructor may use to maintain order in a classroom;

(b) Establish a written policy that describes procedures for:

(1) Visitors who may accompany a student to a class; and

(2) Persons attending the class without a referral from a court or other entity; ~~and~~

~~(c) Require]~~

(c) Prohibit an instructor from teaching at a school or a branch location of a school for which he is not licensed;

(d) Have available in person or by telephone, during its normal hours of operation, knowledgeable personnel to assist the public, or maintain and monitor a telephone answering service or answering machine; and

(e) Not conduct a class at a particular location if the number of persons present exceeds the occupancy rating for that location.

2. A school licensed to conduct a course on the abuse of alcohol and controlled substances or a course on traffic safety must obtain a signed statement from a student

acknowledging that he has been informed of the requirements set forth in NAC ~~483.640, 483.643 and 483.646.~~

~~—2.] 483.580 to 483.658, inclusive, and 483.712 to 483.795, inclusive, and sections 2 to 13, inclusive, of this regulation.~~

3. A class in ~~[an approved school for]~~ *a school licensed to conduct a course on the abuse of alcohol and controlled ~~[substance abuse]~~ substances* must meet, excluding periods of rest:

- (a) For a total of 8 or more hours, including the time for:
 - (1) Instruction in the subjects of the course; and
 - (2) Administration of the preliminary and final examinations;
- (b) At least twice in successive weeks; and
- (c) For not more than 4 hours per session and not more than one session per day.

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Sec. 23. NAC 483.634 is hereby amended to read as follows:

483.634 ~~[H.]~~ A course on traffic safety must include instruction in the following subjects:

- ~~[(a)]~~ 1. The common sense of driving;
- ~~[(b)]~~ 2. Use and maintenance of required safety equipment;
- ~~[(c)]~~ 3. Defensive driving;
- ~~[(d)]~~ 4. Established speed laws;
- ~~[(e)]~~ 5. Proper use of lanes;
- ~~[(f)]~~ 6. Backing up safely;
- ~~[(g)]~~ 7. Intersection etiquette;
- ~~[(h)]~~ 8. Passing;
- ~~[(i)]~~ 9. The various demands of driving in the city, country or on the highway;

- ~~[(j)]~~ 10. Hazardous conditions;
- ~~[(k)]~~ 11. The effect of alcohol and controlled substances on the ability to drive;
- ~~[(l)]~~ 12. Driver responsibility;
- ~~[(m)]~~ 13. Traffic signs, signals and pavement markings;
- ~~[(n)]~~ 14. Licensing control measures; and
- ~~[(o)]~~ 15. Driving as a privilege rather than a right.

~~[2.— A course on the abuse of alcohol and controlled substances must include instruction in the following subjects:~~

- ~~—(a) The problem of driving under the influence of intoxicating liquor or controlled substances as it exists in this state and the United States, including relevant statistics;~~
- ~~—(b) The law against driving under the influence of intoxicating liquor or controlled substances in this state, including penalties, the specific prohibition against driving with a concentration of alcohol of 0.10 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath, implied consent to a test of a driver's breath, blood or urine, summary revocation of drivers' licenses and related matters;~~
- ~~—(c) The responsibilities and procedures of law enforcement agencies, the courts and the department regarding driving under the influence of intoxicating liquor or controlled substances;~~
- ~~—(d) The adverse effects of alcohol and controlled substances on bodily organs and the central nervous system, including the effects of abuse and addiction;~~
- ~~—(e) The adverse effects of alcohol and controlled substances on a person's ability to drive;~~
- ~~—(f) The possible effects of a conviction for driving under the influence of intoxicating liquor or controlled substances on a person's employment and personal life; and~~

~~—(g) The types of treatment which are available for abusers of alcohol and controlled substances.~~

~~—3. The time of instruction in a course on the abuse of alcohol and controlled substances must include subjects relating to:~~

~~—(a) The abuse of alcohol and controlled substances; and~~

~~—(b) Traffic safety and traffic laws which are primarily applicable to driving under the influence of intoxicating liquor or controlled substances.~~

~~—4. The instructor of a course on the abuse of alcohol and controlled substances:~~

~~—(a) May administer a preliminary written examination at the first meeting of the class to determine the knowledge of each student regarding driving under the influence of intoxicating liquor or controlled substances and the abuse of alcohol, controlled substances and other chemicals; and~~

~~—(b) Shall administer a final written or oral examination, at least half of which is directly related to driving under the influence of intoxicating liquor or controlled substances.]~~

Sec. 24. NAC 483.635 is hereby amended to read as follows:

483.635 1. All materials for a course, including , *without limitation*, the syllabus, *an outline, a handout, an audiovisual aid, an examination and other related course* materials to be used by students ~~[and any examinations, must be]~~ *must:*

(a) Be adequate and accurately cover the subject matter;

(b) Be relevant, current, understandable and consistent with the goals and objectives of the course;

(c) Be effective and suitable in approach, delivery and methodology;

(d) If the school uses the materials in a course on traffic safety or a course on the abuse of alcohol and controlled substances, be consistent with the intent and purposes of NRS 483.475 or 484.3792, respectively; and

(e) Be submitted to the department for approval before their use in any ~~[class or for a correspondence course.]~~ course, including a course provided by correspondence or an interactive course that uses communications technology. All materials for a course, whether written or audio or visual, must relate directly to the syllabus of the course.

2. An instructor of a course may use:

(a) Audio and visual aids ; ~~[in the course but only to enhance his lectures and for not more than one third of the total length of the course; and]~~

(b) Motion pictures and printed materials if they relate directly to the curriculum ~~[.]~~ ; *and*

(c) Speakers who are guests.

3. The operator of a school ~~[shall]~~ **must** obtain the ~~[prior]~~ written approval of the department before allowing a speaker who is a guest to present any part of the course. A presentation by an approved speaker who is a guest may be no more than one-half of any session of a class and no more than 1 1/2 hours of the total length of the course. *The presentations of all speakers who are guests may not exceed 4 hours of the total time allotted for the entire course.* A guest speaker need not be licensed as an instructor by the department.

4. An applicant for approval of a guest as a speaker for a course must:

(a) Apply for and obtain written approval from the department; and

(b) Provide the school with a written statement signed by the speaker acknowledging that he agrees to comply with the provisions of this chapter.

Sec. 25. NAC 483.636 is hereby amended to read as follows:

483.636 1. A school *for drivers* may ~~[offer a correspondence]~~ *teach a* course *by correspondence* only if the school is approved *by the department* for teaching the course in the classroom . ~~[by the department.]~~

2. *A school for training drivers may teach an interactive course that uses communications technology only if:*

(a) *The school for training drivers is approved by the department for teaching the course in the classroom; and*

(b) *The communications technology system is approved by the department.*

3. A course given by correspondence *or an interactive course that uses communications technology* must have the same content as the course given in the classroom and :

(a) *If given by correspondence,* must entail at least 8 hours of study for its completion by an average student ~~[-~~

~~—3.— The operator of an approved school shall not allow a student to enroll in or receive credit for passing a correspondence course unless:~~

~~—(a) A course taught in the classroom is not available within 30 miles of the student's residence;~~

~~—(b) The student is confined or disabled; or~~

~~—(c) The court orders a student to enroll in an approved correspondence course.~~

~~—4.]; or~~

(b) *If given by communications technology, must consist of a sequence of units of instruction, each of which entails at least as many hours of study for its completion by an average student as such a student would require to complete that unit in a classroom.*

4. Before the department will approve any specific communications technology for use in a school for training drivers, the school for training drivers must satisfy the department that the communications technology:

(a) Accurately measures and records the amount of time spent by a student to complete a unit of instruction;

(b) Prevents a student working on one unit of instruction of a course from advancing to a subsequent unit of instruction if the student:

(1) Fails to complete the current unit; or

(2) Completes the current unit in less time than required;

(c) Includes a system of validation criteria that:

(1) Establishes the identity of the student working on each unit of instruction; and

(2) Prevents a student who fails to satisfy 10 percent or more of the validation criteria

from:

(I) Performing any additional work on that unit; and

(II) Receiving a certificate of completion for the course; and

(d) Generates a report that includes, without limitation, for each student:

(1) The name of the student;

(2) The date and time that the student begins and ends each work session; and

(3) The total actual time spent by a student to complete each unit.

5. The operator of a school for drivers must submit a report to the department whenever a student enrolls in a ~~[correspondence course.]~~ course taught by correspondence or an interactive course that uses communications technology at the referral of the department, a court or other

entity. The report must include the name of the student, his social security number, his date of birth, his place of residence and the name of the entity ~~[which]~~ *that* referred him to the school.

~~[5.]~~ 6. Each student enrolled in a ~~[correspondence]~~ course *taught by correspondence or an interactive course that uses communications technology* must take a final examination and, *except as otherwise provided in this section*, sign a notarized statement, under penalty of perjury, that he took the examination. *If the student is under 18 years of age, a parent or legal guardian must sign the statement.* The examination and the signed statement must be maintained in the school's file for the student and be made available for inspection by the department.

Sec. 26. NAC 483.643 is hereby amended to read as follows:

483.643 1. ~~[The instructor of a course shall record the attendance of students at each meeting of the class and maintain a record of attendance in the file for each student, which must be made available for inspection by the department.~~

~~—2.]~~ A student *enrolled in a course on the abuse of alcohol and controlled substances or a course on traffic safety* may:

- (a) Be considered absent if late for a class and be reassigned to another class or course;
- (b) Leave the class only during designated periods of rest, except in an emergency;
- (c) Not arrive late or leave early from a class;
- (d) Be excluded or expelled from any class by an instructor for disruptive behavior and not receive credit for attendance at that class; and
- (e) Be admitted to another course, with such conditions of reenrollment, attendance and additional costs as may be determined by the school.

~~[3.—Additionally, a]~~

2. A student enrolled in a course on the abuse of alcohol and controlled substances:

(a) Shall complete the course within the time ordered by the court and attend all classes in a course;

(b) Must be reassigned to a subsequent session upon any failure to complete a session within a course; and

(c) Must be excluded without credit for attendance in any class if, in the instructor's best judgment, the student is, during a class, impaired as a result of the use of alcohol, a controlled substance or other chemical.

3. *A student enrolled in a course on traffic safety must receive classroom instruction, including, without limitation, instruction using communications technology, for not less than:*

(a) Five hours, if he has been convicted of two or fewer violations within a 12-month period; and

(b) Eight hours, if he has been convicted of three or more violations within a 12-month period.

Sec. 27. NAC 483.650 is hereby amended to read as follows:

483.650 1. After a course *on traffic safety* is completed, the *operator of the school conducting the course* shall submit *to the department, on a form approved by the department,* the following information ~~[to the course coordinator]~~ concerning each student who ~~[enrolled in a course of traffic safety on a form approved by the department:]~~ *completed the course:*

(a) Name;

(b) Address;

(c) ~~[Social security number;~~

~~—(d)] Driver's license number [, if different from the social security number;~~

~~—(e)~~;

(d) Date of birth;

~~[(e)]~~ (e) Course;

~~[(g)]~~ (f) The date on which the student completed the course;

~~[(h)]~~ (g) Test score;

~~[(i)] School number;~~

~~—(j)]~~ (h) *License number of the school;*

(i) Whether the student had any traffic violations pending at any time during his enrollment in the course;

~~[(k)]~~ (j) Whether the student's enrollment in the course was in conjunction with any type of plea agreement or a condition of sentencing;

~~[(l)]~~ (k) Information concerning previous courses the student has enrolled in and completed within the 12-month period immediately preceding the student's enrollment in this course, including the name and location of the schools attended and the dates of enrollment and completion; and

~~[(m)]~~ (l) The instructor's printed name and signature.

2. The form must be mailed to the Department of Motor Vehicles ~~and Public Safety, Motor Vehicles Branch,~~ *Central Services and Records Division*, 555 Wright Way, Carson City, Nevada 89711, Attention: ~~Course Coordinator,~~ *Data Integrity*.

3. Except as otherwise provided in ~~subsection 4,~~ *subsections 4 and 5*, upon receipt of the form by the department, three demerit points will be deleted from, credited to or not credited to the driver's demerit record pursuant to NRS 483.475 . ~~and NAC 483.580 to 483.660, inclusive.~~

4. *Three demerit points will not be deleted from, credited to or not credited to the demerit record of a student who:*

- (a) *Attended the course pursuant to a plea agreement;*
- (b) *Missed one or more class sessions; or*
- (c) *Failed to obtain a score of 70 percent or greater on the final examination.*

5. The department may, in its discretion, decide that no demerit points ~~[may]~~ *will* be deleted from or not credited to the driver's demerit record if the student's enrollment was ~~[in conjunction with a plea agreement or was]~~ a condition of sentencing.

~~[5.]~~ 6. A person is not eligible for the deletion of demerit points and may not otherwise receive credit for completing a traffic safety course more than once in any 12-month period.

~~[6.]~~ 7. The operator of a school *or other entity that offers a course on the abuse of alcohol and controlled substances* shall submit a written report to the referring court for each student ~~[enrolled in a course on the abuse of alcohol and controlled substances.]~~ *who enrolls in such a course at the referral of the court.* The report must include:

- (a) The name and department of the court having jurisdiction of the student;
- (b) Whether the student successfully completed the course within the time ordered by the court; and
- (c) Any additional information required by order of the court.

~~[7.]~~ 8. The operator of a school *or other entity that offers a course on the abuse of alcohol and controlled substances or a course on traffic safety* shall retain:

- (a) A copy of the reports and forms required pursuant to this section for each student;
- (b) Each student's preliminary examination, if one is administered, and final examination, or the score on those examinations if administered orally;

- (c) Each student's record of attendance in class;
- (d) Each student's evaluation of the course and teacher; and
- (e) The agreement signed by any speaker who is a guest pursuant to NAC 483.635,

FLUSH for 3 years after the date on which the final class was held for the course to which it pertains.

~~[8.]~~ **9.** The documents which must be retained pursuant to subsection ~~[6.]~~ **8** are not public records but must be made available to a representative of the department or judicial system during any inspection of the school.

~~[9.]~~ **10.** The operator of a school *or other entity that offers a course on the abuse of alcohol and controlled substances* shall submit to the department a written report that includes the:

- (a) Name;
- (b) Address; ~~[and]~~
- (c) *Date of birth; and*
- (d) Driver's license number ~~[or social security number,]~~ *, if available,*

FLUSH of each student who ~~[is enrolled]~~ *enrolls* in a course on the abuse of alcohol and controlled substances. The report must be submitted by the 10th day of the month immediately following the month in which the student ~~[is enrolled.]~~ *enrolls in the course.*

11. A student enrolled in a course on traffic safety who fails to pass the final examination must wait at least 4 hours before he may retake the examination.

Sec. 28. NAC 483.656 is hereby amended to read as follows:

483.656 1. An operator of a school *for drivers* must apply ~~[in writing to]~~ *, on a form provided by* the department *,* for approval of any proposed ~~[~~

~~—(a) Addition of teachers before instruction begins; or~~

~~—(b) Change~~ *change* in the curriculum, schedule of classes or ~~[location]~~ *physical or mailing address* of the school, *or any branch thereof*, at least 30 days before the day on which the proposed ~~[addition or]~~ change is to become effective.

2. If an operator *of a school for drivers* is applying for approval of a change in the curriculum, he must describe the reason for the change and estimate its effect on the students.

3. An operator of a school *for drivers* shall notify the department in writing within 10 days after ~~[the termination of employment of a teacher.~~

~~—4.— An operator of a school may be given temporary approval to change a teacher or the curriculum upon oral request to the department but must comply with the provisions of this section as soon as is reasonably practicable thereafter.~~

~~—5.— An operator shall notify the department within 10 days of~~ any:

- (a) Change in the ownership or corporate structure of the school;
- (b) Change of the location of the school's principal place of business or branch office;
- (c) Addition or deletion of a branch office of the school; ~~[and]~~
- (d) Change of the residential address of the operator ~~[~~

~~—6.] ; or~~

(e) If the school is approved to provide behind-the-wheel-training, change in the list of motor vehicles used by the school to provide such training.

4. An operator of a school *for drivers* shall submit to the department a written schedule of each course which is offered at the school at least 1 week before the course begins. The schedule must include the date, time and location of the course.

~~[7.]~~ 5. An operator of a school *for drivers* shall notify the department of any cancellation of a course at least 24 hours before the canceled course is scheduled to begin.

6. *Before an operator of a school for training drivers that is approved to provide behind-the-wheel-training may use a motor vehicle for training, he must:*

- (a) *Submit a copy of the certificate of insurance for the vehicle; and*
- (b) *Obtain the approval of the department.*

7. *The department may require each person licensed pursuant to the provisions of NRS 483.700 to 483.780, inclusive, to provide any additional information that the department considers necessary for it to carry out the provisions of NRS 483.700 to 483.780, inclusive, NAC 483.580 to 483.658 , inclusive, and 483.712 to 483.795, inclusive, and sections 2 to 13, inclusive, of this regulation.*

Sec. 29. NAC 483.658 is hereby amended to read as follows:

483.658 1. ~~[A representative of the department will periodically evaluate the general course content, syllabus, handouts, audio-visual aids, examinations and other course materials to ensure that they are:~~

- ~~—(a) Consistent with the intent and purpose of NRS 483.475, 484.3792 and this chapter;~~
- ~~—(b) Adequate and accurately cover the subject matter;~~
- ~~—(c) Relevant, current, understandable and consistent with goals and objectives of the course;~~

~~and~~

- ~~—(d) Effective and suitable in approach, delivery and methodology.~~

~~—2.]~~ A representative of the department will periodically inspect *and evaluate* each school *for drivers* to determine whether it is being operated in compliance with the provisions of *NRS 483.700 to 483.780, inclusive*, NAC 483.580 to ~~[483.660, inclusive.]~~ *483.658, inclusive, and 483.712 to 483.795, inclusive, and sections 2 to 13, inclusive, of this regulation. An inspection*

and evaluation will include the curriculum, faculty, instructional materials, student and other records, training devices and physical facility of the school.

2. The department may suspend any license issued pursuant to NRS 483.700 to 483.780, inclusive, if the licensee or his agent, officer or employee fails to cooperate fully with a representative in performing an inspection.

3. The department will provide a written report to the school within 30 days after an inspection. The report must:

- (a) Indicate compliance; or
- (b) Describe each deficiency and require the school to correct each deficiency.

4. The department will give the operator of a school written notice of its intent to suspend or revoke the license of the school upon failure of the operator to correct the deficiencies.

5. The operator of the school may appeal in writing from the finding of the inspector to a hearing officer of the department within 30 days after receiving the department's notice of its intent to suspend or revoke the license. The hearing must be held in compliance with the provisions of chapter *233B of NRS and chapter* 481 of NAC.

Sec. 30. NAC 483.714 is hereby amended to read as follows:

483.714 "Classroom instruction" means the portion of a course of training provided by a school for ~~training~~ drivers that is taught in a classroom environment by a licensed instructor ~~[-]~~, *other than the provision of classroom instruction to a person who is under 18 years of age. The term includes instruction provided by a school for training drivers in an interactive course that uses communications technology pursuant to NRS 483.725.*

Sec. 31. NAC 483.715 is hereby amended to read as follows:

483.715 “Course” means a program of instruction offered by a school for ~~[training]~~ drivers which includes instruction in a classroom or motor vehicle, or both.

Sec. 32. NAC 483.720 is hereby amended to read as follows:

483.720 “Established place of business” means ~~[the]~~ *a* place where a school for ~~[training]~~ drivers is authorized by the department to conduct the business of the school. *The term includes a principal place of business and a branch location.*

Sec. 33. NAC 483.725 is hereby amended to read as follows:

483.725 “Instructor” means a person who is licensed by the department to teach ~~[either the classroom instruction phase or the behind-the-wheel training phase of a course of training in automobile driver education.]~~ *a course in a school for drivers.*

Sec. 34. NAC 483.730 is hereby amended to read as follows:

483.730 “Operator” means a person, including an owner of a school for ~~[training]~~ drivers or a person designated by the owner, who is licensed by the department to direct and manage the operations of a school for ~~[training]~~ drivers.

Sec. 35. NAC 483.735 is hereby amended to read as follows:

483.735 “School for training drivers” means a business conducted by a natural person, association, partnership, corporation or other business entity, for the education of students, in a classroom or *by means of communications technology, or in a* motor vehicle, ~~[or both,]~~ in preparation for the examination for a driver’s license or learner’s permit required by the department to operate a motor vehicle.

Sec. 36. NAC 483.740 is hereby amended to read as follows:

483.740 “Student” means a person enrolled in a school for ~~[training]~~ drivers which is licensed by the department.

Sec. 37. NAC 483.750 is hereby amended to read as follows:

483.750 1. In addition to ~~[the requirements of NRS 483.710,]~~ *any applicable statutory requirements*, an applicant for a license to ~~[own or]~~ operate a school for ~~[training]~~ drivers must:

(a) Submit to the department ~~[an application for a license to own or operate a school for training drivers on a form supplied by the department;~~

~~—(b) Prove to the satisfaction of the department that the applicant has earned a high school diploma or its equivalent;~~

~~—(c) Submit a nonrefundable fee as required by NRS 483.780;~~

~~—(d):~~

(1) The name and address of each person who has an ownership interest in the school or who is an officer of the school; and

(2) The proposed days and hours of operation of the school;

(b) Be a licensed instructor for a course, or employ or contract for the services of at least one person who is a licensed instructor;

(c) Within the 2 years immediately preceding the date an applicant submits his application to ~~[own or]~~ operate a school, not have a conviction of:

(1) Two or more traffic offenses; or

(2) A gross misdemeanor;

~~[(e)] (d)~~ Within the ~~[4]~~ 5 years immediately preceding the date an applicant submits his application to ~~[own or]~~ operate a school, not have been convicted of a felony; ~~[and]~~

~~—(f)] (e)~~ Never have been convicted of:

(1) An offense involving fraud, dishonesty or moral turpitude;

(2) A sexual offense as defined ~~[by]~~ *in* NRS 179D.410; or

(3) A crime that the department determines is related to ~~[a license to own or operate]~~ *the operation of* a school for ~~[training drivers.~~

~~—2.—The applicant] drivers; and~~

(f) Not be a law enforcement officer whose primary duty assignment includes the enforcement of traffic laws in the jurisdiction in which the school is located.

2. If the applicant is applying for a license to operate a school for training drivers that will provide behind-the-wheel training, he must furnish the department with:

(a) A list of each vehicle used by the school for training drivers, including the year, make , ~~[and]~~ model *and vehicle identification number* of each vehicle;

(b) A copy of the certificate of insurance that clearly identifies the vehicle insured for each vehicle used by the school for training drivers;

(c) A copy of the lease agreement for each vehicle which is leased by the school and used for the training of drivers;

(d) ~~[The official name of the school, including the name of the owner and any controlling officers of the school;~~

~~—(e) The proposed location of the established place of business of the school and the telephone number, if available;~~

~~—(f) The proposed plan of classroom instruction, if applicable, which the school will offer, including copies of detailed training outlines, course handouts, audio-visual aids, a list of related films or videos used by the school and all examinations which will be administered;~~

~~—(g)]~~ The proposed plan of behind-the-wheel training that the school will offer, ~~[if applicable,]~~ including copies of detailed training outlines;

~~[(h) The days and hours of operation of the school;~~

~~—(i) Two cards upon which the applicant’s fingerprints, taken by an agent of the department who has been authorized by the department to take fingerprints or by a law enforcement agency, are displayed;~~

~~—(j) Written permission that authorizes the department to forward those cards to the central repository for submission to the Federal Bureau of Investigation for its report;~~

~~—(k) The fee for processing the cards as required by the central repository;~~

~~—(l) Written documentation, if applicable, that clarifies the applicant’s criminal record or related status;~~

~~—(m) If the applicant is applying for a license to operate a school which will provide behind-the-wheel training, proof of]~~

(e) *Proof of the* experience required by subsection ~~[6]~~ 5 of NRS 483.710; and

~~[(n)]~~ (f) Any other information concerning the applicant’s honesty and integrity which the department considers necessary.

3. An ~~[owner or]~~ operator shall include in the application the address of each place where he conducts business and the name under which he does business at each address. If an ~~[owner or]~~ operator does business at more than one address, he shall designate one address as his principal place of business and one name as the principal name of his business. He shall designate as ~~[branches]~~ *branch locations* all his other business addresses not otherwise designated as a principal place of business pursuant to this subsection. *A branch location must be operated under the same name as the principal place of business.*

4. An ~~[owner or operator]~~ *applicant* who makes application to the department to ~~[own or]~~ operate more than one school, in addition to meeting the requirements of subsections 2 and 3, must meet the requirements of NRS 483.710 and:

(a) Submit a separate application and fee for each school he will be operating under a different name; and

(b) Prohibit an instructor employed by the school from instructing at a school or branch ~~[office]~~ *location* for which he is not licensed.

~~5. [Before an application is approved for a school, an authorized representative of the department will inspect the premises of the school for training drivers to ensure that the school has satisfactorily complied with all state and local health and safety codes and will review all applicable city and county business licenses of the school.~~

~~—6.— In addition to the requirements listed in this section, before an application is approved for a school that offers classroom instruction, an authorized representative of the department will inspect the premises of the school for training drivers to ensure:~~

~~—(a) The existence of satisfactory:~~

~~—(1) Space for each student;~~

~~—(2) Facilities for the disabled;~~

~~—(3) Desks or tables and chairs;~~

~~—(4) Restroom facilities; and~~

~~—(5) Accessibility of the classroom to the area for parking; and~~

~~—(b) The cleanliness of the equipment and facilities of the school is satisfactory to the department.~~

~~—7.— The department will evaluate the curriculum and facility of each school, and the qualifications of each instructor of the school, in its evaluation of an application.~~

~~—8.— A representative of the department may, if he considers it necessary:~~

~~—(a) Request additional information from an applicant; and~~

~~—(b) Request another state agency to review an application.~~

~~—9. Within 30 days after the department receives an application, it will notify the applicant of the approval or denial of his application, or request additional information from the applicant.~~

~~The department may issue a temporary license to operate a school for training drivers which expires on the date the department approves or denies the application, or upon the expiration of 6 months, whichever occurs first. The department may extend the temporary license if the result of the report regarding the applicant's criminal history is not received within the 6-month period. The department will not issue a license to an applicant if the applicant does not meet the requirements of NRS 483.710 and this section.~~

~~—10. If an applicant does not provide to the department, within 6 months after the date he submits his application, all information necessary for the department to evaluate his application, the department will not consider him for licensure unless he submits a new application, takes the examination for licensure and pays the required fee.~~

~~—11. A license issued by the department must show the name of the operator and the school, and the address of the school.] If a school ceases operation as a school for training drivers, it shall immediately surrender to the department the license issued by the department . [and request cancellation of the license. A license to own or operate a school is nontransferable.~~

~~—12. An owner or operator must be a licensed instructor for a course, or employ or contract for the services of at least one person who is a licensed instructor.]~~

6. If a school closes a branch location, it shall surrender to the department the license for that location within 10 calendar days after the date of closure.

Sec. 38. NAC 483.760 is hereby amended to read as follows:

483.760 ~~[The]~~

1. A license to operate a school for ~~[training]~~ drivers issued to the operator of the school must ~~[be]~~:

(a) *Be* displayed in a conspicuous place visible to the public within each principal place of business and each branch ~~[office.]~~ *location; and*

(b) *Include:*

(1) *The name of the licensee;*

(2) *The physical address of the principal place of business or branch location;*

(3) *The number of the license;*

(4) *The date of expiration of the license; and*

(5) *Each activity for which the school for drivers is approved by the department to provide courses.*

2. *The holder of a license as an instructor for a school for drivers shall post his license in a conspicuous place on the premises of the school for which the license is issued.*

Sec. 39. NAC 483.7605 is hereby amended to read as follows:

483.7605 1. To renew a license to ~~[own or]~~ operate a school for ~~[training]~~ drivers, a licensee must submit to the department:

(a) ~~[An]~~ *On a form provided by the department, a completed* application for renewal;

(b) The nonrefundable fee for licensure required by NRS 483.780;

(c) ~~[For]~~ *A list of the days and hours of operation of the school, including the hours during which the office of the school is open;*

(d) *If the licensee is a natural person, the statement prescribed in NRS 483.722;*

(e) *If the licensee is a school for training drivers that provides behind-the-wheel training, for each vehicle used by the school for training drivers:*

- (1) A current list of the year, make ~~[and model;]~~, *model and vehicle identification number of the vehicle;*
- (2) *A copy of the current Nevada vehicle registration for the vehicle;*
- (3) A copy of the certificate of insurance that clearly identifies the vehicle insured; and
- ~~[(3)]~~ (4) A copy of the lease agreement for each vehicle which is leased by the school; and
- ~~[(d) A copy of the days and hours of operation of the school, including the office of the school.]~~
- (f) *Any additional information that the department determines is necessary to enable it to carry out the provisions of NRS 483.700 to 483.780, inclusive.*

2. The department will accept an application for renewal up to 30 days after the date on which a license expires. If an application is submitted more than 30 days after the date on which a license expires and the license was not suspended or revoked by the department at the time of expiration, the license shall be deemed permanently lapsed and the licensee must submit an application for initial licensure . ~~[pursuant to the provisions of NRS 483.710 and NAC 483.750.]~~

3. *A license that is suspended may not be renewed until it has been reinstated by the department. If a period of suspension or revocation extends beyond the expiration of the license, the license may not be renewed and the licensee who wishes to resume business as a school for drivers must submit an application for initial licensure after the period of suspension or revocation has passed.*

4. The department will not renew a license if ~~[a]~~ :

(a) *No course has been presented at the school during the year immediately preceding the application for the renewal of the license; or*

(b) *The* licensee fails to comply with the provisions of NRS 483.700 to 483.780, inclusive, or NAC ~~[483.710]~~ *483.580 to 483.658, inclusive, or 483.712* to 483.795, inclusive ~~[-~~
~~—4.—~~ ~~The department may issue a provisional license for a period not to exceed 6 months pending the report on the applicant’s criminal history. The department may extend the provisional license if the report is not received within the 6-month period.]~~, *or sections 2 to 13, inclusive, of this regulation.*

Sec. 40. NAC 483.762 is hereby amended to read as follows:

483.762 1. To renew a license as an instructor , ~~[for a school for training drivers,]~~ a licensee must submit to the department:

- (a) ~~[An]~~ *On a form provided by the department, a completed* application for renewal; ~~[and]~~
- (b) The fee for licensure required by NRS 483.780 ~~[-]~~;
- (c) *The statement required pursuant to NRS 483.722; and*
- (d) *Evidence satisfactory to the department of the licensee’s continued professional education, training or experience.*

2. A licensee shall, during each 5-year period after the initial issuance of his license, pass a written examination administered by the department.

3. Except as otherwise provided in this subsection, ~~[an applicant whose license is endorsed for classroom instruction for the purposes of NRS 483.250]~~ *a licensee approved by the department to provide classroom instruction to a person who is under 18 years of age* must submit evidence with his application for renewal, in the form of a school transcript or other documentation which verifies:

- (a) Completion of at least 40 hours of instruction at the college level, or the equivalent thereof, as evidenced by the accumulation of four credits for continuing education or other

training acceptable to the department which pertains to the development of skills related to driving or providing instruction, within the ~~[2]~~ 5 years immediately preceding the date on which the application for renewal is submitted; or

(b) At least 40 hours of other instruction, training or seminars which pertain to the development of skills related to driving or providing instruction in driving, within the ~~[2]~~ 5 years immediately preceding the date on which the application for renewal is submitted.

4. An instructor ~~[in a school for training]~~ *approved by the department to provide behind-the-wheel training in a school for training drivers or classroom instruction to* commercial vehicle operators ~~[for an instructor whose license is not endorsed to provide classroom instruction pursuant to the provisions of NRS 483.250]~~ must submit evidence with his application for renewal, in the form of a school transcript or other documentation which verifies:

(a) Completion of at least 18 hours of education or training that relates to driving skills or to providing instruction; or

(b) At least 1 year of experience providing instruction that is deemed acceptable by the department for the purposes of ~~[this subsection.~~

~~—5.— The department will accept an application for renewal up to 30 days after the date on which a license expires. If an application is submitted more than 30 days after the date on which a license expires and the license was not suspended or revoked by the department at the time of expiration, the license shall be deemed permanently lapsed and the licensee must submit an application for initial licensure pursuant to the provisions of NRS 483.720 and NAC 483.761.~~

~~—6.— The department will not renew a license if a licensee fails to comply with the provisions of NRS 483.700 to 483.780, inclusive, or NAC 483.710 to 483.795, inclusive.]~~ *renewing the instructor's license.*

Sec. 41. NAC 483.7625 is hereby amended to read as follows:

483.7625 The department ~~[will refuse to issue a license to an applicant for]~~ *may suspend, revoke or refuse to renew* a license to operate a school ~~[for training drivers]~~ or as an instructor ~~[for a school for training drivers]~~ if:

1. The applicant was previously issued a license by the department ~~[to operate a school for training drivers or as an instructor for a school for training drivers, which license]~~ *that* was suspended or revoked by the department and was not reissued or reinstated;

2. The applicant has committed an act which would be a ground for the suspension or revocation of a license;

3. The applicant has knowingly made a false statement or concealed a material fact in applying for the license;

4. In the case of an application for a license to operate a school, ~~[for training drivers,]~~ the name proposed for the school ~~[is duplicative of another school for training drivers,]~~ *violates the provisions concerning names set forth in NAC 483.765* or could be confusing or misleading to the general public;

5. The licensee fails to comply with the provisions of NRS 483.700 to 483.780, inclusive, or NAC ~~[483.710]~~ *483.580 to 483.658, inclusive, or 483.712* to 483.795, inclusive, ~~[;]~~ or *sections 2 to 13, inclusive, of this regulation, including, without limitation, failure to:*

(a) Apply for approval from the department for changes in the curriculum, schedule of classes or physical or mailing address of the school as required by NAC 483.656; or

(b) Provide the department with a current schedule of classes and instructors at least once a month;

6. The applicant has been convicted of:

- (a) A felony ~~[within the 4 years immediately preceding the date he submits his application;~~
~~—(b)]~~;
- (b) *A gross misdemeanor;*
- (c) An offense involving fraud, dishonesty or moral turpitude;
- ~~[(e)]~~ (d) A sexual offense as defined ~~[by]~~ *in* NRS 179D.410; or
- ~~[(d)]~~ (e) A crime that the department determines is related to the ~~[position]~~ *license* for which the applicant applies ~~[]~~; *or*

7. The director determines that suspending, revoking or refusing to renew the license of the applicant is in the best interest of the public.

Sec. 42. NAC 483.763 is hereby amended to read as follows:

483.763 1. ~~[A license to operate a school for training drivers or as an instructor for a school for training drivers is not transferable.~~

~~—2.]~~ A license issued to an instructor of a school for training drivers may be used in the school or any licensed branch ~~[office]~~ *location* of the school for which the license was issued.

~~[(3)]~~ 2. A licensed instructor who will be instructing at more than one school must apply to the department and pay the required license fee for each school in which he will instruct.

~~[(4.—If a license to operate a school for training drivers or as an instructor for a school for training drivers is lost, mutilated or destroyed, the director of the)]~~

3. *The* department will issue a duplicate license if ~~[the]~~ *a* licensee submits a properly signed ~~[and completed application and an affidavit setting forth the reason for the loss, mutilation or destruction of the license. The affidavit must include the date of loss, mutilation or destruction and the circumstances involving the loss, mutilation or destruction.]~~ *request in writing. The department will not impose a charge for a duplicate license.*

Sec. 43. NAC 483.764 is hereby amended to read as follows:

- 483.764 1. The ~~[applicant for a license, the owner or operator of a school for training drivers or a driving instructor]~~ *holder of a license issued by the department pursuant to NRS 483.700 to 483.780, inclusive*, may, within 30 days after ~~[the]~~ receipt of ~~[the]~~ *a* notice of ~~[denial,]~~ *the cancellation*, suspension or revocation of ~~[a]~~, *or the refusal to renew, the* license, petition the department in writing for a hearing conducted by a hearing officer of the department.
2. Upon filing the petition, a date for the hearing must be fixed no later than 30 days after the receipt of the request for hearing or as soon *thereafter* as practicable.
3. *The hearing must be conducted in accordance with the procedures set forth in chapter 233B of NRS and chapter 481 of NAC.*
4. Within 30 days after the hearing, the hearing officer of the department shall make a final determination.

Sec. 44. NAC 483.7645 is hereby amended to read as follows:

- 483.7645 1. If the license of a person to ~~[own or]~~ operate a school for ~~[training]~~ drivers or as an instructor ~~[for a school for training drivers]~~ has been suspended, the license must be surrendered to the department. ~~[The license will be suspended until the licensee complies with the requirements of the department.]~~
2. If the driver's license of a person who is licensed ~~[to operate a school for training drivers or]~~ as an instructor ~~[for a school for training drivers]~~ *and approved by the department to provide behind-the-wheel training* has been suspended or revoked for any cause, the department ~~[will]~~ *may* suspend or revoke the *instructor's* license. ~~[to operate or instruct in a school for training drivers. The]~~

3. A person whose license ~~[to operate or instruct was]~~ *is* suspended or revoked *pursuant to subsection 2* may not reapply for a license ~~[-~~

~~—(a) As an instructor for behind-the-wheel training]~~ within 3 years after the date of the reinstatement of his driver's license or driving privilege.

~~[(b) As an operator or instructor for classroom instruction within 1 year after the date of the reinstatement of his driver's license or driving privilege.~~

FLUSH ~~Upon suspension or revocation, the license to operate or instruct must be surrendered to the department.~~

~~—3.— A license to operate or instruct that has been suspended or revoked may not be renewed until reinstatement or reissuance by the department. If the suspension or revocation extends 30 days or more after the expiration of the license, the licensee must apply for an initial license pursuant to the provisions of NRS 483.710 or 483.720.~~

~~—4.— To reinstate a license to operate or instruct that has been suspended or revoked by the department, the licensee must otherwise qualify for the reinstatement and:~~

~~—(a) Submit a new application to the department; and~~

~~—(b) Pay the original fee for licensure.]~~

Sec. 45. NAC 483.765 is hereby amended to read as follows:

483.765 1. ~~[No owner or operator of a]~~ A school for training drivers ~~[may intentionally]~~ *shall not* publish, display or circulate any advertising which is misleading or inaccurate or misrepresents any of the services rendered or furnished to the public. The director ~~[of the department]~~ may request that such advertising be withdrawn from circulation.

2. ~~[An owner or operator of a]~~ A school for training drivers shall not use in advertising or other publicity for the school:

- (a) Any name other than the name in which the license for the school is issued.
 - (b) Any name that ~~[may cause]~~ *would tend to mislead* the general public to believe that the school is affiliated with the department or any of the divisions of the department.
 - (c) Any name which includes the word “state” in the name of the school.
3. ~~[An advertisement for a]~~ A school for training drivers ~~[must not include a guarantee that a]~~ *shall not imply in advertising or other publicity for the school that:*
- (a) A student of the school will receive a driver’s license ~~[or otherwise imply that the]~~ ;
 - (b) *The* school has the capacity to influence the department in the issuance of drivers’ licenses ~~[, or that a]~~ ; *or*
 - (c) A student will otherwise receive preferential treatment by the department.
4. ~~[An advertisement for a]~~ A school for training drivers may indicate *in advertising or other publicity for the school* that the school is licensed by the department , but must not indicate that the school is otherwise approved, sanctioned or endorsed by the department.
5. An *owner, operator,* instructor, employee or agent of a school for training drivers shall not personally solicit any person or otherwise solicit business from the general public within any premises owned, rented or leased by the department.

Sec. 46. NAC 483.770 is hereby amended to read as follows:

483.770 1. ~~[All records of students enrolled at a school for training drivers must be maintained at the established place of business for 3 years after the student last attends the school and made available to the authorized representative of the department at all reasonable times, including when the representative is conducting an inspection of the facility for compliance with the provisions of NRS 483.700 to 483.780, inclusive, and NAC 483.710 to 483.795, inclusive.]~~

The holder of a license to operate a school for drivers shall:

- (a) Keep, at his principal place of business, all books and records, including student records, for all locations at which he does business;*
- (b) Maintain the books and records for not less than 3 years after the books and records are created, even if he ceases to operate any school;*
- (c) Permit any authorized representative of the department to inspect and copy the books and records at any reasonable time; and*
- (d) If requested by the department, produce, not later than 3 business days after being requested, any books and records or other information identified in the request at the time and place specified in the request.*

2. A school for ~~training~~ drivers shall require each student enrolled in the school to complete, *on a form approved by the department*, an evaluation of the training provided by the school. ~~[on a form approved by the department.]~~

3. Each operator of a school for ~~training~~ drivers shall keep a record for each student of the school which includes:

- ~~(a) [The name, address and license number of the school];~~
- ~~(b)~~ The name and address of the student;
- ~~(e)~~ (b) The record of attendance of the student at each training session;
- ~~(d)~~ (c) The instruction permit number or driver's license number of the student;
- ~~(e)~~ (d) The name and license number of each instructor of each training session attended by the student;
- ~~(f)~~ (e) A description of the type of instruction given and the amount of time devoted to each type of instruction;
- ~~(g)~~ (f) The date on which each type of instruction was given;

~~[(h)]~~ (g) The total number of hours of instruction; and

~~[(i)]~~ (h) The evaluation form completed by the student or a notation on the record indicating the reason why the student did not complete the evaluation form.

4. ~~[If the department suspends, revokes or cancels the license of a person to operate a school for training drivers, the person shall, upon the request of the department, surrender all records maintained by the school pursuant to this section within 3 days after the date of the request, excluding Saturday, Sunday or a legal holiday. The department may copy or make a record of any information contained in the records and will return all records to the person within 30 days after the date of surrender of the records.]~~ *As used in this section, “books and records” includes, without limitation, all electronic records created by a school for drivers providing an interactive course that uses communications technology.*

Sec. 47. NAC 483.789 is hereby amended to read as follows:

483.789 1. ~~[A school for training drivers shall submit to the department all materials for each course offered by the school, including the syllabus and any written examinations. The school shall not use any material in a course which has not received the approval of the department. All materials, including materials in written, audio and visual form, must relate directly to the syllabus for the course. A school shall apply to the department in writing for approval of any proposed change in the curriculum, proposed change in the content or character of the final examination or proposed change in the schedule of courses offered by the school at least 30 days before the date on which the proposed change will take effect.]~~ *A course provided by a school for training drivers to enable a person who is under 18 years of age to obtain a license to drive pursuant to NRS 483.250 must consist of the equivalent of not less than 30*

hours of instruction, excluding any time taken for meals, rest breaks and any ceremony for the issuance of a certificate upon completion of the course.

2. *Each student may receive a maximum of 7 hours of instruction per day.*

3. *Each session of a course must be presented not later than 7 days after the previous session was held.*

4. *Except as otherwise provided in NRS 483.725, the use of audiovisual aids, personal computers or simulators for course instruction must not exceed 6 hours of the total 30 hours that are allotted for instruction and training.*

5. In addition to the requirements of NRS 483.725, each student enrolled in a course at a school for training drivers which includes instruction in the classroom, *including instruction by correspondence or with the use of communications technology*, must be provided with instruction in at least the following subjects:

- (a) The proper attitudes for driving safely and the adverse effects of disturbed emotions;
- (b) Use and maintenance of required safety equipment;
- (c) Defensive driving;
- (d) Established speed laws;
- (e) Proper use of lanes;
- (f) Backing up safely;
- (g) The proper procedure for driving in a controlled or an uncontrolled intersection;
- (h) Passing;
- (i) Differentiating between the techniques required for driving:
 - (1) In a city;
 - (2) On a freeway;

- (3) On an open highway; and
- (4) Under adverse conditions;
- (j) The meaning of the different colors of a traffic light and the meaning of traffic signs, signals and pavement markings, including signs that designate parking as illegal;
- (k) Major causes of accidents and the legal and moral responsibilities in case of an accident;
- (l) Driving in a work zone for construction or maintenance;
- (m) Licensing control measures, including the grounds for suspension or revocation of a driver's license;
- (n) Sharing the road with other motor vehicles, bicyclists and pedestrians; ~~and~~
- (o) The proper procedures for:
 - (1) The right of way in various situations;
 - (2) Hand signals;
 - (3) Passing a school bus, including passing when the driver of a school bus must stop;
 - (4) Starting a vehicle;
 - (5) Making turns;
 - (6) Parking;
 - (7) Moving in reverse; and
 - (8) Following another car at a proper distance ~~f~~

~~—3.]~~; and

(p) The effects of alcohol and drugs on a person's ability to drive.

6. In addition to the requirements set forth in subsection 5, each student enrolled in a course at a school for training drivers that includes classroom instruction, including

instruction by correspondence or with the use of communications technology, must be provided with instruction in at least the following additional subjects:

- (a) Required vehicle equipment;*
- (b) Vehicle registration;*
- (c) The different highway systems;*
- (d) The organizations that supervise the maintenance of and enforce the traffic laws on each system;*
- (e) The requirements for insurance in this state;*
- (f) The types of insurance coverage available;*
- (g) The procedures for purchasing an automobile;*
- (h) The sources of credit to finance the purchase of an automobile;*
- (i) The importance of the maintenance of a vehicle for driving safely, including:
 - (1) Compilation of a list for the efficient and economical maintenance of a vehicle; and*
 - (2) Identification of the purpose of each instrument, device and control in a vehicle;**
- (j) The effects of physical handicaps on the ability to drive;*
- (k) Sharing the road with others, including commercial vehicles, buses, motorcycles, bicycles and pedestrians;*
- (l) External forces affecting driving, including weather, conditions of the road and driving at night; and*
- (m) Rules of the road, including state laws and local motor vehicle laws and ordinances.*

7. Behind-the-wheel training offered by a school for training drivers must include, but is not limited to:

- (a) Familiarization with a motor vehicle;

- (b) Basic use of the controls in a motor vehicle;
- (c) Development of skills essential to the safe operation of a motor vehicle in traffic; and
- (d) Driving a motor vehicle in traffic with the instructor to develop abilities which are necessary to respond logically in a complex traffic situation.

~~[4.]~~ **8.** A school for training drivers shall not permit a student to operate a motor vehicle on any public street or highway unless the student has in his immediate possession a valid instruction permit issued by the department.

~~[5.]~~ **9.** A school for training drivers shall not permit a student under the age of 18 years to operate a motor vehicle in a jurisdiction during any time when the student would be in violation of a curfew in the jurisdiction.

~~[6.—An operator of a school for training drivers may allow a guest speaker to present information to the students of classroom instruction. The use of one or more guest speakers may not exceed 4 hours of the total time allotted for the entire course. A guest speaker need not be licensed as an instructor by the department.]~~

10. For the purposes of this section, 1 hour of behind-the-wheel training is equivalent to 3 hours of instruction.

Sec. 48. NAC 483.7894 is hereby amended to read as follows:

483.7894 1. ~~[Before a course in automobile driver education that is conducted by a school for training drivers is commenced, the department must approve the course. The department will evidence its approval of a course by placing an endorsement on the school's license to operate a school for training drivers. The endorsement will specify whether the school is authorized to provide:~~

~~—(a) General classroom]~~ *A school for training drivers may provide courses only in the following activities for which it has received approval from the department:*

(a) *Classroom* instruction;

(b) Classroom instruction to a person who is under ~~[the age of]~~ 18 years ~~[to fulfill the requirements of NRS 483.250;]~~ *of age;*

(c) Behind-the-wheel training; ~~[or]~~

(d) *Classroom instruction given in an interactive course that uses communications technology;*

(e) *Classroom instruction given by correspondence; or*

(f) Any combination of paragraphs ~~[(a), (b) and (c)].~~

~~—2. A]~~ *(a) to (e), inclusive.*

2. *Before the department will approve a school for training drivers ~~[that is currently licensed by the department must fulfill the requirements of subparagraph (2)] to provide classroom instruction to a person who is under 18 years of age, the school must satisfy the department that the school is in compliance with sub-subparagraph (II) of subparagraph (I) of paragraph (d) of subsection 1 of NRS 483.250 . ~~[. and NAC 483.7892 to 483.7906, inclusive, before the department will place an endorsement on the license as described in subsection 1.]~~~~*

3. *An applicant for a license to operate a school for training drivers must request approval for at least one activity set forth in subsection 1 in his application for a license.*

4. *A school for training drivers that is approved for fewer than all the activities set forth in subsection 1 may request approval for one or more additional activities without filing an application for a new license.*

Sec. 49. NAC 483.7898 is hereby amended to read as follows:

483.7898 1. ~~Pursuant to NRS 483.250, the department will~~ *The department may* accept the following as proof of successful completion of a course in automobile driver education offered by a public or private college, university or high school located in the United States that is subject to regulation by its respective state educational agency or governing board:

(a) A written statement which indicates that the student has successfully completed a course in automobile driver education which includes the:

- (1) Name of the student;
 - (2) Date of birth of the student; and
 - (3) Signature of the registrar or other member of the administrative staff of the school;
- (b) A school transcript; or
- (c) Any other form acceptable to the department.

2. ~~Pursuant to NRS 483.250, the department will~~ *The department may* accept a certificate of completion on a form approved by the department as proof of successful completion of a course in automobile driver education that is offered by a school for training drivers which is licensed or approved by the department and which includes the:

- (a) Official name of the school;
- (b) *License number of the school;*
- (c) Name of the student;
- ~~(e)~~ (d) Date of birth of the student;
- ~~(d)~~ (e) Date that the course was completed;
- ~~(e)~~ (f) Amount and type of training that was completed; and
- ~~(f)~~ (g) Name and signature of the instructor who provided the training.

3. For a person under the age of 18 years to receive credit for completion of classroom instruction of a course in automobile driver education:

(a) The student must attend every session; or

(b) If a student is absent, the absence must be marked on the attendance record and the student must make up the session that is missed.

4. A school for training drivers may issue a certificate of completion to a person under the age of 18 years only if the person:

(a) Completes the classroom course required pursuant to subparagraph ~~(2)~~ (1) of paragraph (d) of subsection 1 of NRS 483.250; and

(b) Receives a minimum passing score of 70 percent on his final examination.

5. A school for training drivers that provides training to students as described in this section shall retain a copy or transcript of the record of each student under the age of 18 years for 3 years after the date of the completion of the course as evidence of the total hours of training he has received.

6. A person under the age of 18 years who applies for a driver's license or instruction permit and who presents a court document showing that he has been legally emancipated must submit proof of completion of a course in automobile driver education, but he may sign for himself, attesting that he has completed the training and experience required by subparagraph (2) of paragraph (d) of subsection 1 of NRS 483.250.

Sec. 50. NAC 483.7906 is hereby amended to read as follows:

483.7906 1. If an applicant for a driver's license who is under the age of 18 years attends a school that:

(a) Is located in a county whose population is less than ~~[35,000]~~ 50,000 or located in a city or town whose population is less than 25,000; and

(b) Does not offer a course in automobile driver education,

FLUSH the applicant must submit to the department a form provided by the department and signed by an officer or a member of the administrative staff of a public or private high school which attests that the school does not offer a course in automobile driver education as part of the school curriculum.

2. Except as otherwise provided in subsection 3, an applicant for a driver's license who is under the age of 18 years and who surrenders a valid driver's license that is issued by another state or jurisdiction is exempt from the requirement to submit proof of completion of a course in automobile driver education to obtain a driver's license from this state.

3. An applicant for a driver's license who is under the age of 18 years and who surrenders a valid instruction permit or a valid restricted driver's license that is issued by another state or jurisdiction must comply with the provisions of NRS 483.250 before the department will issue a driver's license from this state.

~~[4.—A person under the age of 18 years who obtains an instruction permit before October 1, 1998, and who applies for a driver's license on or after October 1, 1998, is exempt from the requirement to submit proof of completion of a course in automobile driver education and is exempt from the requirements of subparagraph (2) of paragraph (d) of subsection 1 of NRS 483.250 if the instruction permit did not expire more than 30 days before the date of application for a driver's license.]~~

Sec. 51. 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 ~~[the training of drivers]~~ *behind-the-wheel training* to ensure that the vehicle is in good operating condition.

2. Each vehicle which is not a commercial motor vehicle pursuant to NAC 483.802 and is used by a school for ~~[training drivers]~~ *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. 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) ~~[In]~~ *At* the discretion of the department, during the semiannual inspection conducted pursuant to subsection 1.

4. Each vehicle which is a commercial motor vehicle pursuant to NAC 483.802 and is used by a school for ~~[training drivers]~~ *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. While being used ~~to provide~~ *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.

Sec. 52. NAC 483.610, 483.613, 483.630, 483.631, 483.640, 483.646, 483.652, 483.654, 483.660, 483.710, 483.732, 483.761, 483.7615, 483.7635, 483.780, 483.784, 483.7892, 483.7896, 483.7902, 483.7904 and 483.792 are hereby repealed.

TEXT OF REPEALED SECTIONS

483.610 Contents of application for license to operate school; requirements for facility, instructors and course; availability of proof of licensing and records.

1. The application for a license to operate a school must contain the following information:
 - (a) The name, location and a description of the facility where the course will be taught;
 - (b) A resume of each instructor’s education, experience, certification as an instructor and fitness for the position;
 - (c) A copy of detailed course outlines, course handouts and examination materials, including the final examination, and a list of audio-visual materials; and

(d) The name and address of each person who has an ownership interest in the school or who is an officer of the school.

2. The proposed facility for the course must:

(a) Not be housed within a:

- (1) House trailer;
- (2) Hotel room;
- (3) Private home; or
- (4) Facility that dispenses any alcoholic beverage;

(b) Provide for adequate:

- (1) Ventilation;
- (2) Heating and air conditioning;
- (3) Lighting;
- (4) Space per student and space for testing purposes;
- (5) Fire exits;
- (6) Restrooms;
- (7) Facilities for the handicapped;
- (8) Desks, chairs and audio-visual aids; and
- (9) Accessibility to public parking areas or spaces;

(c) Be located within this state; and

(d) Comply with all state and local zoning, health and safety codes.

A representative of the department will evaluate the proposed facility to determine if the conditions of this subsection are met.

3. The qualifications of instructors must be approved before the course may be approved. A representative of the department may interview a prospective instructor to determine his knowledge, skills, abilities and fitness for teaching the course. The instructor must:

(a) Have education or experience in a field related directly to the subject matter to be taught, such as:

(1) Traffic safety;

(2) Law enforcement;

(3) Drivers' education or improvement; or

(4) Some other closely related field approved by the department; or

(b) Present proof to the department that he:

(1) Has successfully completed a course of instruction in the subject matter to be taught;

(2) Is certified as an instructor by the community college system or the department of education; or

(3) Is certified by the bureau of alcohol and drug abuse,

and must not be a law enforcement officer whose primary duty assignment includes the enforcement of traffic laws in the jurisdiction in which the school is located.

4. In addition to meeting the qualifications of subsection 3, an applicant for licensure as an instructor of a course on the abuse of alcohol and controlled substances must have a minimum of 2 years of education or experience in a field related directly to the problems of driving under the influence of intoxicating liquor or controlled substances, such as rehabilitative counseling for abusers of alcohol and controlled substances or a combination of education and experience acceptable to the department.

5. A representative of the department will evaluate the general course content, outline, handouts, audio-visual aids, examinations and other related material to ensure that they are:
 - (a) Consistent with the intent and purpose of NRS 483.475 and this chapter.
 - (b) Adequate and accurate coverage of the subject matter.
 - (c) Relevant, current, understandable and consistent with goals and objectives of the course.
 - (d) Effective and suitable in approach, delivery and methodology.
6. Proof of the license to operate a school must be available to a representative of the department upon request.
7. All records pertaining to the operation of a school must be maintained in the established place of business and made available for inspection by a representative of the department during normal business hours.

483.613 License to operate school: Qualifications of applicant; revocation upon conviction of operator for certain offenses.

1. An applicant who desires to operate a school must:
 - (a) Either be a licensed instructor for a course, or employ or contract for the services of at least one person who is a licensed instructor; and
 - (b) Not be a law enforcement officer whose primary duty assignment includes the enforcement of traffic laws in the jurisdiction in which the school is located.
2. Upon conviction of an operator for any offense relating to alcohol or controlled substances, the department will revoke the license of that person to operate a school. The operator may not operate a school for 3 years after the license is revoked.

483.630 Evaluation and inspection of curriculum, facility and instructors of school; notification of acceptance or rejection of application; withdrawal of approval of school.

1. An authorized representative of the department will evaluate and may inspect the curriculum, the facility and the qualifications of the instructors to determine whether to approve a school and license its operation. The representative may request a review of the application by another state agency if he considers it necessary.

2. The representative may request additional information concerning the application if the information is necessary to complete the evaluation.

3. The representative will notify each sponsoring organization of the acceptance or rejection of the application or of any portion of it.

4. After approval and licensure, a school may be inspected semiannually. During each inspection, a representative will reevaluate the curriculum, facility and instructors. The department may at any time withdraw its approval of a school and revoke or suspend the license to operate the school. The representative will give written notice within 30 days before officially withdrawing the department's approval. The applicant or approved school may appeal a rejection or a withdrawal of approval to the departmental hearing officer within 30 days after receiving notice of the decision.

483.631 Renewal of license; replacement of lost, mutilated or destroyed license.

1. An operator seeking to renew his license shall:

(a) File an application for renewal with the department;

(b) Pay the required fee; and

(c) Provide evidence to the department that he continues to meet the requirements for

issuance of a license pursuant to NAC 483.610 and 483.613.

2. An instructor seeking to renew his license shall:

(a) File an application for renewal with the department;

(b) Pay the required fee; and

(c) Provide evidence to the department of his continued professional education, training or experience.

3. An operator or instructor required to be licensed pursuant to this chapter who fails to renew the license before it expires may not renew that license, but may reapply for an original license.

4. The department will not renew a license to operate a school if no courses have been presented in a classroom during the year immediately preceding the application for the renewal of the license.

5. A license which has been revoked or canceled may not be renewed for a period of 3 years after the date on which the revocation or cancellation became effective. A license that is suspended may not be renewed until it has been reinstated by the department. If a period of suspension or revocation extends beyond the expiration of the license, the license may not be renewed but the person may apply for a new license after the period of suspension or revocation has passed.

6. In case of the loss, mutilation or destruction of the license of an operator or instructor, the department will issue a duplicate upon submission of a properly signed and completed application for a duplicate license and an affidavit. The affidavit must show the date the license was lost, mutilated or destroyed and the circumstances involving the loss, mutilation or destruction.

483.640 Students: Enrollment; eligibility for cancellation of demerit points; evaluation of course.

1. Classes must not have more students enrolled than are reasonable for proper classroom instruction.

2. Each student who enrolls in an approved school for traffic safety must enroll for a minimum of:

(a) Five hours of classroom instruction when there are not more than two traffic violations within 1 year; or

(b) Eight hours of classroom instruction when there are three or more traffic violations within 1 year.

3. Students must attend all of the classes and successfully complete the final examination, if one is administered, to be eligible to receive the cancellation of three demerit points.

4. All students must complete evaluations of the course on a form approved by the department. The evaluations must be retained by the school for 3 years and made available for inspection by a representative of the department during the semiannual monitoring process.

483.646 Students: Prerequisites to receipt of credit for course; retaking of final examination.

1. To receive credit for completing a course, a student must:

(a) Attend all the meetings of the class;

(b) Take the preliminary examination, if one is administered;

(c) Pass the final written or oral examination with a score of at least 70 percent; and

(d) Complete an evaluation of the course and the teacher.

2. A student who fails to pass the final examination must wait for at least 4 hours before he may retake the examination.

483.652 Restrictions on name of school, representations and advertising.

1. A school shall not use:
 - (a) Any name other than its licensed name for advertising or publicity purposes;
 - (b) The word state in any school name; or
 - (c) Any name that would tend to mislead the public into believing the school is affiliated with the department or any of its divisions.

2. A school shall not imply in any way that it can:
 - (a) Issue or guarantee the issuance of a driver's license;
 - (b) Influence the department in the issuance of a driver's license; or
 - (c) Obtain preferential treatment for its students from the department.

3. A school which is licensed by the department may use the word "licensed" in its advertising, but may not indicate that it is approved, sanctioned or endorsed in any manner by the department.

483.654 Operation of branch office of school.

1. An owner or operator of a school seeking to operate a branch office of the school must first apply to the department for approval. If the application for a branch office is approved, the department will issue a copy of the license of the school's principal place of business, properly endorsed, for use in the branch office. This copy must be maintained in the established place of business of the branch office and be available for inspection by a representative of the department during normal business hours.

2. A branch office may not be moved to a new location without first notifying and obtaining the approval of the department.

3. If a branch office is closed, the operator must immediately surrender the copy of the license issued pursuant to subsection 1 to the department.

4. A branch office must meet all of the requirements of this chapter applicable to the school's principal place of business, and must perform substantially the same services as are performed by the school at the principal place of business.

483.660 Disciplinary action. The department may suspend, revoke or refuse to renew a license to operate a school for traffic safety or to be an instructor, or disallow a cancellation of three demerit points if the school fails to:

1. Request approval from the department in writing of any proposed changes in location, curriculum, instructors or other pertinent factors relating to the school at least 30 days before the proposed changes are carried out;
2. Provide the department at least once per month with a current schedule of its classes and instructors; or
3. Comply with the provisions of NAC 483.580 to 483.660, inclusive.

483.710 Definitions. (NRS 481.051, 483.760) As used in NAC 483.710 to 483.795, inclusive, 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.

483.732 “Owner of a school for training drivers” defined. (NRS 481.051, 483.760) “Owner of a school for training drivers” means a natural or artificial person licensed by the department to own a business that gives instruction in the driving of a motor vehicle or in the preparation of an applicant for examination for a driver's license issued by the department.

483.761 License as instructor: Requirements for application; interview of applicant; revocation; periodic driving examination. (NRS 481.051, 483.760)

1. In addition to the requirements of NRS 483.720, an applicant for a license as an instructor for classroom instruction must:

(a) Submit an application, on a form provided by the department, which sets forth his qualifications and contains the following information:

- (1) The full name and residence address of the applicant;
- (2) The date of birth of the applicant;
- (3) The social security number and driver's license number of the applicant;
- (4) The employment history of the applicant; and
- (5) The official name of each school where the applicant will be an instructor.

(b) Submit to the department:

(1) Two cards upon which the applicant's fingerprints, taken by an agent of the department who has been authorized by the department to take fingerprints or by a law enforcement agency, are displayed;

(2) Written permission that authorizes the department to forward those cards to the central repository for submission to the Federal Bureau of Investigation for its report;

(3) The fee for processing the cards as required by the central repository; and

(4) Written documentation, if applicable, that clarifies the applicant's criminal record or related status.

(c) Prove to the satisfaction of the department that the applicant has earned a high school diploma or its equivalent.

(d) Within the 2 years immediately preceding the date an applicant submits his application, not have a conviction of:

- (1) Two or more traffic offenses;
- (2) A gross misdemeanor; or
- (3) A crime involving the possession, sale, use or manufacture of a controlled substance.

(e) Within the 4 years immediately preceding the date an applicant submits his application, not have been convicted of a felony.

(f) Never have been convicted of:

(1) An offense involving fraud, dishonesty or moral turpitude;

(2) A sexual offense as defined by NRS 179D.410; or

(3) A crime that the department determines is related to the position for which the applicant applies.

(g) Except as otherwise provided in this paragraph, submit school transcripts or other documentation as proof of completion of at least 40 hours of instruction at the college level, or the equivalent thereof, as evidenced by the accumulation of four credits for continuing education or other training acceptable to the department that pertains to the development of skills related to driving or providing instruction. An instructor in a school for training commercial vehicle operators and an instructor whose license is not endorsed to provide classroom instruction for the purposes of NRS 483.250 may submit proof of other education and experience that is deemed acceptable by the department.

(h) Possess a valid driver's license issued by the department which, in Nevada or any other jurisdiction:

(1) Does not have any outstanding failure-to-appear notices on file; and

(2) Has not been suspended or revoked within the 12 months immediately preceding the date on which the applicant submitted his application.

(i) Pass a written examination administered by the department, with a score of at least 80 percent.

2. In addition to the requirements listed in subsection 1, an applicant for a license as an instructor is eligible to instruct a student in the behind-the-wheel training phase of a course in driver training if he:

(a) Possesses a valid driver's license in this state which, in Nevada or any other jurisdiction:

(1) Shows not more than one conviction for a moving traffic violation within the 12 months immediately preceding the date on which the applicant submitted his application nor more than two convictions for moving traffic violations within the 24 months immediately preceding the date on which the applicant submitted his application;

(2) Has not been suspended or revoked within the 3 years immediately preceding the date on which the applicant submitted his application;

(3) Shows no convictions involving alcohol or controlled substances within the 3 years immediately preceding the date on which the applicant submitted his application; and

(4) Authorizes the applicant to operate a vehicle in the classification necessary for the type of vehicle in which he will be giving instruction;

(b) Submits evidence that he has been a licensed driver for at least 5 years; and

(c) Obtains a score of at least 80 percent on a practical demonstration of his driving ability over a prescribed course as established by the department in the type of vehicle for which he will be instructing.

3. An application for a license as an instructor for a school for training drivers must be submitted to the department on a form provided by the department.

4. A representative of the department may interview an applicant for a license as an instructor for a school for training drivers to determine the applicant's knowledge, skills, abilities and fitness for instruction.

5. The department will not issue a license to an applicant if the applicant does not meet the requirements of NRS 483.720 and this section.

6. The department may revoke the license to instruct of an instructor if he is convicted of any traffic offense involving alcohol or a controlled substance. An instructor whose driver's license is revoked pursuant to this subsection is not eligible to instruct students in the classroom instruction phase of training for drivers until 12 months after the date of reinstatement of his driver's license or driving privilege. An instructor whose driver's license is revoked pursuant to this subsection is not eligible to instruct students for the behind-the-wheel training phase of training for drivers until 3 years after the date of reinstatement of his driver's license or driving privilege.

7. At least once every 5 years, an instructor of the behind-the-wheel training phase of training for drivers shall submit to a driving examination administered by a representative of the department.

483.7615 Examination for license as instructor. (NRS 481.051, 483.760)

1. The department will establish an examination for the licensure of an applicant as a driving instructor which may consist of an actual demonstration or a written examination, or both. The actual demonstration must be sufficient in scope to determine if the applicant consistently complies with all traffic laws and consistently practices the safe operation of a motor vehicle. The written examination will cover:

- (a) The traffic laws and procedures for licensing in this state;
- (b) Practices of safe driving;
- (c) The operation of a motor vehicle;
- (d) Knowledge of teaching methods and techniques; and

(e) The laws and regulations which apply to an instructor.

2. An applicant who fails to pass the examination must wait at least 1 full day before he may take the examination again.

483.7635 Reexamination of qualifications of licensee. The department may require a person who has a license to operate a school for training drivers or as an instructor for a school for training drivers to submit to a reexamination of his qualifications if the department has reason to believe that the licensee does not have the qualifications required for licensure. If the licensee refuses to submit to a reexamination, the department may suspend his license without a hearing until he submits to a reexamination. If the department suspends a license pursuant to this section, the suspension is effective 8 days after the date the department mails the notice of suspension to the licensee.

483.780 Report of certain changes concerning operation of school. (NRS 481.051, 483.760)

1. Each owner or operator of a school for training drivers approved by the department shall report in writing to the department through the Northern Regional Manager, Motor Vehicles Branch, 305 Galletti Way, Reno, Nevada 89512 or the Southern Regional Manager, Motor Vehicles Branch, 8250 West Flamingo, Las Vegas, Nevada 89117 within 10 days after the date of:

(a) An addition, termination or change of a school owner, operator or instructor;

(b) An addition or deletion of any motor vehicle which is used by the school in driver training instruction;

(c) A change in the location of the established place of business of the school;

(d) An addition or deletion of a branch or classroom of the school; or

(e) A change of mailing address of a principal place of business or a licensed branch office.

2. If a school for training drivers has a change in ownership and the new owner will be the operator of the school, he must apply for a license pursuant to the provisions of NRS 483.710 and NAC 483.750.

3. If there is an addition of one or more motor vehicles used by a school for the training of drivers, the school shall provide to the department a supplemental list of such motor vehicles and include a certificate of insurance for each additional vehicle.

4. The department may require each person licensed pursuant to the provisions of NRS 483.710 and NAC 483.750 or NRS 483.720 and NAC 483.761 to provide to the department any additional information which the department considers necessary in carrying out the provisions of NAC 483.710 to 483.795, inclusive.

483.784 Requirements for operation. (NRS 481.051, 483.760)

1. A school for training drivers shall comply with all state and local health and safety codes and must be located in this state.

2. A school for training drivers offering classroom instruction or behind-the-wheel training must not be located at a private residence, mobile home, hotel room or rooming house, or consist only of a temporary address, mail drop or post office box.

3. A school for training drivers must be accessible to the public and for evaluation by a representative of the department during regular business hours of each working day:

(a) By providing office personnel; or

(b) If office personnel are not available, by providing a telephone answering service or telephone answering machine.

4. The classrooms and common areas of a school for training drivers must not be located within a facility where alcohol is dispensed.

5. A representative of the department will evaluate the proposed facility to determine if the conditions of this section are met before issuance of a license by the department.

483.7892 Courses: Additional subjects of instruction. (NRS 481.051, 483.255) In addition to the requirements listed in NAC 483.789, each student enrolled in a course of classroom instruction at a school for training drivers to meet the requirements of NRS 483.250 must be provided with instruction in the following additional subjects:

1. Required vehicle equipment;
2. Vehicle registration;
3. The different highway systems;
4. The organizations that supervise the maintenance of and enforce the traffic laws on each system;
5. The requirements for insurance in this state;
6. The types of insurance coverage available;
7. The procedures for purchasing an automobile;
8. The sources of credit to finance the purchase of an automobile;
9. The importance of the maintenance of a vehicle for driving safely, including:
 - (a) Compilation of a list for the efficient and economical maintenance of a vehicle; and
 - (b) Identification of the purpose of each instrument, device and control in a vehicle;
10. The consequence of physical handicaps on the ability to drive;
11. Sharing the road with others, including commercial vehicles, buses, motorcycles, bicycles and pedestrians;

12. Natural forces affecting driving, including driving at night; and

13. Rules of the road, including state laws and local motor vehicle laws and ordinances.

483.7896 Courses: Requirements for classroom instruction. (NRS 481.051, 483.255)

1. Classroom instruction offered by a school for training drivers to meet the requirements of NRS 483.250 must consist of a minimum of 30 hours, excluding any time taken for meals, rest breaks, workbook assignments, behind-the-wheel training, other work completed out of the presence of an instructor and the issuance of a certificate upon completion of the course.

2. Each student may receive a maximum of 7 hours of instruction per day.

3. Each session of a course must be presented not later than 7 days after the previous session was held.

4. The use of audio-visual aids, personal computers or simulators for course instruction must not exceed 6 hours of the total 30 hours that are allotted for classroom instruction.

483.7902 Completion of course: Proof for legally emancipated person. (NRS 481.051, 483.255) A person under the age of 18 years who applies for a driver's license and who presents a court document showing that he has been legally emancipated must submit proof of completion of a course in automobile driver education, but he may sign for himself, attesting that he has completed the training and experience required by subparagraph (2) of paragraph (d) of subsection 1 of NRS 483.250.

483.7904 Completion of course: Credit given to certain persons under the age of 18 years. (NRS 483.051, 483.255) A person under the age of 18 years who applies for a driver's license or instruction permit on or after October 1, 1998, and who successfully completed a course in automobile driver education before October 1, 1998, will be given credit for

completing the course in automobile driver education, regardless of the age of the applicant at the time the course was completed.

483.792 Annual inspection: Cooperation required; report. (NRS 481.051, 483.760)

1. An authorized representative of the department will annually inspect a school for training drivers to determine whether the school complies with all applicable laws and regulations, including the provisions of NRS 483.700 to 483.780, inclusive, and NAC 483.710 to 483.795, inclusive. The representative will inspect the school during regular business hours. The inspection will include an examination of:

- (a) The records of the school, including, without limitation, the course evaluation forms completed by a student;
- (b) All facilities used by the school;
- (c) Training devices employed by the school;
- (d) Instruction materials and methods used by the school; and
- (e) Written examinations, if applicable.

2. Each person who owns or operates a school for training drivers, including a partnership, corporation or association, and each employee of the school, shall cooperate with the authorized representative who is conducting the inspection and, upon the request of the representative, shall provide all records, instructional materials, equipment and other items necessary to conduct the inspection. If such a person refuses to allow the representative to conduct the investigation, the license of the school may be suspended by the department.

3. Within 30 days after an inspection, the department will provide to the school for training drivers a written report of the inspection, which will indicate whether the school is in compliance with all applicable laws and regulations and describe any deficiency which requires correction.

The department may revoke or suspend the license of a school which does not correct a deficiency within a reasonable time after notification by the department.