

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

LCB File No. R178-20

February 28, 2022

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

AUTHORITY: §§ 1-15, NRS 483.200; §§ 16 and 19, NRS 483.2521, 483.2527, 483.290 and 483.727; §§ 17 and 18, NRS 483.908; § 20, NRS 483.710, as amended by section 3 of Senate Bill No. 17, chapter 21, Statutes of Nevada 2021, at page 92, NRS 483.725 and 483.760; § 21, NRS 483.710, as amended by section 3 of Senate Bill No. 17, chapter 21, Statutes of Nevada 2021, at page 92, and NRS 483.725; § 22, NRS 483.2521, 483.2527 and 483.727.

A REGULATION relating to motor vehicles; providing for the registration of third-party certifiers to administer examinations of driving ability for Class C noncommercial driver's licenses; establishing requirements and disciplinary procedures for such third-party certifiers; establishing requirements for the completion of a hands-on course in defensive driving by applicants for a driver's license who are 16 or 17 years of age; revising provisions governing third-party schools, third-party companies and third-party certifiers for commercial driver's licenses; excluding virtual driving schools from certain requirements regarding the maintenance of an established place of business; authorizing schools for the training of drivers to provide courses in defensive driving with the approval of the Department; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Schools that train drivers to operate vehicles for which a commercial driver's license is required are regulated by the Department of Motor Vehicles. (NAC 483.121-483.1236) The regulations of the Department provide that such a school or any instructor or other authorized employee of the school may certify the driving ability of a student enrolled in the school if the school or employee, as applicable, is registered with the Department. (NAC 483.1223, 483.1224) Such a school is termed a "third-party school," and the registered employees of the school are termed "third-party certifiers." (NAC 483.1217, 483.1218)

Existing regulations also provide that any employer whose employees are assigned to operate a commercial motor vehicle may, if registered with the Department, certify the driving ability of those employees to operate such a vehicle. (NAC 483.1223) Such an employer is termed a "third-party company." (NAC 483.12175) Any authorized employee of such an employer may apply to the Department to be registered as a third-party certifier. (NAC 483.1224)

This regulation: (1) establishes and regulates a new class of third-party certifiers for students who drive noncommercial vehicles; (2) establishes certain requirements applicable to a course in defensive driving for young drivers; (3) with respect to the training of drivers of commercial vehicles, exempts governmental entities from certain provisions of existing regulations applicable to third-party schools and third-party companies; and (4) revises certain existing provisions applicable to schools for training drivers.

Sections 2-15 of this regulation provide for the regulation of third-party certifiers for the drivers of noncommercial vehicles. **Sections 2-8** of this regulation define certain terms used in **sections 2-15**. **Section 9** of this regulation limits the applicability of **sections 2-15** to Class C noncommercial driver's licenses, vehicles authorized to be driven by the holder of such a license, instructors at schools for training drivers who are or desire to act as third-party certifiers for noncommercial drivers, and any school for training drivers that employs such an instructor.

Under existing law, the Department may require any applicant for a driver's license to submit to an examination that includes a demonstration of the applicant's ability to control the operation of a motor vehicle of the type or class of vehicle for which the applicant is to be licensed. (NRS 483.330) **Section 5** of this regulation defines that portion of the examination as a "drive examination." **Section 10** of this regulation provides that any required drive examination may be conducted by a person who is registered with the Department as a third-party certifier. If an applicant successfully completes the drive examination administered by a third-party certifier, **section 10** requires the applicant to submit a certification to that effect, signed by the third-party certifier, with the applicant's application for a driver's license.

Section 11 of this regulation establishes the qualifications for registration as a third-party certifier and specifies the required contents of an application for registration. **Section 11** authorizes the Department to investigate certain matters in connection with such an application, establishes the duration of a certificate of registration, and requires the Department to notify the applicant of the reasons for the Department's action if an application is denied. **Section 12** of this regulation sets forth grounds on which the registration of a third-party certifier or the license of a school for training drivers may be suspended, revoked or not renewed by the Director of the Department or his or her designee or the Department. **Section 12** also authorizes a third-party certifier or school for training drivers to request a hearing on any such action of the Director or Department, as applicable. **Section 13** of this regulation requires each third-party certifier to enter into an agreement with the Department providing for the retesting of students by the Department, acknowledging the authority of the Department to take remedial action against the third-party certifier under certain circumstances and requiring the retention of specified records. **Section 14** of this regulation requires a third-party certifier to notify the Department if the third-party certifier fails to maintain a valid Class C noncommercial driver's license. **Section 14** also provides for the renewal of registration as a third-party certifier and requires the periodic completion of a refresher training course provided by the Department. Finally, **section 15** prohibits a third-party certifier from guaranteeing the issuance of a driver's license to any student.

Under existing law, a person who is 16 or 17 years of age and applies for a driver's license must have at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit. In lieu of that experience, an applicant for a Class C noncommercial driver's license may provide the Department with proof that the applicant has successfully completed a hands-on course in defensive driving approved by the Department. (NRS 483.2521) **Section 16** of this regulation provides that any such course

must include at least 20 hours of behind-the-wheel training in defensive driving, provided by an instructor of a school for training drivers that has been approved by the Department to provide instruction in defensive driving. **Section 16** also requires the submission to the Department of a certificate of completion of the course in defensive driving and specifies the information required to be included in the certificate. **Section 19** of this regulation makes a conforming change to indicate the proper placement of **section 16** in the Nevada Administrative Code.

Existing regulations require a third-party company or third-party school to maintain specified records relating to employees certified as third-party certifiers, students to whom any driving skills test has been administered by a third-party certifier, and vehicles used by the third-party company or third-party school to administer skills tests to employees or students. (NAC 483.12232) **Section 17** of this regulation exempts a governmental entity operating as a third-party company or third-party school from certain of these record-keeping requirements.

Under existing regulations, a third-party certifier employed by a third-party school is prohibited from certifying the driving ability of any employee of the third-party school. (NAC 483.1224) **Section 18** of this regulation exempts from this prohibition any governmental entity operating as a third-party school. Existing regulations also provide that a person registered as a third-party certifier for a third-party company may certify the driving ability of only those employees working in the same department as the third-party certifier. (NAC 483.1224) In the case of a third-party company that is a governmental entity, **section 18** provides that a third-party certifier may certify the driving ability of any eligible employee of the governmental entity without regard to the department or division in which the employee works.

Existing law requires that any person who operates a school for training drivers must be licensed by the Department. (NRS 483.700; NAC 483.745) Existing regulations also: (1) authorize the Department to suspend, revoke or refuse to renew the license of any school that ceases to maintain an established place of business in this State; and (2) set forth the requirements for such a place of business. (NAC 483.7631, 483.766) In accordance with Senate Bill No. 17 adopted during the 81st Session of the Nevada Legislature, **sections 20 and 21** of this regulation establish an exception to these provisions for any school providing a course of training consisting entirely of classroom instruction taught interactively through the use of communications technology. (NRS 483.710, as amended by section 3 of Senate Bill No. 17, chapter 21, Statutes of Nevada 2021, at page 92)

Existing regulations enumerate the authorized activities of a school for training drivers. (NAC 483.773) In addition to the activities that are currently authorized, **section 22** of this regulation provides that such a school may provide a course in defensive driving.

Section 1. Chapter 483 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 15, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Class C noncommercial driver’s license” means a driver’s license described in subsection 3 of NAC 483.110.*

Sec. 4. *“Class C noncommercial motor vehicle” means any motor vehicle of a class or type authorized to be driven by the holder of a Class C noncommercial driver’s license.*

Sec. 5. *“Drive examination” means the portion of the examination administered pursuant to NRS 483.330 which consists of an actual demonstration of the applicant’s ability to exercise ordinary and reasonable control in the operation of a Class C noncommercial motor vehicle.*

Sec. 6. *“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 Class C noncommercial motor vehicles.*

Sec. 7. *“Student” means a person who is enrolled at a school for training drivers.*

Sec. 8. *“Third-party certifier” means a person registered with the Department pursuant to section 11 of this regulation.*

Sec. 9. *The provisions of sections 2 to 15, inclusive, of this regulation apply only with respect to:*

1. Class C noncommercial driver’s licenses and Class C noncommercial motor vehicles; and

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.

Sec. 10. 1. *If the Department requires an applicant for a Class C noncommercial driver's license to submit to a drive examination, the drive examination may be conducted by a third-party certifier who is:*

(a) Employed by the school for training drivers at which the applicant whose driving ability is being certified is a student; and

(b) Has been issued a certificate of registration as a third-party certifier by the Department pursuant to section 11 of this regulation.

2. *An applicant for a Class C noncommercial driver's license who successfully completes a drive examination conducted by a third-party certifier in lieu of a drive examination conducted by the Department must submit to the Department with his or her application for the driver's license a certification of the successful completion of the drive examination on a form prescribed by the Department and signed by the third-party certifier who conducted the drive examination. An applicant who fails to submit the certification pursuant to this section may be required to submit to a drive examination conducted by the Department.*

Sec. 11. 1. *To be eligible for a certificate of registration as a third-party certifier, a person must:*

(a) Be licensed as an instructor of a school for training drivers pursuant to NRS 483.730;

(b) Be actively employed by a school for training drivers which holds a valid license issued by the Department and which is in compliance with the requirements of NAC 483.708 to 483.795, inclusive, and section 16 of this regulation; and

(c) Have completed a course of training prescribed by regulation of the Department.

2. *An application for registration as a third-party certifier must be made on a form prescribed by the Department and must include, without limitation:*

- (a) The name and address of the school for training drivers at which the applicant is employed;*
- (b) The name, title and driver's license number of the applicant;*
- (c) If any drive examinations will be conducted by the applicant in a vehicle provided by the school for training drivers or the applicant, a list of all such vehicles, including, without limitation, the make, model and vehicle identification number of each such vehicle; and*
- (d) Proof that the applicant satisfies the requirements for eligibility set forth in subsection 1.*

3. In evaluating an application submitted pursuant to this section, the Department may consider any additional information that the Department deems relevant to eligibility.

4. In evaluating an application submitted pursuant to this section, the Department may conduct an inspection of the place of business of the applicant. If the Department conducts such an inspection, the Department shall:

(a) Conduct a visual inspection of the vehicles to be used for conducting drive examinations, if any such vehicles will be provided by the school for training drivers or the applicant;

(b) Review the routes to be used by the applicant for drive examinations;

(c) Examine the manner in which the school conducts drive examinations if there are any third-party certifiers already operating at the school for training drivers; and

(d) Review the qualifications of any person who conducts drive examinations at the school for training drivers,

↪ except that the Department may waive any or all of the requirements listed in paragraphs

(a) to (d), inclusive, if the applicant is affiliated with a school for training drivers that has on

its staff one or more other employees who hold a valid certificate of registration issued pursuant to this section.

5. The Department will issue a certificate of registration to a person whose application pursuant to this section is approved by the Department. The certificate of registration is valid for 4 years from the date of issuance.

6. The Department will assign a unique number to each person who is registered as a third-party certifier pursuant to this section. The number must not be transferred to or used by any other person.

7. If the Department denies an application for registration as a third-party certifier submitted pursuant to this section, the Department will notify the applicant of the denial and the reasons for the denial. Except as otherwise provided in section 12 of this regulation, the applicant may reapply at any time on a new application form but 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. 12. *1. The Director or his or her designee, or the Department with the approval of the Director or his or her designee, may suspend, revoke or refuse to renew the license of a school for training drivers or the registration of any third-party certifier, or both, on any of the following grounds:*

(a) The failure or refusal of the school for training drivers or third-party certifier to cooperate fully with an authorized representative of the Department during an inspection of the records maintained by the school for training drivers or third-party certifier and relating to the work or qualifications of the third-party certifier or a student whose driving ability has been certified by the third-party certifier;

(b) The conduct of the school for training drivers or third-party certifier in permitting an unauthorized person to administer any part of a drive examination;

(c) In the case of a third-party certifier, any violation of the terms of an agreement described in section 13 of this regulation;

(d) The failure or refusal of the school for training drivers or third-party certifier to comply with any State or federal standard for the program for testing persons to receive a Class C noncommercial driver's license; or

(e) The existence of other circumstances warranting disciplinary action in the best interest of the public.

2. Except as otherwise provided in this subsection, before taking any disciplinary action pursuant to subsection 1, the Director, his or her designee or the Department, as applicable, will give written notice of the intended action to the school for training drivers or third-party certifier who is the subject of the intended action. Whenever the Director, his or her designee or the Department, as applicable, determines that grounds exist for revoking the license of a school for training drivers or registration of a third-party certifier and that immediate suspension of the license or registration, as applicable, is necessary for the protection of the public, the Director, his or her designee or the Department, as applicable, will give written notice of the suspension and the intended revocation to the school for training drivers or third-party certifier, as applicable.

3. Within 30 days after the date of the notice given pursuant to subsection 2, the school for training drivers or third-party certifier who is the subject of the intended disciplinary action may submit a written request for a hearing on the question of whether grounds exist for the intended disciplinary action. If no timely request for a hearing is made as provided in this

subsection, the Director, his or her designee or the Department, as applicable, may issue a final decision, with or without a hearing. If a timely request for a hearing is made as provided in this subsection, the Director, his or her designee or the Department, as applicable, will conduct the hearing within 30 days after receipt of the request and issue a final decision thereafter. Any hearing conducted pursuant to this subsection must be conducted in accordance with chapter 233B of NRS.

4. A final decision issued pursuant to subsection 3 must be in writing and set forth the grounds for any disciplinary action taken. Any such decision is subject to judicial review as provided in chapter 233B of NRS.

5. Unless the revocation is overturned by a court of competent jurisdiction pursuant to chapter 233B of NRS, any school for training drivers or third-party certifier whose license or registration is revoked pursuant to this section may not reapply for a license or registration at any time within 2 years after the date of revocation.

Sec. 13. *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 the third-party certifier, score skills tests to compare results of passage and failure; and

(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 the third-party certifier if he or she fails to comply with any state or federal standard for the program to test drivers for a Class C noncommercial driver's license.

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

4. *A requirement that the third-party certifier conduct drive examinations on road test routes that have been designated and approved by the Department for that purpose.*

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

(a) *The certificate of registration issued by the Department pursuant to section 11 of this regulation.*

(b) *The most recent version of the agreement entered into pursuant to 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 third-party certifier.*

6. *A requirement that all vehicles and equipment used by the third-party certifier to administer a drive examination are maintained adequately and are safe to operate.*

7. *A requirement that the third-party certifier verify, when administering a drive examination to a person who is less than 18 years of age, that the person has held a Class C noncommercial instruction permit for not less than 6 months from the date of issuance of the instruction permit.*

Sec. 14. 1. *If a third-party certifier does not maintain a valid Class C noncommercial driver's license, he or she shall immediately notify the Department of that fact.*

2. *A third-party certifier shall renew his or her registration as a third-party certifier every 4 years on a form prescribed 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 11 of this regulation.*

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

- (a) Any state-specific information that is related to administering drive examinations;*
- (b) Any new state or federal regulations applicable to driver's licenses or drive examinations; and*
- (c) Revisions concerning the manner in which drive examinations must be administered.*

Sec. 15. *A third-party certifier shall not make a guarantee in any form to a student that the student will be issued a driver's license because the third-party certifier is administering any part of the drive examination to a student.*

Sec. 16. 1. *For the purposes of NRS 483.2521:*

(a) To receive credit for the successful completion of a hands-on course in defensive driving, a person must complete not less than 20 hours of behind-the-wheel training in defensive driving provided by an instructor of a school for training drivers which is approved by the Department to provide courses in defensive driving.

(b) The Department may accept as proof of the successful completion of a hands-on course in defensive driving a certificate of completion on a form approved by the Department which includes, without limitation, the:

(1) Official name and license number of the school for training drivers which provided the hands-on course in defensive driving;

(2) Full legal name and date of birth of the person who completed the hands-on course in defensive driving;

(3) Date on which the hands-on course in defensive driving was completed; and

(4) Printed name and signature of the instructor who provided the hands-on course in defensive driving.

2. A school for training drivers that provides a hands-on course in defensive driving for the purposes of NRS 483.2521 shall retain a record of each person under 18 years of age who has completed the hands-on course in defensive driving for a period of not less than 3 years after the date on which the person completed the hands-on course in defensive driving. The record retained pursuant to this subsection must include the number of hours of behind-the-wheel training in defensive driving completed by the person.

Sec. 17. NAC 483.12232 is hereby amended to read as follows:

483.12232 1. A third-party company shall maintain a record of each employee of the company who is certified by a third-party certifier of the third-party company. The record must be available for inspection by a representative of the Department during normal business hours and, *except as otherwise provided in subsection 4*, must include:

- (a) A description of the training of the employee.
- (b) The identity of the person who performed the training.
- (c) A description of each test administered to the employee.

2. ~~1A~~ *Except as otherwise provided in subsection 4*, a third-party school shall maintain a record of each student to whom a third-party certifier employed by the school administers any

part of a skills test. The record must be available for inspection by a representative of the Department during normal business hours and include:

- (a) The full legal name and address of the student.
- (b) A record of each skills test administered to the student.
- (c) The number of any learner's permit or driver's license issued to the student.
- (d) The full legal name and registration number of each third-party certifier who administered any part of a skills test to the student.
- (e) A description of each type of test given to the student and the amount of time devoted to each type of test.
- (f) The date on which each type of test was given.
- (g) The total number of hours of instruction given to the student.
- (h) Sufficient information to demonstrate to the satisfaction of the Department that the third-party certifier who administered a skills test to the student did not also provide instruction to the student.

3. ~~1A~~ *Except as otherwise provided in subsection 4, a* third-party company or third-party school shall maintain a separate annual inspection record for each vehicle that it uses to administer skills tests to employees or students, as applicable.

4. A third-party company or third-party school that is a governmental entity is not required to:

(a) Include in the record required to be maintained pursuant to subsection 1, the items set forth in paragraphs (a) and (b) of subsection 1;

(b) Maintain the records required by subsection 2 with respect to a student who is an employee of the governmental entity; or

(c) Maintain the records required by subsection 3 with respect to any vehicle used to administer skills tests exclusively to employees of the governmental entity.

Sec. 18. NAC 483.1224 is hereby amended to read as follows:

483.1224 1. An instructor or authorized employee at a school for training drivers may apply to the Department for registration as a third-party certifier. Except as otherwise provided in subsection 4, an instructor or authorized employee who is registered as a third-party certifier may certify the driving ability of any student enrolled at the school for training drivers who wishes to obtain a Class A, Class B or Class C commercial driver's license and must electronically submit to the Department certification to that effect. The instructor or authorized employee may not electronically submit to the Department certification with respect to the instructor's or employee's own driving ability.

2. Any person doing business in this State, or the authorized employee of such a person, may apply to the Department for registration as a third-party certifier. Except as otherwise provided in subsection 5, a third-party certifier who is registered pursuant to this section may certify the driving ability of an employee of an employer who wishes to obtain a Class A, Class B or Class C commercial driver's license and must electronically submit to the Department certification to that effect. The third-party certifier may not electronically submit to the Department certification with respect to the third-party certifier's own driving ability.

3. An applicant to become a third-party certifier must have at least 2 years of experience operating a commercial motor vehicle for the type, class and endorsements of commercial drivers' licenses that he or she will certify.

4. A third-party certifier employed by a third-party school shall not:

(a) Certify the driving ability of a student unless the third-party certifier has at his or her disposal at least one vehicle requiring the same type and class of driver's license as the type and class of driver's license for which the student's driving ability is being certified;

(b) Attest to the certification for the operation of a vehicle for which a particular type or class of driver's license is required unless the third-party certifier has at his or her disposal at least one vehicle requiring the same type and class of driver's license as that required for the vehicle the operation of which is to be certified; or

(c) Certify the driving ability of any employee of the school **H**, *unless the school is a governmental entity.*

5. A third-party certifier employed by a third-party company shall not:

(a) Certify the driving ability of an employee of the company unless the third-party certifier has at his or her disposal at least one vehicle requiring the same type and class of driver's license as the type and class of driver's license for which the employee's driving ability is being certified; or

(b) Attest to the certification for the operation of a vehicle for which a particular type and class of driver's license is required unless the third-party certifier has at his or her disposal at least one vehicle requiring the same type and class of driver's license as the type and class of driver's license as that required for the vehicle the operation of which is to be certified.

6. A third-party certifier must:

(a) Successfully complete a 40-hour course provided by the Department for administering skills tests;

(b) Hold a valid commercial driver's license of the same type and class for which the third-party certifier is certifying the driving ability of a student or employee; and

(c) Administer the skills test in a vehicle representing the same type and class of vehicle the operation of which requires a driver's license of the same type and class as the type and class of driver's license for which the driving ability of the student or employee is being certified.

7. A third-party certifier who is also an instructor, whether as part of a school, training program or otherwise, shall not administer a skills test to a person who received training in skills from the third-party certifier.

8. If a third-party certifier successfully completes training to administer skills tests, the Department will issue to the third-party certifier a certificate of registration which:

(a) Is valid for 4 years; and

(b) Indicates the type and class of vehicle and endorsements for which the third-party certifier is allowed to provide certification.

9. A person who is registered as a third-party certifier for a third-party school may certify the driving ability of only those students who are enrolled at the branch locations of the school for which the person is registered as a third-party certifier.

10. A person who is registered as a third-party certifier for a third-party company may certify the driving ability of only those employees who work within the same department of the company for which the person is registered as a third-party certifier ~~H~~, *unless the third-party company is a governmental entity. A person who is registered as a third-party certifier for a third-party company that is a governmental entity may certify the driving ability of any eligible employee of the governmental entity, regardless of department or division, subject to such limitations as the Department otherwise prescribes by regulation.*

11. A third-party certifier shall ensure that all vehicles and equipment used to perform skills tests are maintained adequately and safe to operate. Except as otherwise provided in NAC

483.12235, any incidents that are a result of unsafe vehicles or equipment are the responsibility of the third-party certifier.

Sec. 19. NAC 483.708 is hereby amended to read as follows:

483.708 As used in NAC 483.708 to 483.795, inclusive, *and section 16 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. 20. NAC 483.7631 is hereby amended to read as follows:

483.7631 1. The Department may suspend, revoke or refuse to renew:

(a) Any license issued pursuant to NRS 483.700 to 483.780, inclusive, if, in addition to the grounds set forth in NRS 483.760:

(1) The licensee is convicted of a:

(I) Felony in this State or any other jurisdiction;

(II) Gross misdemeanor;

(III) Misdemeanor for violating any of the provisions of NAC 483.708 to 483.795,

inclusive;

(IV) Crime involving fraud, dishonesty or moral turpitude;

(V) Sexual offense as defined in NRS 179D.097; or

(VI) Crime that the Department determines is related to the license in question.

(2) The licensee willfully fails to comply with any:

(I) Statute of this State governing motor vehicles, including, without limitation, NRS 483.700 to 483.780, inclusive, and any regulations adopted pursuant thereto; or

(II) Directive issued by the Director.

(3) The licensee fails or refuses to pay or otherwise discharge any final judgment entered against the licensee arising out of any misrepresentation or fraud committed by the licensee in connection with the license.

(4) The Director determines that:

(I) The licensee knowingly made a false or misleading statement or concealed a material fact in connection with his or her application for the license;

(II) The licensee is unfit to hold the license;

(III) The licensee no longer satisfies the requirements for the issuance of the license; or

(IV) The suspension or revocation of the license, or the refusal to renew the license, is in the best interest of the public.

(b) A license to operate a school for drivers if the licensee:

(1) Makes any change in the curriculum, schedule of classes or physical or mailing address of the school without having first applied for and obtained the approval of the Department for the change as required by NAC 483.768;

(2) Fails to provide the Department with a current schedule of classes and instructors at least once a month;

(3) Fails to satisfy the Department that the licensee:

(I) Holds a license as an instructor; or

(II) Employs or contracts with a licensed instructor to operate the school;

(4) Permits a class to be taught by:

(I) An unlicensed person; or

(II) An instructor trainee without an instructor being present in the classroom; or

(5) Ceases to maintain an established place of business in this State ~~H~~, *unless the licensee provides a course of training that consists in whole of classroom instruction that is taught interactively through the use of communications technology pursuant to subsection 2 of NRS 483.725.*

(c) A license to operate a school for training drivers if the licensee fails to maintain the surety bond required by NRS 483.710 or any other bond or license required by any political subdivision of this State.

(d) A license to operate a school for drivers if the licensee has on its staff an instructor or employee who is registered as a third-party certifier pursuant to NAC 483.1224 if:

(1) Such an instructor or employee executes an affidavit certifying the driving ability of a student enrolled at the school and:

(I) The instructor or employee did not administer the skills test to the student; or

(II) The instructor or employee also conducted the instruction to the student relating to the test given.

(2) A person other than such an instructor or employee executes an affidavit certifying the driving ability of a student enrolled at the school.

(3) The operator of the school refuses to allow an agent of the Department to inspect, during normal business hours, all books, records and files of the school that relate to such instructors at the school and to the students enrolled at the school whose driving abilities are being certified by those instructors or employees.

(e) A license as an instructor or the registration of an employee who is registered as a third-party certifier pursuant to NAC 483.1224, if the licensee or employee violates any provision of NAC 483.121 to 483.1236, inclusive.

(f) A license as an instructor or instructor trainee if the licensee is convicted of any traffic offense involving alcohol or a controlled substance.

2. If the Department revokes the license of an instructor upon 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, the Department will not:

(a) Issue to that person a new license as an instructor until 1 year after the date of the reinstatement of his or her driver's license or driving privilege; or

(b) Approve that person to provide behind-the-wheel training until 3 years after the date of the reinstatement of his or her driver's license or driving privilege.

3. For the purposes of this section, the failure of a licensee to comply with a directive of the Director shall be deemed to be willful if the licensee fails to comply with the directive within 10 days after the licensee's receipt of the directive.

Sec. 21. NAC 483.766 is hereby amended to read as follows:

483.766 1. ~~{A}~~ *Except as otherwise provided in subsection 4, an* established place of business for a school for drivers, in addition to complying with all applicable statutory requirements:

(a) Must be located within this State;

(b) Must not consist only of a temporary address, mail drop or post office box;

(c) Must be actually occupied continuously or during regular periods;

(d) Must provide for adequate:

(1) Ventilation;

(2) Heating and air-conditioning;

(3) Lighting;

- (4) Space per student and space for testing purposes;
 - (5) Fire exits;
 - (6) Restrooms;
 - (7) Facilities for persons with disabilities;
 - (8) Desks, chairs and audiovisual aids; and
 - (9) Accessibility to public parking areas or spaces;
- (e) Must comply with all applicable state and local zoning, health and safety codes; and
- (f) Must not be housed within a:
- (1) Facility that dispenses any alcoholic beverage;
 - (2) Hotel room;
 - (3) House trailer or mobile home unless, after inspection, a fire or health authority approves the use of the house trailer or mobile home as an established place of business;
 - (4) Private home, unless the private home is licensed for that use by a business-licensing agency of competent jurisdiction; or
 - (5) Rooming house.
2. If the established place of business is to be designated a principal place of business, it must be of sufficient size to store safely the books and records of the principal place of business and all branch locations operated under the same name.
3. A representative of the Department may inspect an established place of business at any reasonable time to determine compliance with the requirements of this section.
- 4. The provisions of subsection 1 do not apply if the course of training provided by the licensee consists in whole of classroom instruction that is taught interactively through the use of communications technology pursuant to subsection 2 of NRS 483.725.***

Sec. 22. NAC 483.773 is hereby amended to read as follows:

483.773 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; ~~(e)~~
- (f) *Defensive driving; or*
- (g) Any combination of paragraphs (a) to ~~(e)~~ (f), 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.