

**PROPOSED REGULATION OF THE
DEPARTMENT OF PUBLIC SAFETY**

LCB FILE NO. R129-18I

**The following document is the initial draft regulation proposed
by the agency submitted on 06/01/2018**

Initial Agency Draft--Summary of changes proposed to NAC Chapter 486:

EDUCATION AND SAFETY OF MOTORCYCLE RIDERS

Sections 2 through 27 are proposed new sections that establish a program for the education of motorcycle riders as required by NRS 486.372; establish a method for the approval of courses of instruction; establish rules and regulations pertaining thereto; and provide an effective date.

Sections 3 through 15 define terms used in this regulation. **Section 16** outlines the duties of the program. **Section 17** details authorized expenditures of this program. **Section 18** requires motorcycle rider instructors to obtain licensure. **Section 19** outlines the approval process for program school for motorcycle rider safety and affiliate training providers as well as establishes professional standards for program providers. **Sections 20 through 27** detail the licensure process for instructors including renewal, revocation and appeal processes. **Section 28** sets the date of these regulations as being effective on January 1, 2019.

Section 1. *Chapter 486 of NAC is hereby amended by adding the provisions set forth in sections 2 through 27, inclusive, of this regulation.*

Sec. 2. *Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in Section 3 to Section 15, inclusive, have the meanings ascribed to them in those sections.*

Sec. 3. *“Affiliate training provider” defined. “Affiliate training provider” means a private entity offering courses to the public in motorcycle safety instruction under a contract with the Department pursuant to NRS 486.374 but does not otherwise qualify as a program school for motorcycle safety receiving State funding, resources or fee limitation per NRS 486.373.*

Sec. 4. *“Course” defined. (NRS 486.374) “Course” means a motorcycle safety instruction curriculum approved by the Director, or his or her designee, offered by a program school for motorcycle safety or an affiliate training provider, that includes classroom instruction, on-cycle instruction, or both.*

Sec. 5. *“Curriculum Provider” defined. (NRS 486.374) “Curriculum Provider” means the professional organization approved by the Director that develops the curriculum used by the program pursuant to NRS 486.374.*

Sec. 6. *“Instructor” defined. (NRS 486.374 to NRS 486.375) “Instructor” means a person who is licensed by the Department to teach a course.*

Sec. 7. *“On-Cycle Instruction” defined (NRS 486.374) “On-Cycle Instruction” means the portion of a course which is taught through the operation of a motorcycle under real conditions and which is characterized by a student driving on a practice range, on public roadways, or both, while under the direction of an instructor.*

Sec. 8. *“Program school for motorcycle safety” defined. (NRS 486.372 through 486.374) “Program school for motorcycle safety” means a non-profit organization or State agency contracted with the Department that offers courses to the public pursuant to NRS 486.374.*

Sec. 9. *“Program” defined. “Program” means the Program for Education of Motorcycle Riders, also known by the service mark “Nevada Rider Motorcycle Safety Program.”*

Sec. 10. *“Program Office” defined. “Program office” means the physical location of the program located at 107 Jacobsen Way, Carson City, NV 89711.*

Sec. 11. *“Quality Assurance” defined. “Quality Assurance” means inspections to ensure a school for motorcycle safety adheres to program requirements and to ensure licensed instructors provide instruction that meets curriculum provider and contract requirements.*

Sec. 12. *“Resident” defined. “Resident” has the meaning ascribed to it in NRS 483.141.*

Sec. 13. *“Rules of Conduct” defined. “Rules of Conduct” means the “Nevada Rider Rules of Conduct,” dated May 21, 2018, hereby adopted by reference, a copy of which is available without charge on the website <https://nevadarider.com/become-an-instructor/> or from the Office of Traffic Safety located at 107 Jacobsen Way, Carson City, NV 89711.*

Sec. 14. *“School” defined. “School” means an entity or agency offering motorcycle safety instruction through either a program school for motorcycle safety, an affiliate training provider, or an agency or political subdivision of the State of Nevada that provides motorcycle safety instruction.*

Sec. 15. *“Student” defined. (NRS 486.373) “Student” means a person enrolled in course offered by a school for motorcycle safety.*

Sec. 16. *Program Duties. (NRS 486.372) The program shall:*

1. Deliver courses to the public for motorcycle safety through the Department.

2. Provide quality assurance and oversight services for schools for motorcycle safety and instructors to evaluate their compliance with program and curriculum provider standards, and to provide technical assistance.

3. In support of the National Highway Traffic Safety Administration’s Highway Safety Program Guideline Number 3, “Motorcycle Safety,” develop motorcycle safety activities to encourage safe riding, reduce fatalities and prevent serious injuries to include:

(a) Encouraging cooperation between federal and public agencies, military schools for motorcycle training, private persons and businesses who have an interest in promoting motorcycle safety;

(b) Prepare, distribute, or both, publications to improve motorcycle safety;

(c) Implement media campaigns and conduct outreach to improve motorcyclist safety; and

(d) Participate in statewide traffic safety meetings and activities to promote motorcycle safety.

- 4. Compile and disseminate to the public statistics on motorcycle safety.*
- 5. Apply for and manage motorcycle safety grants.*
- 6. Conduct curriculum provider certification classes through contracted trainers and provide instructor continuing education.*
- 7. Provide for the application, issuance, renewal, revocation, suspension, denial and appeal process for the licensing of motorcycle safety instructors.*

Sec. 17. *Authorized expenses of the program include: (NRS 486.372)*

- 1. Personnel costs of the program.*
- 2. Travel expenses for courses conducted in rural areas, administrator and staff training events, and to conduct outreach events throughout the State.*
- 3. Media and outreach expenses to provide education related to motorcycle safety.*
- 4. Purchase of training motorcycles and other program vehicles, and repair and maintenance of program vehicles utilized by the program office. Program vehicles loaned to participating entities are required to be properly maintained by such entities and in safe operating condition at all times.*
- 5. Supplies related to the operation of the program.*
- 6. Other program contractual obligations.*
- 7. Any other expenses approved by the Director specifically to support the program.*

Sec. 18. *Required licensing; transferability of license.*

- 1. For a person to act as an instructor in a program school for motorcycle safety or an affiliate training provider when they are contracted by the Department to teach approved courses in motorcycle safety, the person must hold a valid motorcycle safety instructor's license issued by the Department.*
- 2. Any license issued pursuant to the provisions of NRS 486.363 to 486.375, inclusive, is personal to the licensee and is not transferable to another person.*

Sec. 19. *Qualifications to contract with the Department to become a Program School for Motorcycle Safety or an Affiliate Training Provider; Contracting with the Department:*

1. To be qualified to contract with the Department to be a program school for motorcycle safety, private non-profit businesses must provide the following on a form prescribed by the Department:

- (a) A detailed business plan;*
- (b) A copy of the proposed lease between the applicant and the property owner, if the property owner is a different entity;*
- (c) Copies of the secretary of state business license and, if applicable, the local business license;*
- (d) Resumes of all principals;*
- (e) Contact information including a mailing address, telephone number, and email address to receive notifications and program information.*
- (f) Diagram of the on-cycle practice range that meets curriculum provider standards;*
- (g) If State assistance will be requested, a complete application for such assistance;*
- (h) Student course registration details;*
- (i) Details of the secure motorcycle storage area, if using State owned training motorcycles; and*
- (j) Diagram of classroom. The classroom cannot be located in a private residence.*

2. To be qualified to contract with the Department to be an affiliate training provider for motorcycle safety, private entities must provide the following on a form prescribed by the Department:

- (a) A detailed business plan;*
- (b) A copy of the proposed lease between the applicant and the property owner, if the property owner is a different entity;*
- (c) Copies of the secretary of state business license and, if applicable, the local business license;*
- (d) Resumes of all principals;*
- (e) Contact information including a mailing address, telephone number, and email address to receive notifications and program information.*
- (f) Diagram of the on-cycle practice range that meets curriculum provider standards; and*
- (g) Diagram of classroom. The classroom cannot be located in a private residence.*

3. To be qualified to contract with the Department to be a program school for motorcycle safety, agencies or political subdivisions of the State of Nevada must provide the following on a form prescribed by the Department:

(a) Contact information including a mailing address, telephone number, and email address to receive notifications and program information.

(b) Diagram of the on-cycle practice range that meets curriculum provider standards;

(c) Student course registration details;

(d) Diagram of classroom; and

(e) Details of the secure motorcycle storage area.

4. If the qualifications are found acceptable, the administrator, or his or her designee, will review the on-cycle practice range for suitability.

5. Approved program schools, affiliate training providers and State agencies or political subdivisions must:

(a) Contract with the Department before offering courses;

(b) Only use instructors licensed by the program;

(c) Have a current written agreement with the curriculum provider; and

(d) Must adhere to the curriculum provider's policies and procedures.

Sec. 20. Licensure as instructor: Prerequisites; Application Process; Interview of applicant. (NRS 486.375)

1. Each applicant for licensure as an instructor must meet the requirements to be an instructor in NRS 486.375.

2. Each applicant for licensure as an instructor must, in addition to all applicable statutory requirements, provide to the Department in a format approved by the Department:

(a) Proof acceptable to the Department that the applicant:

(1) Is a Nevada resident or is a member of the Armed Forces of the United States stationed at a military installation located in Nevada;

(2) Possesses a valid Nevada motorcycle driver's license or, if a member of the Armed Forces of the United States, a driver's license valid within the State of Nevada, and has held a motorcycle license from any state for at least two consecutive years;

(3) Is age 21 or older at the time of application; and

(4) Has a motorcycle instructor certification from an approved curriculum provider substantiating that the applicant meets the qualifications for licensure as an instructor pursuant to NRS 486.375, subsection 1.

(b) The applicant's:

- (1) Full legal name;*
- (2) Date of birth;*
- (3) Driver's license number; and*
- (4) Address of principal residence;*

(c) Any certificates which substantiate that the applicant meets the qualifications for licensure as an instructor; and

(d) Any other information concerning the applicant that the Department may consider necessary to determine whether the applicant is qualified for licensure.

3. Each applicant shall attach to the application the following:

(a) A 10-year driver history from the Nevada Department of Motor Vehicles and from other states the applicant may have resided during the past 10 years showing the applicant complies with NRS 486.375;

(b) On a form prescribed by the Department, a signed document attesting the licensee will comply with the program's rules of conduct;

(c) Copies of current certification in CPR and First Aid or, CPR and other certification approved by the administrator;

(d) On a form prescribed by the Department documentation that the applicant is physically able to operate a motorcycle safely and train others in the operation of motorcycles; and

(e) Any other information concerning the applicant that the Director may consider necessary to determine whether the applicant is qualified for licensure.

4. The applicant may be denied if they have in any jurisdiction any convictions involving:

(a) Alcohol or controlled substances within the 3 years immediately preceding the date on which the applicant submitted his or her application;

(b) A felony or an offense involving fraud, deceptive trade practices, dishonesty or moral turpitude at any time;

(c) A sexual offense as defined in NRS 179D.097 at any time; or

(d) A crime that the Director determines is related to the license for which the applicant applies.

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

Sec. 21. *All initial applications for instructor, principals of a school for motorcycle safety and principals for an affiliate training providers must grant, as a part of the related application process, permission for the program and its administrator or designee to conduct an investigatory review of the applicant to verify compliance with the licensing and approval requirements of this chapter.*

Sec. 22. *Licensure as an instructor; Restrictions; Issuance of duplicate license.*

1. A motorcycle instructor's license issued to an instructor may be used in any school for motorcycle safety or affiliate training provider as proof of eligibility to conduct approved courses pursuant to NRS 486.374.

2. The Department shall issue a duplicate motorcycle instructor's license if a licensee submits a request in a form as prescribed by the Department.

Sec. 23. *Licensure as an Instructor; Renewal of license. An instructor's license is valid for a period of two years from the date of initial issuance and may be renewed by the licensee as follows:*

1. On a form prescribed by the Department, a completed application for renewal submitted to the program office;

2. Evidence satisfactory to the Department of the licensee's attendance at required program sponsored training events;

3. Proof that the licensee is currently certified as a motorcycle instructor by the curriculum provider pursuant to NRS 486.375 1 (e);

4. Proof that the licensee has maintained a Nevada residency and a valid driver's license issued by the Department of Motor Vehicles, or if a member of the Armed Forces of the United States, proof of assignment to a military installation located in Nevada and a driver's license valid within the State of Nevada.

5. Proof that the licensee has maintained a good driving record pursuant to NRS 486.375, subsections 2 (a) and (b);

6. On a form prescribed by the Department, a signed document attesting the licensee will comply with the rules of conduct; and

7. Copies of current certification in CPR and First Aid or, CPR and other certification approved by the administrator.

Sec. 24. Licensure as an instructor; Grounds for refusal to issue, suspension, revocation or refusal to renew license. (NRS 486.375) *The Director may refuse to issue an initial license or may suspend, revoke or refuse to renew a license as an instructor if the applicant or licensee:*

- 1. Submits an incomplete application;*
- 2. Fails to maintain the statutory requirements for an instructor as required in NRS 486.375;*
- 3. Holds a driver's license issued by the Department of Motor Vehicles that was refused renewal or was cancelled, suspended or revoked within the past two years;*
- 4. Was previously issued an instructor's license by the Department that was suspended or revoked by the Department and was not reissued or reinstated;*
- 5. Does not meet the prerequisites pursuant to Section 20;*
- 6. Knowingly makes a false statement or conceals a material fact in applying for the license;*
- 7. Fails to maintain the required certification from the curriculum provider pursuant to NRS 486.374;*
- 9. Fails to attend required Program training events;*
- 10. The applicant or licensee has been convicted of:*
 - (a) Alcohol or controlled substances within the 3 years immediately preceding the date on which the applicant submitted his or her initial or renewal application;*
 - (b) A felony in this State or any other jurisdiction;*
 - (c) An offense involving fraud, deceptive trade practices, dishonesty or moral turpitude; or*
 - (d) A sexual offense as defined in NRS 179D.097.*
- 11. Willfully fails to comply with any directive issued by the Director, or his or her designee, within 10 working days after the licensee's receipt of the directive;*
- 12. Fails to cooperate with the Department in any investigation;*
- 13. No longer satisfies the requirements for the issuance of the license or refuses to renew the license;*
- 14. Makes any change to the curriculum without the written approval from the Director, or his or her designee, and the curriculum provider;*
- 15. Issues a course completion card to an individual who had not successfully completed a course;*

- 16. Knowingly allows a substance-impaired student to participate in a course;*
- 17. Teaches a course while impaired by any substance or under the influence of any controlled substance or alcohol;*
- 18. Willfully violates any of the program's rules of conduct;*
- 19. The revocation of the driver's license or driving privilege of the instructor following the instructor's conviction of any traffic offense involving alcohol or a controlled substance; or*
- 20. The Director determines that suspending, revoking or refusing to renew the license of the applicant is in the best interest of the public.*

Sec. 25. *Summary temporary suspension of an instructor's license. If the Director finds that the action is necessary in the public interest, upon notice to the licensee, the Director may temporarily suspend or refuse to renew an instructor's license for a period not to exceed 30 days. A hearing must be held, and a final decision rendered, within 30 days after notice of the temporary suspension.*

Sec. 26. *Licensing of instructor whose driver's license incurs demerit points.*

- 1. The Department shall suspend or revoke the motorcycle safety instructor's license if, within the past two years, the applicant has violated NRS 486.375, subsection 2.*
- 2. A motorcycle safety instructor whose driver's license is suspended or revoked pursuant to subsection 1 may not reapply for an instructor's license within 2 years after the date of the reinstatement of the person's driver license or driving privilege.*

Sec. 27. *Hearing concerning cancellation, suspension or revocation of, or refusal to issue or renew a license.*

- 1. The applicant or holder of an instructor's license issued by the Department pursuant to NRS 486.375 may, within 14 calendar days after receipt of a notice of the cancellation, suspension or revocation of, or the refusal to issue or renew, the license, petition the Department in writing for a hearing.*
- 2. A request for a hearing will be denied if the issues raised by the request do not entitle the petitioner to relief by means of an administrative hearing.*
- 3. Evidence to be offered at a hearing that is not material or relevant to the determination of the issues before the hearing officer will not be accepted and will not be considered grounds for a hearing.*
- 4. 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. The Director shall appoint a hearing officer who is independent of any investigation or events of the incident(s) involved.*

5. The hearing must be conducted in accordance with the procedures set forth in chapter 233B of NRS.

6. Within 30 calendar days after the hearing, the hearing officer shall make a final determination.

Sec. 28. *These regulations shall become effective January 1, 2019.*