

**ADOPTED REGULATION OF THE
DEPARTMENT OF MOTOR VEHICLES**

LCB File No. R009-08

Effective June 17, 2008

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

licensed body shop or an inspector meeting the qualifications of 49 C.F.R. § 396.19 and be reported to the Department on an inspection form provided by the Department.

2. The annual inspection of:

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

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

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

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

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

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

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

~~13-1~~ 4. If a school for training drivers purchases or leases a motor vehicle for the training of drivers, ~~an authorized representative of the Department will inspect the vehicle:~~

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

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

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

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

~~5.†~~ *Part 396.*

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

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

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

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

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

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R009-08

The Department of Motor Vehicles adopted regulations assigned LCB File No. R009-08 which pertain to chapter 483 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

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

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

The Department of Motor Vehicles noticed and held public workshops and hearings in Carson City with videoconferencing to Las Vegas on April 7 & 8, 2008. The notice of public workshops and hearings and complete copies of the proposed regulations were posted on March 5, 2008, at the Nevada State Library and Archives and each office of the Department of Motor Vehicles. In counties where the Department does not maintain an office, the notice was posted at the main office of the public library. The purpose of the workshops and hearings was to solicit comments and opinion on proposed regulation changes relating to the licensing, administrative fines and vehicle inspections as they pertain to a school for drivers.

- 2. The number of persons who:**
(a) Attended each hearing; Carson City = 5, Las Vegas = 5
(b) Testified at each hearing; and Carson City = 2, Las Vegas = 1
(c) Submitted to the agency written statements: No written comments were received by the Department.

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

In addition to the public notice, the Department sent copies of the notice and proposed regulations to the associations related to the businesses affected for distribution to their members. Testimony provided at the hearing was in general support of the changes. Comments focused on clarification of the vehicle inspection and the federal regulation referenced.

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

No definitive changes were requested by the affected businesses or associations.

5. **The estimated economic effect of the adopted regulation on the businesses that it is to regulate and on the public. These must be stated separately, and each case must include:**
(a) Both adverse and beneficial effects; and
(b) Both immediate and long-term effects.

There is no economic effect of the regulation on the businesses regulated or the public.

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

There is no additional cost to the agency for enforcement of this regulation.

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

The amendments to the regulation do not overlap that of any other state, local, or federal governmental agency.

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

The amendments do not include provisions which are more stringent than a federal regulation.

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

This regulation does not provide or involve a new fee, and hence since no fee is involved, there is not a total amount expected to be collected or used.