

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

LCB FILE NO. R178-20I

**The following document is the initial draft regulation proposed
by the agency submitted on 11/18/2020**

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

LCB File No. TBD

Explanation: Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

Purpose: To adopt regulations under the Nevada Administrative Code (NAC) due to revisions as provided by Assembly Bill 338 of the 2019 Legislative Session to establish the requirements for becoming an approved course in defensive driving. This language is being submitted to allow the Department of Motor Vehicles the authority to establish a third-party program to allow instructors from currently approved drive schools the ability to become third-party certifiers and to conduct drive examinations on behalf of the Department. This language will also allow the Department to obtain the authority to allow the use of a virtual school for the purposes of conducting driver's education, as the Department is faced with many challenges due to the current COVID-19 restrictions.

Authority: Subsection 3 of Sec. 2, Assembly Bill 338, 2019 Session; NRS 481.051 (Powers and duties of Director: Generally; delegation)

Section 1. Chapter 483 of NAC is hereby amended by adding the following new sections to read as follows:

Section 1. Courses in defensive driving training: Proof of and prerequisites for completion; retention of records by training provider. (NRS 481.051, 483.220, 483.2521, 483.727)

1. The Department may accept a certificate of completion on a form approved by the Department as proof of successful completion of a course in defensive driving training that is offered by a school for training drivers which is licensed or approved by the Department and which includes the:

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

2. To receive credit for completion of a course in defensive driving training, a person under the age of 18 years must complete a minimum of 20 hours of behind the wheel defensive driving training provided by an instructor from an approved school for training drivers..

3. A school for training drivers that provides defensive driving 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 number of hours of behind the wheel training the student completed.

Noncommercial Driver's Licenses: Certification by Third-Parties

Sec 2. Definitions. (NRS 483.200, 483.220) As used in Section 2 to Section 14, inclusive, unless the context otherwise requires, the words and terms defined in Section 2 to Section 14, inclusive, have the meanings ascribed to them in those sections.

Sec 3. "School for training drivers" defined. (NRS 483.200) "School for training drivers" means a school for the training of drivers which is licensed to operate in this State and provides instruction in the operation of vehicles for which a Class C noncommercial driver's license is required.

Sec 4. "Drive Examination" defined. (NRS 483.200) "Drive Examination" means an examination of a person's ability to operate a motor vehicle pursuant to section 1 of NRS 483.330.

Sec 5. "Noncommercial Class C motor vehicle" defined. (NRS 483.200) "Noncommercial Class C motor vehicle" has the meaning ascribed to it in section 3 of NAC 483.110.

Sec 6. "Student" defined. (NRS 483.200) "Student" means a person who is enrolled at a school for training drivers.

Sec 7. "Third-party certifier" or "certifier" defined. (NRS 483.200) "Third-party certifier" or "certifier" means a person registered with the Department pursuant to NAC 483.1224 to certify the driving ability of a student enrolled in a school for training drivers.

Sec 8. Applicability of provisions. (NRS 483.200) The provisions of Section 2 to Section 14, inclusive, apply only with respect to:

- 1. Noncommercial Class C motor vehicles.*
- 2. An instructor at a school for training drivers who is or wishes to be registered as a third-party certifier and to a school for training drivers which has such an instructor on its staff.*
- 3. An employee at a school for training drivers who is or wishes to be registered as a third-party certifier and to a school for training drivers which has such an employee on its staff.*

Sec 9. Certification of driving ability: Acceptance by Department in lieu of skills test. (NRS 483.200) The Department may, in lieu of the drive examination conducted by the Department, accept certification of the driving ability of a person if the person submits a certificate of completion on a form approved by the Department that is signed by a third-party certifier who is:

- 1. Registered pursuant to NAC 483.752; and*
- 2. Employed by the school for training drivers at which the person whose driving ability is being certified is a student.*

Sec 10. Registration of third-party certifier: Application; evaluation and inspection by Department; Requirements. (NRS 483.200)

1. *A person for registration as a third-party certifier, pursuant to this section, must be actively employed by a school for training drivers with an active status with the Department and follow the requirements set forth in NAC 483.708 to NAC 483.795, inclusive.*
2. *A person applying to become a third-party certifier, must submit an application on a form provided by the Department which includes, without limitation:*
 - (a) *The name of the school for training drivers the person is employed by.*
 - (b) *The address of the school.*
 - (c) *The name, title and driver license number of the person applying to become a third party certifier.*
 - (d) *If applicable, a list of vehicles that the business or school will use to administer drive examinations. The list must include, without limitation, the make, model and vehicle identification number for each vehicle that will be used for drive examinations.*
 - (e) *An affidavit that the applicant has read and will comply with the regulations and requirements for registration as a third-party certifier adopted by the Department.*
3. *A person applying to become a third-party certifier must successfully complete a training course as prescribed by Department policy.*
5. *In evaluating the eligibility of an applicant for registration as a third-party certifier, the Department may consider any additional information that the Department deems necessary for eligibility.*
6. *The evaluation by the Department of an application for registration as a third-party certifier may include an inspection of the site of the place of business of the applicant. The inspection must include, without limitation, a visual inspection of:*
 - (a) *If applicable, the vehicles to be used by the school for conducting drive examinations.*
 - (b) *The routes to be used by the third-party certifier.*
 - (c) *The manner in which the school conducts drive examinations.*
 - (d) *The qualifications of examiners who provide drive examinations at the school.*
7. *If the Department approves a third-party certifier to administer drive examinations, the Department will issue to the certifier, a certificate of registration indicating the certifier has completed the requirements of this section and is approved to conduct drive examinations on behalf of the Department.*
8. *A certificate issued pursuant to subsection 7 will be valid for 4 years from the date of issuance.*
9. *After the initial issuance of a certificate of registration pursuant to subsection 7, the Department may waive any part of the inspection otherwise required pursuant to subsection 4, if the certifier is affiliated with a school for training drivers that currently has on its staff other employees who are registered as third-party certifiers.*
10. *The Department will assign a unique number to each approved and registered third-party certifier. The number must not be transferred to or used by any other person.*
11. *If the Department denies an application for registration as a third-party certifier, the Department shall notify the applicant of its determination. Except as otherwise provided in Section 11, the applicant may reapply at any time on a new application form. The applicant must state in the new application the measures that the applicant has taken to correct each deficiency set forth in the notice received from the Department which caused the denial of the original application.*

Sec 11. Revocation, suspension or refusal to renew registration of third-party certifier: Authority of Department; remedial action; reapplication after revocation; hearing. (NRS 483.200)

1. The Department will take prompt and appropriate remedial action against a third-party certifier that fails to comply with state or federal standards for the program for administering drive examinations to persons to receive a noncommercial Class C driver's license, or fails to comply with any other terms of an agreement between the Department and the third-party certifier.

2. The Department may suspend the registration of a third-party certifier if the certifier fails to cooperate fully with an authorized representative of the Department during an inspection.

3. Except as otherwise provided in subsection 7, the Director or his or her designee may temporarily suspend for not more than 30 days or refuse to renew the registration of a third-party certifier if the Director or his or her designee finds that the temporary suspension or refusal to renew is in the public interest. The Department or a designee from the Department may conduct a hearing and issue a final decision on the matter within 30 days after the date on which the notice of temporary suspension or refusal to renew a registration is sent to the third-party certifier.

4. The Department may suspend the registration of a school for training drivers and its third-party certifier that allows an unauthorized person to administer any part of a drive examination to a student of the school for training drivers.

5. Any third-party certifier whose registration is revoked pursuant to this section may not reapply for registration until 2 years after the date of revocation.

6. A third-party certifier may, within 30 days after the temporary suspension or revocation of, or refusal to renew, its registration pursuant to this section, request a hearing on the question of whether the third-party certifier, committed one or more acts constituting grounds for the suspension, revocation or refusal to renew the registration. The hearing must be conducted in accordance with the provisions of chapter 233B of NRS, and judicial review must be available as provided in that chapter.

7. The Department may suspend or revoke the registration of a third-party certifier for good cause or any other reason if such disqualification is in the best interest of the public and approved by the Director or a designee of the Director.

Sec 12. Third-party certifier: Agreement with Department; requirements. (NRS 483.200) Each third-party certifier shall enter into an agreement with the Department that includes, without limitation:

1. A provision allowing the Department to:

(a) Have employees of the Department, together with and at the same time as a third-party certifier, score drive examinations to compare results of passage and failure.

(b) Retest a sample of drivers who were examined by the third-party certifier.

2. A provision reserving to the Department the right to take prompt and appropriate remedial action against a third-party certifier if the certifier fails to comply with any state or federal standards for the program to administer drive examinations on behalf of the Department.

3. A requirement that a third-party certifier has completed successfully a formal training course for examiners who administer drive examinations as prescribed by the Department.

4. *A requirement that a third-party certifier conduct drive examinations on routes that have been approved by the Department.*

5. *A requirement that a third-party certifier maintain copies of the following records on site at its affiliated school for training drivers location:*

(a) *The certificate of registration issued by the Department.*

(b) *The most recent version of the agreement specified in this section.*

(c) *The scoring sheet for each drive examination that has been administered by the third-party certifier for the current year and the immediately preceding 2 calendar years.*

(d) *Maps of any routes for drive examinations approved by the Department for use by the certifier.*

6. *A requirement that all vehicles and equipment used by the third-party company or third-party school to administer a skills test are maintained adequately and safe to operate.*

7. *A requirement the third-party certifier may provide a drive examination to a person of any age but if the person is under 18 years of age, the certifier must verify the person has held a noncommercial Class C instruction permit for no less than 6 months from the date of issuance of the instruction permit.*

Sec 13. Third-party certifier: Notification of Department concerning driver's license status; renewal of registration; required refresher training course. (NRS 483.200)

1. *If a third-party certifier does not maintain a valid driver's license of the class for which the third-party certifier is authorized to provide certification, he or she shall immediately notify the Department of that fact.*

2. *A third-party certifier shall renew his or her registration every 4 years on a form furnished by the Department. If the third-party certifier fails to renew the registration within 90 days after the date of expiration, the registration as a third-party certifier expires and he or she must reapply for registration as a third-party certifier in the manner set forth in Section 10.*

3. *A third-party certifier must complete a refresher training provided by the Department once every 4 years.*

4. *The refresher training must include:*

(a) *Any state-specific information that is related to administering drive examinations; and*

(b) *All of the following information:*

(1) *Any new state or federal regulations applicable to drivers' licenses or drive examinations; and*

(2) *Revisions concerning the manner in which drive examinations must be administered.*

Sec 14. Guarantee of issuance of license to student prohibited. (NRS 483.200) A third-party certifier shall not make a guarantee in any form to a student that the student will be issued a noncommercial Class C driver's license because the third-party certifier is administering the drive examination to a student.

Sec 15. "Government entity" defined. Government entity is defined as a third-party company participant that is either a state, county or city employer located in this State.

Sec 16. Third-party certifier of a government entity; Exemptions provided by Department. (NRS 483.908, 483.912)

1. A third-party certifier that is employed by a government entity may certify the driving ability of an employee within the same level of government entity as prescribed by Department policy.

2. If a third-party certifier that is employed by a government entity certifies the driving ability of a person in subsection 1, the third party certifier is exempt from the requirements identified in subsections 1(a) and 1(b) and subsections 2 and 3 of NAC 483.12232 and subsection 10 of NAC 483.1224.

Section 2. NAC 483.773 is hereby amended to read as follows:

NAC 483.773 School for training drivers: Approval of activities by Department. (NRS 481.051)

1. A school for training drivers may provide courses only in the following activities for which it has received approval from the Department:

- (a) Classroom instruction;
- (b) Classroom instruction to a person who is under 18 years of age;
- (c) Behind-the-wheel training;
- (d) Classroom instruction given in an interactive course that uses communications technology;
- (e) Classroom instruction given by correspondence; ~~or~~
- (f) ***Practical defensive driving training; or***
- (g) Any combination of paragraphs (a) to (ef), inclusive.

2. Before the Department will approve a school for training drivers to provide classroom instruction to a person who is under 18 years of age, the school must satisfy the Department that the school is in compliance with subparagraph (2) of paragraph (a) of subsection 1 of NRS 483.2521.

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

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

Section 3. NAC 483.720 is hereby amended to read as follows:

NAC 483.720 “Established place of business” defined. (NRS 481.051) “Established place of business” means a place where a school for drivers is authorized by the Department to conduct the business of the school. The term includes a principal place of business, ***a virtual office*** and a branch location.