

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

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**The following document is the initial draft regulation proposed
by the agency submitted on 06/02/2022**

PROPOSED REGULATION OF THE
NEVADA DEPARTMENT OF MOTOR VEHICLES

March 31, 2022

Explanation: Matter in *bold italics* is new material; matter in ~~red~~ is material proposing to be omitted.

Purpose: To adopt regulations under the Nevada Administrative Code (NAC), in accordance with federal changes regarding impaired driving and schools of instruction regarding driving while impaired and driving under the influence, and other matter properly relating thereto.

Authority: NRS 481.051 (Powers and duties of the Director: Generally; delegation)

Section 1. Chapter 483 of NAC is hereby amended by adding thereto the following new language, sections 2-4 inclusive.

Section 2. NAC 483.752 Licensure as instructor: Prerequisites; interview of applicant; transfer of license; instruction at multiple schools; termination of relationship with school.

1. Each applicant for licensure as an instructor must, in addition to all applicable statutory requirements, provide to the Department:
2. If the application is for a license as an instructor for a school for training drivers, the applicant, in addition to all applicable statutory requirements and the requirements of subsection 1, must:
3. An applicant who seeks approval to provide classroom instruction to a person who is under 18 years of age must, except as otherwise provided in this subsection, 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 who is not approved to provide classroom instruction to a person who is under 18 years of age may submit proof of other education and experience that is acceptable to the Department.
4. If the application is for a license as an instructor for a school for traffic safety or a school or other entity that offers a course on the abuse of alcohol or controlled substances, the applicant, in addition to any applicable statutory requirements and the requirements of subsection 1, must:
 - (a) Have education or experience in a field related directly to the subject matter to be taught, such as:

- (1) Traffic safety;
- (2) Law enforcement;
- (3) Drivers' education or improvement; or
- (4) Some other closely related field approved by the Department.

(b) Present proof to the Department that the applicant has successfully completed a course of instruction in the subject matter to be taught.

(c) Not be a law enforcement officer whose primary duty assignment includes the enforcement of traffic laws in the jurisdiction in which the school is located.

(d) If the application is for a license as an instructor to teach at a school or other entity that offers a course *to individuals found to be on the abuse driving while under the influence* of alcohol, *marijuana*, or controlled substances, ~~have a minimum of 2 years of education or experience in a field related directly to the problems of driving under the influence of intoxicating liquor or controlled substances, such as rehabilitative counseling for abusers of alcohol and controlled substances, or a combination of education and experience acceptable to the Department.~~ *the applicant, in addition to any applicable statutory requirements and the requirements of subsection 1, must be currently certified or licensed through the Nevada State Board of Examiners for Alcohol, Drug and Gambling Counselors in one of the following:*

- (1) Certified Alcohol and Drug Abuse Counselor (CADC);*
- (2) Certified Alcohol and Drug Counselor Intern (CADC-I);*
- (3) Licensed Alcohol and Drug Counselor (LADC); or*
- (4) Licensed Clinical Alcohol and Drug Counselor (LCADC)*

And present proof to the Department that the applicant has successfully completed a course of instruction in the correct delivery of the evidence-based curricula to be taught.

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

6. An instructor may transfer his or her license to another school after notifying the Department.

7. An instructor must obtain a separate license for each school at which he or she acts as an instructor. An instructor must file a separate application and pay a separate fee for each such license.

8. If an instructor terminates his or her employment or contractual relationship with a school for drivers, the instructor shall surrender his or her license to instruct at that school to the operator of the school. The operator shall forward the surrendered license to the Department not later than 10 days after the termination of the employment or relationship. The Department will

issue an updated license to authorize the instructor to teach at a different school for the remaining term of the surrendered license if the instructor submits to the Department:

- (a) All documentation required by the Department; and
- (b) A certificate of employment indicating the instructor has been reemployed by a licensed school.

Explanation: [Revision establishes credentials for instructors.](#)

Section 3. NAC 483.767 Duties and responsibilities of school; meetings of classes on abuse of alcohol and controlled substances. ([NRS 481.051](#))

1. A school for drivers shall:
 - (a) Establish written statements of policy which an instructor may use to maintain order in a classroom;
 - (b) Establish a written policy that describes procedures for:
 - (1) Visitors who may accompany a student to a class; and
 - (2) Persons attending the class without a referral from a court or other entity;
 - (c) Prohibit an instructor from teaching at a school or a branch location of a school for which he or she is not licensed;
 - (d) Have available in person or by telephone, during its normal hours of operation, knowledgeable personnel to assist the public, or maintain and monitor a telephone answering service or answering machine; and
 - (e) Not conduct a class at a particular location if the number of persons present exceeds the occupancy rating for that location.
2. A school licensed to conduct a course on ~~the abuse of alcohol and controlled substances or a course on~~ traffic safety must obtain a signed statement from a student acknowledging that he or she has been informed of the requirements set forth in [NAC 483.708](#) to [483.795](#), inclusive.
3. A class in a school licensed to conduct a course on the abuse of alcohol and controlled substances must meet, excluding periods of rest:
 - (a) For a total of ~~8~~ **12** or more hours, including the time for:
 - (1) Instruction in the subjects of the course; and
 - (2) Administration of the preliminary and final examinations;
 - (b) ~~At least twice in successive weeks~~ ***Be completed within one week (7 consecutive days);*** and
 - (c) For not more than 4 hours per session and not more than one session per day.
An hour must contain at least 50 minutes of instruction.

Explanation: [Revision is to increase the total hours of instruction from a minimum of 8 to 12; retains the maximum length of session at 4 hours, and; reduces the window of completion to within 7 consecutive days.](#)

Section 4. NAC 483.782 Courses on abuse of alcohol, *marijuana* and controlled substances: Required subjects of instruction; examinations. ([NRS 481.051](#))

1. A course on the abuse of alcohol and controlled substances must *provide early intervention methods and present an evidence-based program following curricula identified by the Nevada Department of Motor Vehicles. Courses must be synchronous whether presented in a classroom setting or on a virtual platform. Sessions must be delivered at scheduled times and presented in the manner prescribed by the publishers of the curricula. It must also* include instruction in the following subjects:

(a) The problem of driving under the influence of intoxicating liquor or controlled substances as it exists in this State and the United States, including relevant statistics;

(b) The law against driving under the influence of intoxicating liquor or controlled substances in this State, including penalties, the specific prohibition against driving with a concentration of 0.08 grams or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath, implied consent to a test of a driver's breath, blood or urine, summary revocation of drivers' licenses and related matters;

(c) The responsibilities and procedures of law enforcement agencies, the courts and the Department regarding driving under the influence of intoxicating liquor or controlled substances;

(d) The adverse effects of alcohol and controlled substances on bodily organs and the central nervous system, including the effects of abuse and addiction;

(e) The adverse effects of alcohol and controlled substances on a person's ability to drive;

(f) The possible effects of a conviction for driving under the influence of intoxicating liquor or controlled substances on a person's employment and personal life; and

(g) The types of treatment that are available for abusers of alcohol and controlled substances.

2. The time of instruction in a course on the abuse of alcohol and controlled substances must include subjects relating to:

(a) The abuse of alcohol and controlled substances; and

(b) Traffic safety and traffic laws that are primarily applicable to driving under the influence of intoxicating liquor or controlled substances.

3. The instructor of a course on the abuse of alcohol and controlled substances:

(a) May administer a preliminary written examination at the first meeting of the class to determine the knowledge of each student regarding driving under the influence of intoxicating liquor or controlled substances and the abuse of alcohol, controlled substances and other chemicals; and

(b) Shall administer a final written or oral examination, at least half of which is directly related to driving under the influence of intoxicating liquor or controlled substances.

Explanation: Includes courses of instruction on marijuana and requires implementation of synchronous instruction using evidence-based curricula specified by the DMV.