

**PROPOSED REGULATION OF THE DEPARTMENT
OF MOTOR VEHICLES AND PUBLIC SAFETY**

LCB File No. R065-00

April 3, 2000

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

AUTHORITY: §§1-5 and 7, NRS 483.760; §6, NRS 483.255.

Section 1. NAC 483.750 is hereby amended to read as follows:

483.750 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 *to the department* an application ~~upon~~ *for a license to own or operate a school for training drivers on* a form supplied by the department ~~to:~~

~~—(1) The Northern Regional Manager, Motor Vehicles Branch, 305 Galletti Way, Reno, Nevada 89512; or~~

~~—(2) The Southern Regional Manager, Motor Vehicles Branch, 8250 West Flamingo, Las Vegas, Nevada 89117;~~

~~—(b) Have~~;

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

(c) Submit a ~~check or money order in the amount of the~~ nonrefundable 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]~~ *training* 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]~~ *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; ~~and~~

(m) *If the applicant is applying for a license to operate a school which will provide behind-the-wheel training, proof of experience required by subsection 6 of NRS 483.710; 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 satisfactory:~~

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

~~—(b) Lighting;~~

~~—(c) Ventilation;~~

~~—(d) Fire exits;~~

~~—(e) Cleanliness; and~~

~~—(f) Area for parking.]~~ *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 ~~the~~ :

(a) *The* existence of satisfactory:

~~[(a)]~~ (1) Space for each student;

~~[(b)]~~ (2) Facilities for the disabled;

~~[(e)]~~ (3) Desks or tables and chairs;

~~[(d)]~~ (4) Restroom facilities; and

~~[(e)]~~ (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. ~~[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 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.

Sec. 2. 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 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]~~ *training* 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; *and*
 - (d) A copy of the days and hours of operation of the school, including the office of the school

~~. f;
—(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.

Sec. 3. NAC 483.761 is hereby amended to read as follows:

483.761 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) ~~Have~~ *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~~

~~—(a) The Northern Regional Manager, Motor Vehicles Branch, 305 Galletti Way, Reno, Nevada 89512; or~~

~~—(b) The Southern Regional Manager, Motor Vehicles Branch, 8250 West Flamingo, Las Vegas, Nevada 89117.]~~ *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 ~~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.

Sec. 4. NAC 483.7615 is hereby amended to read as follows:

483.7615 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.]~~ *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. ~~[If an applicant fails the examination two or more times, he must wait at least 5 full days before he may retake the examination.]~~

Sec. 5. 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 application for renewal; *and*
- (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-year]~~ *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.

Sec. 6. NAC 483.7898 is hereby amended to read as follows:

483.7898 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.

Sec. 7. NAC 483.795 is hereby amended to read as follows:

483.795 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~~ *training* 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~~ *training* 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 ~~have~~:

(a) *Be permanent in nature;*

(b) *Be securely mounted on a 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.