

LCB File No. R065-00

PROPOSED REGULATION OF THE DEPARTMENT OF
MOTOR VEHICLES AND PUBLIC SAFETY

NAC 483.750 is hereby amended to read as follows:

1. In addition to the requirements of NRS 483.710, an applicant for a license to own or operate a school for training drivers must:

(a) Submit an application ~~[upon]~~ *for a school for training drivers on* a form supplied by the department (to:)

~~[(1) The Northern Regional Manager, Drivers' License Division, 305 Galletti Way, Reno, Nevada 89512; or~~

~~—(2) The Southern Regional Manager, Drivers' License Division, 8250 West Flamingo, Las Vegas, Nevada 89117;]~~

(b) ~~[Have]~~ *Show proof of* a high school diploma or its equivalent;

(c) Submit a ~~[check or money order in the amount of]~~ non-refundable *application* fee *as* required by NRS 483.780;

(d) 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) Within the 4 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) 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 a license to own or operate a

school for training drivers.

2. The applicant must furnish the department with:

(a) A list of each vehicle used by the school for the training of drivers, including the year, make and model of each vehicle;

(b) A copy of the ~~[registration and]~~ certificate of insurance *that clearly identifies the vehicle insured* for each vehicle used by the school for the training of drivers;

(c) A copy of the lease agreement for each vehicle which is leased by the school and used or 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 authorized agent of the department or* 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; ~~and~~

(m) *Proof of experience as required by subsection 6 of NRS 483.710, if applying for a license to operate a school which will provide behind-the-wheel training; and*

(n) 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 ~~in each county in which he does business~~ as his principal place of business ~~for that county~~ and one name as the principal name of his business. He shall designate as branches all his other business addresses not otherwise designated as a principal place of business pursuant to this subsection.

4. An owner or operator 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 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 requirements of NAC 483.792 are met and the following are~~ *the school has* satisfactorily *complied with all state and local health and safety codes and to inspect a copy of the city/county business license of the school.* ~~;~~

~~—(a) Heating and air conditioning;~~

~~—(b) Lighting;~~

~~—(c) Ventilation;~~

~~—(d) Fire exits;~~

~~—(e) Cleanliness; and~~

~~—(f) Area for parking.]~~

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 the existence of satisfactory:

(a) Space for each student;

(b) Facilities for the disabled;

(c) Desks or tables and chairs;

(d) Restroom facilities; and

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

(f) Cleanliness.

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. ~~[If the operator of a school dies, the school may, with the approval of the department, remain open under the license of the deceased operator for a period not to exceed 6 months.]~~ *A license to own or operate a school is non-transferable.*

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.

NAC 483.7605 is hereby amended to read as follows:

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

(a) An application for renewal;

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

(c) For each vehicle used by the school for the training of drivers:

(1) A current list of the year, make and model;

(2) A copy of the ~~[registration]~~ and certificate of insurance; *that clearly identifies the vehicle insured* and

(3) A copy of the lease agreement for each vehicle which is leased by the school;

(d) A copy of the days and hours of operation of the school, including the office of the school.

~~;~~

~~—(e) Two cards upon which the applicant's fingerprints, taken by a law enforcement agency, are displayed;~~

~~—(f) 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;~~

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

~~—(h) Written documentation, if applicable, that clarifies the applicant's criminal record or related status.]~~

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. 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.

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.

NAC 483.761 is hereby amended to read as follows:

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 authorized agent of the department or* 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) 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) ~~Have~~ *Show proof of* 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:~~ ***on a form supplied by the department***

~~[(a) The Northern Regional Manager, Drivers' License Division, 305 Galletti Way, Reno, Nevada 89512; or~~

~~(b) The Southern Regional Manager, Drivers' License Division, 8250 West Flamingo, Las Vegas, Nevada 89117.]~~

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 ~~[4]~~ 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.

NAC 483.7615 is hereby amended to read as follows:

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 a licensed (school for training drivers) *drive school instructor*.

~~[[2. An applicant who fails to pass the examination must wait at least 1 full day before he may take the examination again. [If an applicant fails the examination two or more times, he must wait at least 5 full days before he may retake the examination.]]~~

NAC 483.762 is hereby amended to read as follows:

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

- (a) An application for renewal;
- (b) The fee for licensure required by NRS 483.780;

~~[(c) Two cards upon which the applicant's fingerprints, taken by a law enforcement agency, are displayed;~~

~~—(d) 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;~~

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

~~—(f) Written documentation, if applicable, that clarifies the applicant's criminal record or related status.]~~

2. A licensee shall, during each (4) 5 year period after the initial issuance of his license, pass a written examination administered by the department. ~~[, unless he meets the requirements of subsection 3.]~~

~~[[3. Except as otherwise provided in this subsection, an applicant whose license is endorsed for classroom instruction for the purposes 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 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 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 years immediately preceding the date on which the application for renewal is submitted.

4. An instructor in a school for training commercial vehicle operators or 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.

NAC 483.7898 is hereby amended to read as follows:

1. Pursuant to NRS 483.250, the department will 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 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) Name of the student;

(c) Date of birth of the student;

(d) Date that the course was completed;

(e) Amount and type of training that was completed; and

(f) 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) 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.

NAC 483.795 is hereby amended to read as follows:

1. An authorized representative of the department will, at least semiannually, visually inspect each vehicle used for the training of drivers 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 the training of drivers 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 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 the training of drivers 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 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 permanent in nature;

(b) be securely mounted on the vehicle

(c) not be constructed of paper; and

(d) 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.

INFORMATIONAL STATEMENT

Regulations under NAC 483

Subject: PROFESSIONAL DRIVING SCHOOLS

1. Public Comment was solicited through the posting of notices at the following locations:

ESMERALDA COUNTY
GOLDFIELD PUBLIC LIBRARY
PO BOX 430
(FOURTH & CROOK STREET)
GOLDFIELD NV 89013

178 AVENUE F
ELY NV 89301

NEVADA DMV & PS
973 W WILLIAMS ST
FALLON NV 89406

EUREKA BRANCH LIBRARY
PO BOX 293
(10190 MONROE STREET)
EUREKA, NV 89316

NEVADA DMV & PS
4021 W CAREY
NORTH LAS VEGAS NV 89030

LANDER COUNTY
BATTLE MOUNTAIN BRANCH LIBRARY
625 BROAD STREET
BATTLE MOUNTAIN, NV 89820

NEVADA DMV & PS
PO BOX 1912
TONOPAH NV 89049

LINCOLN COUNTY LIBRARY
PO BOX 330
(93 MAIN STREET)
PIOCHE NV 89043

NEVADA DMV & PS
3505 CONSTRUCTION WAY
WINNEMUCCA NV 89445

MINERAL COUNTY LIBRARY
PO BOX 1390
(FIRST & A STREET)
HAWTHORNE, NV 89415

NEVADA DMV & PS
215 WEST BRIDGE STREET
YERINGTON NV 89447

PERSHING COUNTY LIBRARY
PO BOX 781
(1125 CENTRAL AVENUE)
LOVELOCK, NV 89419

NEVADA DMV & PS
1694 COUNTY ROAD
MINDEN NV 89423

STOREY COUNTY LIBRARY
PO BOX 14
(95 SOUTH R STREET)
VIRGINIA CITY NV 89440

NEVADA DMV & PS
555 WRIGHT WAY
CARSON CITY NV 89711-0400

NEVADA DMV & PS
305 GALLETTI WAY
RENO NV 89512

MINERAL COUNTY LIBRARY
P.O. BOX 1390
HAWTHORNE, NV 89415
(FIRST & A STREET)

NEVADA DMV & PS
8250 W. FLAMINGO
LAS VEGAS NV 89147

PERSHING COUNTY LIBRARY
P.O. BOX 781
LOVELOCK, NV 89419
(1125 CENTRAL AVENUE)

NEVADA DMV & PS
3920 EAST IDAHO STREET
ELKO NV 89801

STOREY COUNTY LIBRARY
P.O. BOX 14
VIRGINIA CITY, NV 89440
(95 SOUTH R STREET)

NEVADA STATE LIBRARY
401 NORTH CARSON
CARSON CITY, NV 89710

NEVADA DMV & PS
PO BOX 248

Summary of Public Response:

1. There was no public response received through appearance at the scheduled workshop, public hearing or in writing to the department.
2. Comment from effected business was solicited through the posting of public notices as noted in Section 1. Copies of the proposed regulations and workshop notices were also mailed to the following professional driving school operators.

AA DRIVING SCHOOL
ATTN: BENEDICT A. PARILLO
1151 S. BUFFALO #204
LAS VEGAS NV 89117

ATTN: PAMELA CANTOR
3170 W SAHARA #D10
LAS VEGAS, NEVADA 89104

ABC AUTO DRIVING SCHOOL
ATTN: HUMPHREY MOK
4651 SPRING MTN
LAS VEGAS, NEVADA 89102

WESTERN TRUCK SCHOOL
ATTN: MICHAEL NORD
3603 LAS VEGAS BLVD NORTH #112
LAS VEGAS, NEVADA 89115

A-1 TRUCK DRIVING SCHOOL
ATTN: H EUGENE BREEDEN
1105 INDUSTRIAL RD
BOULDER CITY NV 89005

WESTERN TRUCK SCHOOL
85 N. EDISON WAY, SUITES 2&3
RENO, NEVADA 89502

ALL AMERICAN DRIVING SCHOOL
ATTN: KENNETH S KRUGER
PO BOX 20173
RENO NV 89515

JERRY GUILER
PO BOX 221
SPARKS, NEVADA 89433

BOBBY'S DRIVING SCHOOL
ATTN: BOBBY SANFORD
2235 E. FLAMINGO, STE. 108-C
6201 BOULDER HWY.
LAS VEGAS, NEVADA 89122

SWIFT DRIVING SCHOOL
ATTN: WILLIAM SWIFT
2638 WESTWOOD DR
LAS VEGAS, NEVADA 89109

ESCUELA DE TRAFICO DE DALILI DE LAO
ATTN: DALILAH DE LAO
2104 OAKWOOD AVE.
NORTH LAS VEGAS, NEVADA 89030

ALL STAR DRIVING SCHOOL
ATTN: DERRICK L. MARSHALL
3416 E. LAKE MEAD BLVD. #6
N.LAS VEGAS, NEVADA 89030

THE GIRON DROP IN CENTER
ATTN: HAROLD GIRON
302 N. MARYLAND PKWY #2
LAS VEGAS, NEVADA 89101

AMERICAN DRIVER EDUCATION
ATTN: DANIEL W MILLER
3838 RAYMERT DR
LAS VEGAS NV 89121

LAS VEGAS SCHOOL OF DRIVING
ATTN: EDWARD BICHARD
3838 RAYMERT
LAS VEGAS NV 89121

A-BUDGET DRIVING SCHOOL
ATTN: EVELYN BUTTRE
1404 S MARYLAND PKWY #29
LAS VEGAS NV 89119

SAFE DRIVING SCHOOL
ATTN: M NADEEM KAUSAR
3675 S. RAINBOW #107
LAS VEGAS, NEVADA 89103

USA DRIVING SCHOOLS OF LV
ATTN: MARSHA MOORE
5225 E TROPICANA AVE #C
LAS VEGAS NV 89122

SAFEWAY DRIVING SCHOOL

A TEEN DRIVING SCHOOL
ATTN: ED BICHARD
1161 S. BUFFALO
LAS VEGAS, NV 89117

THE DRIVING ACADEMY
6370 W FLAMINGO RD #41
LAS VEGAS NV 89103

DRIVE FRIENDLY DRIVING SCHOOL
ATTN: JOHN J. PHILLIPS
1001 SHADOW LANE
LAS VEGAS NV 89106

NEVADA SAFETY DRIVING SCHOOL
ATTN: HERMAN HAGEN JR
2560 E SUNSET #107
LAS VEGAS NV 89120

ROADRUNNER DRIVING SCHOOL
ATTN: DONALD L. ROBINSON
2780 S JONES, STE. K
LAS VEGAS NV 89146

ADAPTIVE DRIVING REHAP. INC.
ATTN: YVONNE WIDENER
2915 W. CHARLESTON #8
LAS VEGAS NV 89102

A HOPE IN NEW BEGINNINGS
ATTN: JAMES BASS
133 N. EASTERN AVE.
LAS VEGAS NV 89101

DRIVE SAFE DRIVING SCHOOL
4600 KIETZKE LANE,
BUILDING C, SUITE 126
RENO NV 89502

PRO DRIVE DRIVING SCHOOL
P.O. BOX 7021
INCLINE VILLAGE, NV 89450

DEAN HARTWIG'S DRIVING SCHOOL
701 E. 4TH STREET
WINNEMUCCA NV 89445

2. Summary of business response:

Business response was received through appearance at the workshop and in writing to the department. The regulations are being proposed for adoption with the amendments made after the workshop.

For the record, the following is a summary of the comments received at the workshops held in Reno on January 27, 2000, and in Las Vegas on January 28th, 2000.

The Reno workshops were attended by three professional driving school operators. Dana Mathiesen, Rhonda Bavaro, Joe Carrick, and Cheryl Bagby represented the Department of Motor Vehicles and Public Safety. The Las Vegas workshops were attended by several professional driving school operators, with Dana Mathiesen, Rhonda Bavaro, and Vicky Garcia representing the Department of Motor Vehicles and Public Safety.

RENO WORKSHOP:

Professional Drive School License – change to make the license non-transferable... what happen if the owner dies and the school is forced to shut down? The students have paid for the course and should be able to complete the course.

There are legal issues why the business cannot remain open, who is responsible? There are also bonding issues. If there is two or more owners, the remaining owner may continue running business. This is also the same requirement for other business licenses issued by the department, i.e., dealers, body shops, etc, for the same reasons.

Rhonda and Cheryl explained the legal issues involved. If the sole owner dies, who would be responsible for the business? Bond would be invalid. All other types of licenses, dealers, body shop, etc, issued by the department are non-transferable.

LAS VEGAS WORKSHOP:

A. Dan Miller, American Driver Education addressed the following:

- a. Complimented Rhonda Bavaro on the drafting of the regulations and the changes made.
- b. Pointed out typographical errors in the regulations where deleted information was contained in parenthesis and needed to be contained within brackets.
- (c) Indicated that the language in Section 483.7605 1.(c)(2) should be made consistent with similar language contained in Section 2 (b).
- (d) Pertaining to the changes made in Section 11, Mr. Miller asked what would happen to a school if the owner/operator died. He suggested that some time be allowed for the school to continue operations after the death of the operator.

Vicky Garcia, DMV & PS, indicated that the death of an operator would invalidate the bond filed with the department, and indicated that the school would need to cease operation until a new operator applied and was approved by the department.

Mr. Giron recommended that the operators have a co-maker sign the bond before it was submitted to the department.

Vicky and Rhonda Bavaro indicated that, if there were two principles listed for the school, each would need to make application and be approved before issuance of a license.

- (e) Mr. Miller suggested that no changes be made to Section 483.795, 5. regarding signage on a vehicle. He indicated that he had four pages of definitions for the word “permanent” and stated that it could be interpreted several different ways. He also stated that professional signs may be constructed with some sort of cardboard base, but may still meet the requirements of the department. He showed samples of signs used by some of the driving schools to make his point. He indicated that the Driving School Association would act on behalf of the department to speak with the schools who were not displaying professional signage on their vehicles.

Dana Mathiesen indicated that the department could not delegate the authority for ensuring compliance with the regulations. A school operator indicated that he agreed with that point and would prefer to answer to the department regarding issues of non-compliance, rather than answer to another school operator. Vicky Garcia stated that guidelines needed to be addressed by regulation and asked for any suggested language, however there were none.

- (f) Mr. Miller recommended that NAC 483.7896 be revised to indicate “that a course must consist of “thirty 50 minute periods” rather than “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.” He indicated this would be consistent with the definition of an hour as defined by the Department of Education. Mr. Emilio Camillone remarked that to change the definition of an hour would only complicate matters.

Dana Mathiesen stated that the 30 hour requirement was based on information received from public driver education teachers throughout the state as well as discussion with Dr. Keith Rheault from the Department of Education, regarding the length of classroom driver education courses provided by the public school system. From these conversations, it had been determined that a classroom course in driver education is significantly longer than 30 hours. The 30-hour time frame was suggested by the teachers as the minimum time required to address all required curriculum.

Mr. Miller asked for a copy of the minutes of the meetings which took place, and was informed by Dana that these were informal meetings to discuss drafting and implementation of the new regulations and no minutes were available. He ask for copies of the notes taken at the meetings and was informed by Dana that notes could not be

provided either. He asked what he could receive from the department to substantiate this information and Dana offered to write him a memo. He said that they could not be expected to simply take one person's opinion that this information was correct and interpreted properly. Dana informed him that there were approximately six representatives from the Department of Motor Vehicles and Public Safety attending these meetings and it did not solely reflect her interpretation or opinion.

Virgil Jackson stated that State employees are paid for 8 hours, but are allowed to take two 15 minute breaks per day, during that 8 hour period.

Angela Lamin indicated that she thought the regulations should address breaks for the students. Dana Mathiesen stated that the schools could offer the students as many breaks, as often as they determined was necessary, providing they completed the full 30 hours of classroom instruction required by the regulations.

- B. John Phillips made the following recommendations to the department, which seemed to be generally supported by other operators attending the workshop:
- (a) That the department encourage students to attend 30 hours of driver education before issuance of an instruction permit and provide written information so students are aware of the requirement.
 - (b) Then require the vision and written examinations through DMV.
 - (c) Then require the driving examination and the affidavit that the minor has completed 50 hours of behind the wheel experience.

Dana indicated that the department must comply with the provisions of the law, which indicates that driver education need only be completed prior to issuance of a driver's license. She indicated it was a good idea to include the information on the Minor Affidavit Form used by the department and suggested that the operators propose a bill to the legislature to change the provisions of the law if they felt another method would be more effective.

- C. Mrs. Giron asked if the department would accept driver education certificates provided by out of state schools. Dana Mathiesen informed her that driver education certificates were accepted from any public school governed by the Department of Education, but that, in order to accept certificates from private driving schools in other states, the driving school operators are required to sign an affidavit, provided by NV DMV&PS, indicating that their course meets the minimum curriculum and time requirements as designated in Nevada regulations.

- 3. There is no economic effect on the public created by these regulations.
- 4. There is no economic effect on businesses created by these regulations.
- 5. There is no cost to the agency for enforcement of these regulations.

6. These regulations do not duplicate or overlap any other state or government regulations.
7. These regulations will be proposed for adoption with the following revisions resulting from comments received at the workshops:

483.795.5 While being used to provide 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 permanent in nature;*
- (b) be securely mounted on the vehicle;*
- (c) not be constructed of paper; and*
- (d) 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.*