

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

LCB File No. R110-23

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

AUTHORITY: §§ 1-8, NRS 481.051.

A REGULATION relating to motor vehicles; eliminating regulations relating to instructor trainees; limiting the number of schools for drivers that an instructor may be employed by or have a contractual relationship with; making a technical correction in the definition of “skills test” for commercial drivers’ licenses; repealing the definitions of certain terms; repealing certain regulations relating to traction devices, tire chains or snow tires; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires operators of and instructors for schools for training drivers to be licensed. (NRS 483.700) Existing regulations: (1) prohibit a person from acting as an instructor trainee in a school for drivers unless the person holds a valid license to do so issued by the Department of Motor Vehicles; (2) set forth requirements for obtaining a license as an instructor trainee at a school for training drivers; (3) authorize the Department to suspend revoke or refuse to renew a license to operate a driving school if the licensee permits a class to be taught by an instructor trainee without an instructor being present in the classroom; and (4) define the term “instructor trainee.” (NAC 483.727, 483.745, 483.753, 483.7631) **Sections 3, 6 and 8** of this regulation eliminate these provisions from the Nevada Administrative Code.

Existing law sets forth certain requirements for obtaining a license as an instructor for a school for training divers. (NRS 483.720) Existing regulations require an instructor to obtain a separate license for each school at which he or she acts as an instructor. (NAC 483.752) **Section 5** of this regulation prohibits an instructor from being employed by or having a contractual relationship with more than three schools at a time.

Section 7 of this regulation makes a technical change to correct an internal reference to a section of the Nevada Administrative Code relating to skills tests for commercial drivers’ licenses.

Existing law requires, under certain circumstances, that a motor vehicle be equipped with certain traction devices, tire chains or snow tires. (NRS 484D.520) Existing law sets forth certain requirements for the installation and mounting of traction devices, tire chains or snow tires. (NRS 484D.525) **Section 8** of this regulation repeals duplicative provisions relating to those requirements from the Nevada Administrative Code. (NAC 484D.235, 484D.240)

Section 8 repeals the definitions of the terms “document,” “commercial driver’s license” and “communications technology,” which are duplicative of definitions set forth in the Nevada Revised Statutes. (NRS 482.292, 483.725, 483.904; NAC 482.642, 483.1211, 483.7146,

483.7991) **Sections 1, 2 and 4** of this regulation eliminate obsolete references to certain sections of the Nevada Administrative Code that are repealed by **section 8**.

Section 1. NAC 482.640 is hereby amended to read as follows:

482.640 As used in NAC 482.640 to 482.660, inclusive, unless the context otherwise requires, the words and terms defined in NAC ~~482.642 to~~ **482.644, 482.646 and** 482.648 ~~;~~ ~~inclusive;~~ have the meanings ascribed to them in those sections.

Sec. 2. NAC 483.121 is hereby amended to read as follows:

483.121 As used in NAC 483.121 to 483.1236, inclusive, unless the context otherwise requires, the words and terms defined in NAC ~~483.1211~~ **483.1213** to 483.1219, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NAC 483.745 is hereby amended to read as follows:

483.745 1. A person shall not operate a school for drivers in this State unless he or she is licensed by the Department.

2. Except as otherwise provided in NAC 483.777, a person shall not act as an instructor ~~for~~ ~~an instructor trainee~~ in a school for drivers unless the person holds a valid license to do so issued by the Department.

3. Any license issued pursuant to the provisions of NRS 483.700 to 483.780, inclusive, is personal to the licensee and is not transferable to any person.

Sec. 4. NAC 483.747 is hereby amended to read as follows:

483.747 1. An application for any license issued pursuant to the provisions of NRS 483.700 to 483.780, inclusive, must:

- (a) Be completed on a form provided by the Department;
- (b) Be signed by the applicant;

(c) Be submitted to the Department:

(1) In person, at any field service office that provides full service; or

(2) By mail, to the Department of Motor Vehicles, OL/BL Alternate Delivery, 555 Wright Way, Carson City, Nevada 89711; and

(d) Except as otherwise provided in subsections 2 and 3, ~~and NAC 483.753,~~ be accompanied by the fee required pursuant to NRS 483.780.

2. A request for a duplicate license must be submitted to the Department in the same manner as an application for a license. No fee is required to obtain a duplicate license.

3. The Department will not impose a fee for an application to operate a branch location of a school for which the applicant already has a license.

Sec. 5. NAC 483.752 is hereby amended to read as follows:

483.752 1. Each applicant for licensure as an instructor must, in addition to all applicable statutory requirements, provide to the Department:

(a) Proof acceptable to the Department that the applicant possesses a valid driver's license issued by this State;

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

(1) Has received a high school diploma or its equivalent; or

(2) If the application is for licensure as an instructor for a school for training drivers to operate commercial motor vehicles, has accumulated, in the 7 years immediately preceding his or her application, not less than 5 years' experience in the operation of commercial vehicles;

(c) The applicant's:

(1) Full legal name;

(2) Date of birth;

- (3) Social security number and driver's license number; and
- (4) Address of principal residence;
- (d) The official name of the school at which the applicant will be an instructor;
- (e) A resume that summarizes the applicant's education, experience, certification as an instructor and fitness for the position;
- (f) Any certificates which substantiate that the applicant meets the qualifications for licensure as an instructor; and
- (g) Any other information concerning the applicant which the Department may consider necessary to determine whether the applicant is qualified for licensure.

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:

- (a) Submit to the Department to satisfy the requirements of NRS 483.7205:
 - (1) Two cards upon which the applicant's fingerprints, taken by an agent of the Department who has been authorized by the Department to take fingerprints or by a law enforcement agency, are displayed;
 - (2) Written permission that authorizes the Department to forward those cards to the Central Repository for submission to the Federal Bureau of Investigation for its report; and
 - (3) A fee for processing the fingerprints of the applicant that is equal to the total amount charged by the Central Repository and the Federal Bureau of Investigation for processing the fingerprints of the applicant.

(b) Obtain a score of at least 80 percent on a practical demonstration of driving ability over a prescribed course established by the Department in the type of vehicle in which the applicant will be providing instruction.

(c) If the applicant is seeking approval to provide behind-the-wheel training:

(1) Not have, in any jurisdiction:

(I) More than two convictions for a moving traffic violation within the 24 months immediately preceding the date on which the applicant submitted his or her application;

(II) Any convictions involving alcohol or controlled substances within the 3 years immediately preceding the date on which the applicant submitted his or her application; or

(III) Had the applicant's driver's license or driving privilege suspended or revoked within the 3 years immediately preceding the date on which the applicant submitted his or her application;

(2) Be authorized to operate a vehicle of the classification necessary for the type of vehicle in which the applicant will be giving instruction; and

(3) Submit evidence that the applicant has possessed, for at least 5 years, a driver's license of the classification necessary for the type of vehicle in which he or she will be giving instruction.

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 on the abuse of alcohol 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.

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. *An instructor may not be employed by or have a contractual relationship with more than three schools at one time.*

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.

Sec. 6. 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 ~~f~~

~~(I) An~~ *an* unlicensed person ; ~~f~~ ~~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, 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 ~~for 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. 7. NAC 483.7998 is hereby amended to read as follows:

483.7998 “Skills test” has the meaning ascribed to it in NAC ~~483.1212.~~ **483.1215.**

Sec. 8. NAC 482.642, 483.1211, 483.7146, 483.727, 483.753, 483.7991, 484D.235 and 484D.240 are hereby repealed.

TEXT OF REPEALED SECTIONS

482.642 “Document” defined. “Document” has the meaning ascribed to it in NRS 482.292.

483.1211 “Commercial driver’s license” defined. “Commercial driver’s license” has the meaning ascribed to it in NRS 483.904.

483.7146 “Communications technology” defined. “Communications technology” has the meaning ascribed to it in NRS 483.725.

483.727 “Instructor trainee” defined. “Instructor trainee” means a person licensed by the Department to teach a course in a school for drivers so long as a licensed instructor is present in the classroom.

483.753 Licensure as instructor trainee: Prerequisites; fee; instruction of course; expiration and renewal of license.

1. An applicant for a license as an instructor trainee must, in addition to the requirements of NAC 483.747, submit to the Department:

(a) A resume of the applicant’s education, experience and fitness for the position; and

(b) Any other information concerning the applicant which the Department considers necessary to determine whether the applicant is qualified for licensure.

2. The Department will not charge a fee for the issuance of a license as an instructor trainee.

3. An instructor trainee shall not instruct a course unless an instructor is present while the instructor trainee instructs that course.

4. A license as an instructor trainee issued by the Department is valid for 6 months and may be renewed not more than one time for an additional period of 6 months.

483.7991 “Commercial driver’s license” defined. “Commercial driver’s license” has the meaning ascribed to it in NRS 483.904.

484D.235 Equipment required when street or highway posted. When a street or highway in this State is marked or posted with signs requiring the use of:

1. Traction devices, tire chains or snow tires, a motor vehicle or combination of vehicles:

(a) May be equipped with traction devices, tire chains or snow tires if it has a gross weight or combined gross weight of 10,000 pounds or less.

(b) Must be equipped with tire chains if it has a gross weight or combined gross weight of more than 10,000 pounds.

2. Tire chains only, or chains or traction devices except for motor vehicles equipped with 4-wheel drive and snow tires on all the wheels, the vehicle must be equipped with traction devices or chains except as otherwise permitted.

484D.240 Mounting requirements. When a motor vehicle in this State must be equipped with traction devices, tire chains or snow tires, the devices or chains must be installed or the tires must be mounted on at least:

1. Two driving wheels of a motor vehicle; and

2. Two braking wheels of any trailing vehicle in a combination of vehicles if the trailing vehicle is equipped or required to be equipped with brakes.