

LCB File No. R150-98

**PROPOSED REGULATION OF THE DEPARTMENT
OF MOTOR VEHICLES AND PUBLIC SAFETY**

NOTICE OF HEARING

AMENDMENT OF PERMANENT REGULATIONS

DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY

The Department of Motor Vehicles and Public Safety will hold a public hearing at

Time: 8:30 a.m. Date: August 26, 1998

Place: Drivers License Division
 Hearings Office
 305 Galletti Way
 Reno, Nevada 89512

The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Department of Motor Vehicles and Public Safety may proceed immediately to act upon any written submissions.

The proposed regulations amend the criteria for schools for training drivers and establish the hours of training required for issuance of licenses to minors who attend schools for training drivers for the purpose of meeting the provisions of NRS 483.250, if before October 1, 1998 the governor proclaims that the total amount of gifts and grants of money accepted pursuant to NRS 483.785 is \$10,000 or more.

Before holding this public hearing, workshops were held to solicit comments from interested persons on the general topics to be addressed in the proposed regulation. The workshops were conducted on March 26, 1998 in Las Vegas and on March 30, 1998 in Reno. Comments received during the workshops were considered in the development of these proposed regulations.

Persons wishing to comment upon the proposed action of the Department of Motor Vehicles and Public Safety, may appear at the public hearing, or may address their comments, data, view or argument, in written form, to the Department of Motor Vehicles and Public Safety, Drivers License Division, 555 Wright Way, Carson City, Nevada 89711-0400. Written submissions must be received by the Department of Motor Vehicles and Public Safety at least 5 days before the scheduled public hearing.

A copy of the regulation to be amended will be on file at the State Library, 401 N. Carson Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the regulation to be amended will be available at Department of Motor Vehicles and Public Safety, 555 Wright Way, Carson City, Nevada 89711, for inspection and copying by members of the public during business hours. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

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AMENDMENT OF PERMANENT REGULATIONS
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This notice of hearing has been posted at the following locations:

Department of Motor Vehicles & Public Safety
555 Wright Way
Carson City, Nevada 89711

Department of Motor Vehicles & Public Safety
973 W. Williams St.
Fallon, NV 89406

Department of Motor Vehicles & Public Safety
305 Galletti Way
Reno, NV 89502

Department of Motor Vehicles & Public Safety
8250 W. Flamingo
Las Vegas, NV 89117

Department of Motor Vehicles & Public Safety
3920 Idaho Street
Elko, NV 89801

Department of Motor Vehicles & Public Safety
178 Avenue F
Ely, NV 89301

Department of Motor Vehicles & Public Safety
4021 W. Carey
North Las Vegas, NV 89030

Department of Motor Vehicles & Public Safety
300 Ridgeway Dr.
Tonopah, NV 89049

Department of Motor Vehicles & Public Safety
3505 Construction Way
Winnemucca, NV 89445

Department of Motor Vehicles & Public Safety
215 West Bridge St.
Yerington, NV 89447

Department of Motor Vehicles & Public Safety
1694 County Road
Minden, NV 89423

Goldfield Public Library
P.O. Box 430
Goldfield, NV 89013
(Fourth & Crook Street)

Eureka Branch Library
P.O. Box 293
Eureka, NV 89316
(10190 Monroe Street)

Battle Mountain Branch Library
625 Broad Street
Battle Mountain, NV 89820

Lincoln County Library
P.O. Box 330
Pioche, NV 89043
(93 Main Street)

Mineral County Library
P.O. Box 1390
Hawthorne, NV 89415
(First & A Street)

Pershing County Library
P.O. Box 781
Lovelock, NV 89419
(1125 Central Avenue)

Storey County Library
P.O. Box 14
Virginia City, NV 89440
(95 South R Street)

Nevada State Library
401 North Carson
Carson City, NV 89710

Reasonable accommodations for members of the public who are disabled and wish to attend the meeting may be arranged by notifying Vickie Luchetti at (702) 688-2405.

LCB File No. R150-98

**PROPOSED REGULATION OF THE DEPARTMENT OF MOTOR
VEHICLES AND PUBLIC SAFETY**

**SCHOOLS FOR TRAINING DRIVERS
AUTHORITY: NRS 481.051 and 483.760**

Chapter 483 of NAC is hereby amended by adding thereto the provisions set forth as sections 1 through 3 of this regulation.

Sections 1, 2, 3, and subsection 3 of NAC 483.789 of this regulation become effective on October 1, 1998, if before that date the governor proclaims that the total amount of the gifts and grants of money accepted by the department of motor vehicles and public safety pursuant to section 3.5 of AB404 is \$10,000 or more, as reported to him by the director of the department of motor vehicles and public safety.

Section 1.

1. Pursuant to NRS 483.250, the department shall accept as proof of successful completion of a course in driver education, offered by a public or private high school located in the U.S.:
 - (a) A written statement, which includes the student's name and date of birth, signed by the registrar or any other member of the administrative staff of the school, indicating the student has successfully completed a course in automobile driver education;
 - (b) School transcripts; or
 - (c) Other forms acceptable to the department.
2. Pursuant to NRS 483.250, the department shall accept as proof of successful completion of a course in driver education, offered by a Nevada school for training drivers, which is licensed by the department, a certificate of completion on a form approved by the department and containing the following information:
 - (a) The official name of the school;
 - (b) The name and date of birth of the student;
 - (c) The date of course completion;
 - (d) The amount and type of training completed;
 - (e) The name and signature of the instructor(s) who provided the training.
3. In order to receive credit for completion of a classroom course in automobile driver education which is offered by a school for training drivers, a person under the age of 18 must be present for every session, except if a student is absent for any legitimate reason, the absence must be marked on the attendance record and the session missed must be made up.
4. A certificate of completion shall not be issued to any minor who does not complete the classroom course required pursuant to NRS 483.250 1. (d)(2) or who does not receive a minimum passing score of 70% on his final examination.

5. A school providing the required training to students, as described in this section shall retain a copy or transcript of each student's record for 3 years after the date of the student's completion of the course, as evidence of the total hours of training he has received.

Sec. 2

1. The department will require an applicant under the age of 18 to submit a form, provided by the department, and signed by an official or a member of the administrative staff of a public or private high school, attesting that the school does not offer driver's education as part of the school curriculum, if the school in which a person under the age of 18 attends is:
 - (a) Located in a county whose population is less than 35,000; or
 - (b) Located in a city or town whose population is less than 25,000; and
 - (c) Does not offer automobile driver education.
2. Any driver's license applicant under the age 18 who surrenders a valid driver's license from another state or jurisdiction shall not be required to submit proof of completion of a course in automobile driver education for the purpose of obtaining a Nevada driver's license.
 - (a) Driver's license applicants under the age of 18 who surrender a valid instruction permit or a valid restricted driver's license issued by another state or jurisdiction shall be required to meet the provisions of NRS 483.250 prior to issuance of a Nevada driver's license.
3. Any person under the age of 18, who obtains an instruction permit prior to October 1, 1998, and who applies for a driver's license on or after October 1, 1998, shall not be required to submit proof of completion of a course in automobile driver education, or meet the requirements of NRS 483.250, section 1, subsection (2), providing the instruction permit has not expired over 30 days at the time application is made for a Nevada driver's license.
4. Any person under the age 18, who applies for a Nevada driver's license or instruction permit on or after October 1, 1998, and who successfully completed a course in automobile driver's education prior to October 1, 1998, shall be given credit for completion of the course in automobile driver education, regardless of the applicant's age at the time the course was completed.
5. Any minor who is applying for a Nevada driver's license and who presents a court document showing that he has been legally emancipated, is required to submit proof of completion of a course in automobile driver education, and may sign for himself attesting that he has completed the training and experience as required by NRS 483.250, section 1, subsection (2).

Sec. 3

1. An automobile driver education course conducted by a licensed school for training drivers must be specifically approved by the department prior to commencement of the course, which shall be evidenced by an endorsement on the license certificate. The endorsement shall specify whether the licensee is authorized to provide:
 - (a) General classroom instruction;
 - (a) Classroom instruction to persons under the age of 18 for the purpose of meeting

- the requirements of NRS 483.250;
- (b) Behind-the-wheel instruction; or
 - (c) Any combination of the above.
1. A school for training drivers currently licensed by the department must meet the requirements of NRS 483.250 1.(d)(2) and these regulations before the department will place an endorsement on the license certificate as noted in 1(b)of this section.
 2. Classroom instruction offered by a school for training drivers for the purpose of meeting the requirements of NRS 483.250, shall consist of a minimum of thirty (30) fifty minute periods, exclusive of lunch, rest breaks, workbook assignments, behind the wheel training, other work completed out of the presence of an instructor, and certificate issuance.
 - (a) Each student may receive a maximum of seven (7) hours of instruction per day; and
 - (b) Each session of a course must be presented no later than seven (7) days from the previous session.
 - (c) The use of audio-visual aids, personal computers, or simulators for course instruction must not exceed six (6) hours of the total thirty (30) hour time period allotted for classroom instruction.

NAC 483.710 is hereby amended to read as follows:

483.710 Definitions. As used in NAC 483.710 to 483.795, inclusive, unless the context otherwise requires, the words and terms defined in NAC 483.715 to 483.740, inclusive, have the meanings ascribed to them in those sections.

“Behind-the-Wheel training” shall mean that portion of a course, covering motor vehicle operation under real conditions, characterized by student learning experience arising from use of an off-street driving range, and/or on-street driving practice, under the direction of a qualified and licensed instructor or instructors.

“Classroom instruction” means the portion of a driver education course based in a classroom environment, which is characterized by student learning under the management of a qualified and licensed instructor or instructors.

A “Driving School Owner” is any person licensed by the department to engage in the business of giving instruction for compensation in the driving of motor vehicles or in the preparation of an applicant for examination for a driver’s license issued by the department.

483.715 “Course” defined. “Course” means a program of instruction offered by a school for training drivers which includes instruction in a classroom or motor vehicle, or both.

483.720 “Established place of business” defined. “Established place of business” means the place where a school for training drivers is authorized by the department to conduct the business of the school.

NAC 483.725 is hereby amended to read as follows:

483.725 “Instructor” defined. “Instructor” means a person who is licensed by the

department to teach[, **conduct courses, give demonstrations or supervise students in the operation of a motor vehicle in preparation for the examination for a driver's license or learner's permit required by the department to operate a motor vehicle.**] either the classroom phase or the behind-the-wheel phase of a driver education course.

483.730 "Operator" defined. "Operator" means a person, including an owner of a school for training drivers or a person designated by the owner, who is licensed by the department to direct and manage the operations of a school for training drivers.

483.735 "School for training drivers" defined. "School for training drivers" means a business conducted by a natural person, association, partnership, corporation or other business entity, for the education of students, in a classroom or motor vehicle, or both, in preparation for the examination for a driver's license or learner's permit required by the department to operate a motor vehicle.

483.740 "Student" defined. "Student" means a person enrolled in a school for training drivers which is licensed by the department.

LICENSES FOR OPERATORS AND INSTRUCTORS

NAC 483.750 is hereby amended to read as follows:

483.750 License to own or operate: Requirements for application; inspection and evaluation; approval or denial of application; contents of license; cancellation.

1. In addition to the requirements of NRS 483.710, an applicant for a license to own or operate a school for training drivers must:
 - (a) Submit an application upon a form supplied by the department to:
 - (1) The Northern Regional Manager, Drivers' License Division, 305 Galletti Way, Reno, Nevada 89512; or
 - (2) The Southern Regional Manager, Drivers' License Division, 8250 West Flamingo, Las Vegas, Nevada 89103;
 - (b) Have a high school diploma or its equivalent;
 - (c) Submit a check or money order in the amount of the non-refundable fee required by NRS 483.780; and
 - (d) Within the 2 years immediately preceding the date an applicant for an operator of a school submits his application, [N]not have a conviction of [a]:
 - (1) **[Traffic offense which is assigned four or more demerit points]** Two or more traffic offenses; or
 - (2) **[Felony;**
 - (3) **]A Gross misdemeanor[; or**
 - (4) **Misdemeanor involving fraud, dishonesty or moral turpitude, during the 2 years immediately preceding the date he submits his application].**
 - (e) Not have any conviction for the following, based on the reports on the criminal history of the applicant from the Federal Bureau of Investigation and the central repository for Nevada records of criminal history:
 - (1) A felony;

- (2) An offense involving fraud, dishonesty or moral turpitude;
- (3) A sex offense; or
- (4) A conviction, which the department determines, in its discretion, is related to the position for which the applicant applied.

2. The applicant must furnish the department with:

- (a) A list of each vehicle used by the school for the training of drivers, including the year, make and model of each vehicle;
- (b) A copy of the registration and certificate of insurance for each vehicle used by the school for the training of drivers;
- (c) A copy of the lease agreement for each vehicle which is leased by the school and used for the training of drivers;
- (d) The official name of the school, including the name of the owner and any controlling officers of the school;
- (e) The proposed location of the established place of business of the school and the telephone number, if available;
- (f) The proposed plan of classroom instruction, if applicable, which the school will offer, including copies of detailed training outlines, course handouts, audio-visual aids, a list of films or videos used by the school, and all examinations which will be administered;
- (g) The proposed plan of behind-the-wheel instruction which the school will offer, including copies of detailed training outlines, if applicable.
- (h) The days and hours of operation of the school; and
- (i) Two fingerprint cards;
 - (1) Written permission authorizing the department to forward those fingerprints to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation for its report; and
 - (2) The fee for processing the fingerprints as required by the central repository.
 - (3) The cost of the fingerprint cards and the cost for processing the fingerprint cards shall be borne by the applicant.
 - (I) If the result of the criminal history check indicates the applicant has a criminal record, the department may require the applicant to submit written documentation clarifying the information on the report, which may include:
 - (i) Court documentation; or
 - (ii) Additional history record information.
 - (4) Any additional cost to obtain such records must be borne by the applicant.
 - (5) A provisional license may be issued for a period not to exceed six (6) months, pending the results of the criminal history check.
 - (I) An extension may be granted by the department in the event the results of the criminal history check are not received within the 6 month period.
- (j) Any other information concerning the applicant's honesty and integrity which the department considers necessary.

3. An operator shall inform the department of the location of each place at which he conducts any business, and the name under which he does business at each location.
 - (a) If an operator does business at more than one location, he shall designate one location in each county in which he does business as his principal place of business for that county and one name as the principal name of his business. He shall designate all of his other business locations not otherwise designated as a principal place of business pursuant to this subsection as branches.
 - (b) An operator shall keep his books and records for all locations at which he does business within a county at his principal place of business in that county.
4. An owner or operator who makes application to the department to own or operate more than one school, in addition to meeting the requirements of subsections 2 and 3 of this section, must meet the requirements of NRS 483.710, and:
 - (a) Submit a separate application and fee for each school he will be operating under different names;
 - (b) Allow instructors employed by the school to instruct only in the school for which they are licensed, or in one of its designated branch offices.
- [3.]5. Before an application is approved for a school [offering instruction in the classroom], an authorized representative of the department will inspect the premises of the school for training drivers to ensure that the requirements of NAC 483.792 are met and the following are satisfactory:
 - (a) Heating and air conditioning;
 - (b) Lighting;
 - (c) Ventilation;
 - (d) [Space for each student;
 - (e)] Fire exits;
 - [(f) Restroom facilities;
 - (g) Facilities for the handicapped;
 - (h) Desks and chairs;
 - (i)](e) Cleanliness; and
 - [(j) Accessibility of the classroom to the area for parking; and
 - (k)](f) Area for parking.
1. In addition to the requirements listed in this section, before an application is approved for a school offering instruction in the classroom, an authorized representative of the department will inspect the premises of the school to ensure the following additional requirements are satisfactory:
 - (a) Adequate space for each student;
 - (b) Facilities for the handicapped;
 - (c) Desks, or tables, and chairs;
 - (d) Restroom facilities; and
 - (e) Accessibility of the classroom to the area for parking.
- [4.]7. The department will evaluate the curriculum and facility of each school, and the qualifications of each instructor of the school in its evaluation of an application.
- [5.]8. A representative of the department may, if he considers it necessary:
 - (a) Request additional information from an applicant; and

- (b) Request another state agency to review an application.
- [6.]9. Within 30 days after the department receives an application, it will notify the applicant of the approval or denial of his application, or request additional information from the applicant. The department may issue a temporary license to operate a school for training drivers which expires on the date the department approves or denies the application, or upon the expiration of 6 months, whichever occurs first. The department will not issue a license to an applicant if the applicant does not meet the requirements of NRS 483.710 and this section.
- [7.]10. If an applicant does not provide to the department, within [1 year] 6 months after the date he submits his application, all information necessary for the department to evaluate his application, the department will not consider him for licensure unless he submits a new application, takes the examination for licensure and pays the required fee.
- [8.]11. A license issued by the department must show the name of the operator and the school, and the address of the school. If a school ceases operation as a school for training drivers, it shall immediately surrender to the department the license issued by the department and request cancellation of the license. If the operator of a school dies, the school may, with the approval of the department, remain open under the license of the deceased operator for a period not to exceed [1 year] 6 months.
12. An operator must either be a licensed instructor for a course, or employ or contract for the services of at least one person who is a licensed instructor.
13. An owner must either be a licensed operator or employ or contract for the services of a licensed operator.

NAC 483.760 is hereby amended to read as follows:

483.760 Display of license to operate. The license to operate a school for training drivers issued to the operator of the school must be displayed in a conspicuous place visible to the public within [the school] each principal place of business and within each branch office.

NAC 483.7605 is hereby amended to read as follows:

483.7605 Renewal of license to operate.

1. To renew a license to operate a school for training drivers, a licensee must submit to the department:
 - (a) An application for renewal;
 - (b) The fee for licensure required by NRS 483.780;
 - (c) For each vehicle used by the school for the training of drivers:
 - (1) A current list of the year, make and model;
 - (2) A copy of the registration and certificate of insurance; and
 - (3) A copy of the lease agreement for each vehicle which is leased by the school;[and]
 - (d) A copy of the days and hours of operation of the school, including the office of the school[.]; and
 - (e) Two fingerprint cards;

- (1) Written permission authorizing the department to forward those fingerprints to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation for its report; and
 - (2) The fee for processing the fingerprints as required by the central repository.
 - (3) The cost of the fingerprint cards and the cost for processing the fingerprint cards shall be borne by the applicant.
 - (I) If the result of the criminal history check indicates the applicant has a criminal record, the department may require the applicant to submit written documentation clarifying the information on the report, which may include:
 - (i) Court documentation; or
 - (ii) Additional history record information.
 - (4) Any additional cost to obtain such records must be borne by the applicant.
 - (5) A provisional license may be issued for a period not to exceed 6 months, pending the results of the criminal history check.
 - (I) An extension may be granted by the department in the event the results of the criminal history check are not received within the 6 month period.
2. The department will accept an application for renewal up to 30 days after the date on which a license expires. If an application is submitted more than 30 days after the date on which a license expires, and the license was not suspended or revoked by the department at the time of expiration, the license shall be deemed permanently lapsed and the licensee must submit an application for initial licensure pursuant to the provisions of NRS 483.710 and NAC 483.750.
3. The department will not renew a license if a licensee fails to comply with the provisions of NRS 483.700 to 483.780, inclusive, or NAC 483.710 to 483.795, inclusive.

NAC 483.761 is hereby amended to read as follows:

483.761 License as instructor: Requirements for application; interview of applicant; revocation; periodic driving examination.

1. In addition to the requirements of NRS 483.720, an applicant for a license as an instructor **[for a school for training drivers must]** for classroom training must:
- (a) Submit an application, on a form provided by the department, which sets forth his qualifications and contains the following information:
 - (1) The full name and residence address of the applicant;
 - (2) The date of birth of the applicant;
 - (3) The social security number and driver's license number of the applicant;
 - (4) The employment history of the applicant;
 - (5) the official name of each school where the applicant will be an instructor; and
- [(6.)A written report of the results of a test for tuberculosis administered by a**

competent physician;]

- (b) Submit to the department two fingerprint cards; and
 - (1) Written permission authorizing the department to forward those fingerprints to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation for its report; and
 - (I) The fee for processing the fingerprints as required by the central repository.
 - (i) The cost of the fingerprint cards and the cost for processing the fingerprint cards shall be borne by the applicant.
 - (II) If the results of the criminal history check indicate the applicant has a criminal record, the department may require the applicant to submit written documentation clarifying the information on the report, which may include:
 - (i) Court documentation; or
 - (ii) Additional history record information.
 - (2) Any additional cost to obtain such records must be borne by the applicant.
 - (3) A provisional license may be issued for a period not to exceed 6 months, pending the results of the criminal history check.
 - (I) An extension may be granted by the department in the event the results of the criminal history check are not received within the 6 month period.
 - (c) Have a high school diploma or its equivalent;
[Provide personal references or other information concerning his character, honesty, integrity and reputation which the department considers necessary;]
 - (d) Within the 2 years preceding the date of application, [N]not have a conviction of [a]:
 - (1) [Traffic offense which is assigned four or more demerit points] Two or more traffic offenses;
 - (2) [Felony;]
 - (3) A Gross misdemeanor;
 - [(4) A Misdemeanor involving fraud, dishonesty or moral turpitude;] or
 - [(5) A Crime involving the possession, sale, use or manufacture of a controlled substance, during the 3 years immediately preceding the date he submits his application;
 - (e) Not have a conviction for the following, based on the reports on the criminal history of the applicant from the Federal Bureau of Investigation and the central repository for Nevada records of criminal history:
 - (1) A felony;
 - (2) An offense involving fraud, dishonesty or moral turpitude;
 - (3) A sex offense; or
 - (4) A conviction which the department determines, in its discretion, is related to the position for which the applicant applied.
 - (f)[(e) Submit a copy of his driving instructor's certificate issued by the department of education] Submit school transcripts or other documentation acceptable

to the department, as proof of completion of at least one semester of college level instruction, or the equivalent thereof, which pertains to the development of skills related to driving or to instructor development.

(1) In lieu of the educational requirements in this sub-section, an instructor in a school for training commercial vehicle operators, or an instructor whose license is not endorsed to provide classroom training, may submit proof of other education and experience acceptable to the department.

[(f)] (g) Possess a valid driver's license [issued by the department] which, in Nevada or any other state or jurisdiction:

(1) Does not have any outstanding failure-to-appear notices on file;

(2) Has not been suspended or revoked within the 12 months immediately preceding the date on which the applicant submitted his application. [; and

(3) Authorizes the applicant to operate a vehicle in the classification necessary for the type of vehicle in which he will be giving instruction;]

[(g)] (h) Pass a written examination administered by the department, with a score of at least [70]80 percent. [; and

(h) Pass a practical demonstration of driving ability over a prescribed course as established by the department in the type of vehicle for which the applicant will be instructing.]

2. In addition to the requirements listed in sub-section 1, an applicant for a license as an instructor shall be eligible to instruct a student in the behind-the-wheel phase of a training program if he:

(a) Possesses a valid driver's license, which, in Nevada or any other state or jurisdiction;

(1) Shows not more than one moving traffic conviction within the preceding 12 months or more than two moving traffic convictions in the preceding 24 months;

(2) Has not been suspended or revoked within the 3 year period immediately preceding the date on which the applicant submitted his application;

(3) Shows no alcohol related traffic convictions within the previous 3 years;

(4) Authorizes the applicant to operate a vehicle in the classification necessary for the type of vehicle in which he will be giving instruction.

(b) Has at least 5 years of driving experience;

(c) Obtains a score of at least 80% on a practical demonstration of his driving ability over a prescribed course as established by the department in the type of vehicle for which the applicant will be instructing.

1. An application for a license as an instructor for a school for training drivers must be submitted to:

(a) The Northern Regional Manager, Drivers' License Division, 305 Galletti Way, Reno, Nevada 89512; or

(b) The Southern Regional Manager, Drivers' License Division, 8250 West Flamingo, Las Vegas, Nevada 89103.

4. A representative of the department may interview an applicant for a license as an instructor for a school for training drivers to determine the applicant's knowledge, skills, abilities and fitness for instruction.

5. The department will not issue a license to an applicant if the applicant does not meet the

- requirements of NRS 483.720 and this section.
6. The department may revoke the license of an instructor if he is convicted of any traffic offense involving alcohol or a controlled substance. An instructor whose driver's license is revoked pursuant to this subsection is not eligible to instruct students [at a school for training drivers] in the classroom portion of the training until 12 months after the date of reinstatement of his driver's license or driving privilege. An instructor whose driver's license is revoked pursuant to this subsection is not eligible to instruct students for behind-the-wheel training until 3 years after the date of [revocation] reinstatement of his driver's license or driving privilege.
 7. At least once every 4 years, an instructor of the behind-the-wheel phase of training shall submit to a driving examination administered by a representative of the department.

483.7615 Examination for license as instructor.

1. The department will establish an examination for the licensure of an applicant as a driving instructor which [will] may consist of an actual demonstration, [and] a written examination, or both. The actual demonstration must be sufficient in scope to determine if the applicant consistently complies with all traffic laws and consistently practices the safe operation of a motor vehicle. The written examination will cover:
 - (a) The traffic laws and procedures for licensing in this state;
 - (b) Practices of safe driving;
 - (c) The operation of a motor vehicle;
 - (d) Knowledge of teaching methods and techniques; and
 - (e) The laws and regulations which apply to a licensed school for training drivers.
2. An applicant who fails to pass the examination must wait at least 1 full day before he may take the examination again. If an applicant fails the examination two or more times, he must wait at least 5 full days before he may retake the examination.

NAC 483.762 is hereby amended to read as follows:

483.762 Renewal of license as instructor.

1. To renew a license as an instructor for a school for training drivers, a licensee must:
 - (a) Submit to the department an application for renewal;
 - (b) Submit to the department the fee for licensure required by NRS 483.780;
 - (c) [Submit to the department a written report of the test results for tuberculosis administered by a competent physician; and
 - (d) If required by subsection 2, have passed a written examination administered by the department.]
Submit two fingerprint cards;
 - (1) Written permission authorizing the department to forward those fingerprints to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation for its report; and
 - (2) The fee for processing the fingerprints as required by the central repository.

- (3) The cost of the fingerprint cards and the cost for processing the fingerprint cards shall be borne by the applicant.
 - (I) If the result of the criminal history check indicates the applicant has a criminal record, the department may require the applicant to submit written documentation clarifying the information on the report, which may include:
 - (i) Court documentation; or
 - (II) Additional history record information.
 - (4) Any additional cost to obtain such records must be borne by the applicant.
 - (5) A provisional license may be issued for a period not to exceed 6 months, pending the results of the criminal history check.
 - (I) An extension may be granted by the department in the event the results of the criminal history check are not received within the 6 month period.
2. A licensee shall, during each 4-year period after the initial issuance of his license, pass a written examination administered by the department, unless he is required to meet, or meets, the provisions of subsection 3.
 3. [The department will waive the examination required by subsection 2 if the]An applicant whose license is endorsed to instruct classroom training, must submit[s the following] evidence in the form of a school transcript, or other documentation acceptable to the department with his application, which verifies:
 - (a) Completion of at least one semester of a college level course [or the equivalent of two semester units] which includes development of skills related to driving or [providing instruction in driving] to instructor development, within the 2 years immediately preceding the date on which the application for renewal is submitted; or
 - (b) At least [18] 40 hours of [college level] other instruction, training, or seminars, which [includes] pertains to the development of skills related to driving or providing instruction in driving, within the [3] 2 years immediately preceding the date on which the application for renewal is submitted.
 4. The department will accept an application for renewal up to 30 days after the date on which a license expires. If an application is submitted more than 30 days after the date on which a license expires, and the license was not suspended or revoked by the department at the time of expiration, the license shall be deemed permanently lapsed and the licensee must submit an application for initial licensure pursuant to the provisions of NRS 483.720 and NAC 483.761.
 5. The department will not renew a license if a licensee fails to comply with the provisions of NRS 483.700 to 483.780, inclusive, or NAC 483.710 to 483.795, inclusive.

NAC 483.7625 is hereby amended to read as follows:

483.7625 Grounds for denial of license. The department will refuse to issue a license to an applicant for a license to operate a school for training drivers or as an instructor for a school for training drivers if:

1. The applicant was previously issued a license by the department to operate a school for training drivers or as an instructor for a school for training drivers, which license was suspended or revoked by the department and was not reissued or reinstated;
2. The applicant has committed an act which would be [a] grounds_ for the suspension or revocation of a license;
3. The applicant has knowingly made a false statement or concealed a material fact in applying for the license; [or]
4. In the case of an application for a license to operate a school for training drivers, the name proposed for the school is duplicative of another school for training drivers, or could be confusing or misleading to the general public[.];or
5. The licensee fails to comply with the provisions of NRS 483.700 to 483.780, inclusive, or NAC 483.710 to 483.795, inclusive.
6. The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the central repository for Nevada records of criminal history indicate that the applicant has been convicted of a:
 - (a) Felony;
 - (b) Offense involving moral turpitude;
 - (c) Sex Offense; or
 - (d) The department determines, in its discretion, that any conviction indicated in the reports on the criminal history of the applicant is related to the position for which the applicant applied.

NAC 483.763 is hereby amended to read as follows:

483.763 Transfer of license prohibited; issuance of duplicate license.

1. A license to operate a school for training drivers or as an instructor for a school for training drivers is not transferable.
 - (a) A license issued to an instructor of a school for training drivers may be used in the school or any licensed branch office of the school for which the license was issued.
 - (b) A licensed instructor who will be instructing at more than one school must make application to the department and pay the required license fee for each school in which he expects to instruct.
2. If a license to operate a school for training drivers or as an instructor for a school for training drivers is lost, mutilated or destroyed, the director of the department will issue a duplicate license if the licensee submits a properly signed and completed application and affidavit setting forth the reason for the loss, mutilation or destruction of the license. The affidavit must include the date of loss, mutilation or destruction and the circumstances involving the loss, mutilation or destruction.

483.7635 Reexamination of qualifications of licensee. The department may require a person who has a license to operate a school for training drivers or as an instructor for a school for training drivers to submit to a reexamination of his qualifications if the department has reason to believe that the licensee does not have the qualification required for licensure. If the licensee refuses to submit to a reexamination, the department may suspend his license without a hearing until he submits to a reexamination. If the department suspends a license pursuant to

this section, the suspension is effective 8 days after the date the department mails the notice of suspension to the licensee.

483.764 Hearing concerning denial, suspension or revocation of license.

1. The applicant for a license, the owner or operator of a school for training drivers or a driving instructor may, within 30 days after the receipt of the notice of denial, suspension or revocation of a license, petition the department in writing for a hearing conducted by a hearing officer of the department.
2. 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 as practicable.
3. Within 30 days after the hearing, the hearing officer of the department shall make a final determination.

NAC 483.7645 is hereby amended to read as follows:

483.7645 Suspension or revocation of license.

1. If the license of a person to operate a school for training drivers or as an instructor for a school for training drivers has been suspended, [the suspension must be no longer than 90 days. Upon suspension,] the license must be surrendered to the department. The suspension will remain in effect until the licensee complies with department requirements.
2. If the driver's license of a person to operate a school for training drivers or as an instructor for a school for training drivers has been suspended or revoked for any cause, the license to operate or instruct in a school for training drivers shall be suspended or revoked by the department. [t] The person whose license was suspended or revoked may not reapply for a license:
 - (a) As an instructor for behind the wheel training within 3 years after the date of the [revocation] reinstatement of his driver's license or driving privilege.
 - (b) As an operator or as an instructor for classroom training within 1 year after the date of the reinstatement of his driver's license or driving privilege.Upon suspension or revocation, the operator's or instructor's license must be surrendered to the department.
3. A license that has been suspended or revoked may not be renewed until reinstatement or reissuance by the department. If the suspension or revocation extends 30 days or more after the expiration of the license, the licensee must apply for an initial license pursuant to the provisions of NRS 483.710 or 483.720.
4. To reinstate a license that has been suspended or revoked by the department, the licensee must:
 - (a) Submit a new application to the department;
 - (b) Pay the original licensing fee.

NAC 483.765 is hereby amended to read as follows:

483.765 Advertising

1. No owner or operator of a school for training drivers may intentionally publish, display or circulate any advertising which is misleading or inaccurate or misrepresents any of

- the services rendered or furnished to the public. The director of the department may request that such advertising be withdrawn from circulation
2. An owner or operator of a school for training drivers shall not use in advertising or other publicity for the school:
 - (a) Any name other than the name in which the license for the school is issued.
 - (b) Any name that may cause the general public to believe that the school is affiliated with the department or any of the divisions of the department.
 - (c) Any name which includes the word “state” in the name of the school.
 3. An advertisement for a school for training drivers must not include a guarantee that a student of the school will receive a driver’s license or otherwise imply that the school has the capacity to influence the department in the issuance of drivers’ licenses, or that a student will otherwise receive [favorable] preferential treatment by the department.
 4. An advertisement for a school for training drivers may indicate that the school is licensed by the department but must not indicate that the school is otherwise approved, sanctioned or endorsed by the department.
 5. An instructor, employee or agent of a school for training drivers shall not personally solicit any person or otherwise solicit business from the public, within any premises owned, rented or leased by the department [to enroll the person in the school].

NAC 483.770 is hereby amended to read as follows:

483.770 Records; evaluation by student of training provided.

1. All records of students enrolled at a school for training drivers must be maintained at the established place of business for 3 years after the student last attends the school and made available to the authorized representative of the department at all reasonable times, including when the representative is conducting an inspection of the facility for compliance with the provisions of NRS 483.700 to 483.780, inclusive, and NAC 483.710 to 483.795, inclusive.
2. A school for training drivers shall require each student enrolled in the school to complete an evaluation of the training provided by the school on a form approved by the department.
3. Each operator of a school for training drivers shall keep a record for each student of the school which includes:
 - (a) The name, address and license number of the school;
 - (b) The name and address of the student;
 - (c) The record of attendance of the student at each training session;
 - (d) The instruction permit number or driver’s license number of the student;
 - (e) The name and license number of each instructor of each training session attended by the student;
 - (f) A description of the type of instruction given and the amount of time devoted to each type of instruction;
 - (g) The date on which each type of instruction was given;
 - (h) The total number of hours of instruction; and
 - (i) The evaluation form completed by the student or a notation on the record indicating the reason why the student did not complete the evaluation form.

4. If the department suspends, [or] revokes, or cancels the license of a person to operate a school for training drivers, the person shall, upon the request of the department, surrender all records maintained by the school pursuant to this section within 3 days after the date of the request, excluding Saturday, Sunday or a legal holiday. The department may copy or make a record of any information contained in the records and will return all records to the person within 30 days after the date of surrender of the records.

NAC 483.780 is hereby amended to read as follows:

483.780 Report of certain changes concerning operation of school

1. Each owner or operator of a school for training drivers approved by the department must report in writing to the department through the Northern Regional Manager, Drivers' License Division, 305 Galletti Way, Reno, Nevada 89512 or the Southern Regional Manager, Drivers' License Division, 8250 West Flamingo, Las Vegas, Nevada 89103 within 10 days after the date of:
 - (a) An addition, termination or change of a school owner, operator or instructor;
 - (b) An addition or deletion of any motor vehicle which is used by the school in driver training instruction;
 - (c) A change in the location of the established place of business of the school; [or]
 - (d) An addition or deletion of a branch or classroom of the school[.];or
 - (e) A change of mailing address of the principle place of business or a licensed branch office.
1. If a school for training drivers has a change in ownership and the new owner will be the operator of the school, he must apply for a license pursuant to the provisions of NRS 483.710 and NAC 483.750.
2. If there is an addition of one or more motor vehicles used by a school for the training of drivers, the school shall provide to the department a supplemental list of such motor vehicles and include a certificate of insurance for each additional vehicle.
3. The department may require each person licensed pursuant to the provisions of NRS 483.710 and NAC 483.750 or NRS 483.720 and NAC 483.761 to provide to the department any additional information which the department considers necessary in carrying out the provisions of NAC 483.710 to 483.795, inclusive.

NAC 483.784 is hereby amended to read as follows:

483.784 Requirements for operation.

1. A school for training drivers shall comply with all state and local health and safety codes[.] and must be located within this state.
2. A school for training drivers, offering classroom or behind-the-wheel training, must not be located at a private residence, house trailer, hotel room or rooming house, or consist only of a temporary address, mail drop or post office box.
3. A school for training drivers must be accessible to the public and for evaluation by a representative of the department during regular business hours of each working day [:
 - (a) By providing office personnel[;] . [or
 - (b) **If office personnel are not available, by providing a telephone answering service**

or telephone answering machine.]

4. The classrooms and common areas of a school for training drivers must not be located within a facility where alcohol is dispensed.
5. A representative of the department will evaluate the proposed facility to determine if the conditions of this subsection are met prior to issuance of a license by the department.

NAC 483.789 is hereby amended to read as follows:

483.789 Approval of materials used in courses; requirements for instruction of students; operation of motor vehicle without instruction permit prohibited.

1. A school for training drivers shall submit to the department all materials for each course offered by the school, including the syllabus and any written examinations. The school shall not use any material in a course which has not received the approval of the department. All materials, including materials in written, audio and visual form, must relate directly to the syllabus for the course. A school shall apply to the department in writing [for approval of any proposed change in the curriculum or the schedule of courses offered by the school] at least 30 days before the date on which the proposed change will take effect[.]for approval of:
 - (a) Any proposed change in the curriculum;
 - (b) Any change in the schedule of courses offered by the school; or
 - (c) Any proposed change in the final examination.
2. In addition to the requirements of NRS 483.725, [E]each student enrolled in a course at a school for training drivers which includes instruction in the classroom, must be provided with instruction in at least the following subjects:
 - (a) [The common sense of driving] Proper attitudes for driving safely and the adverse effects of disturbed emotions;
 - (b) Use and maintenance of required safety equipment;
 - (c) Defensive driving;
 - (d) Established speed laws;
 - (e) Proper use of lanes;
 - (f) Backing up safely;
 - (g) [Intersection etiquette] The proper procedures for driving in a controlled and an uncontrolled intersection;
 - (h) Passing;
 - (i) [Safe operation of a motor vehicle] Differentiate between the techniques required for driving:
 - (1) In a city;
 - (2) On a freeway;
 - (3) On an open highway; and
 - (4) [In hazardous] Under adverse conditions;
 - (j) [The effect of alcohol and controlled substances on the ability to drive] The meaning of the different colors of a traffic light and the meanings of traffic signs, signals and pavement markings, including signs designating parking is illegal;
 - (k) [Driver responsibility] Major causes of accidents and the legal and moral responsibilities in case of an accident;

- (l) [Traffic signs, signals and pavement markings] Driving in a construction or maintenance work zone;
 - (m) Licensing control measures, [and] including the grounds for suspension or revocation of a driver's license.
 - (n) Sharing the road with other motor vehicles, bicyclists, and pedestrians[.]; and
 - (o) The proper procedures for:
 - (1) The right of way in various situations;
 - (2) Hand signals;
 - (3) Passing a school bus, including when the driver of a school bus must stop;
 - (4) Starting a vehicle;
 - (5) Making turns;
 - (6) Parking;
 - (7) Moving in reverse; and
 - (8) Proper following distance.
3. In addition to the requirements listed in subsection 2 of this section, each student enrolled in a classroom course at a school for training drivers for the purpose of meeting the requirements of NRS 483.250, must be provided with instruction in the additional subjects:
- (a) Required vehicle equipment and registration;
 - (b) The different highway systems and the organizations which supervise the maintenance of and enforce the traffic laws on each system;
 - (c) The requirements for insurance in Nevada and the types of coverage available;
 - (d) The procedures for purchasing an automobile, including the sources of credit to finance the purchase of an automobile;
 - (e) The importance of the maintenance of a vehicle for driving safely, including:
 - (1) Compilation of a list for the efficient and economical maintenance of a vehicle; and
 - (2) Identification of the purpose of each instrument, device and control in a vehicle.
 - (f) The consequences of physical handicaps on the ability to drive.
 - (g) Sharing the road with others, including commercial vehicles, buses, motorcycles, bicycles and pedestrians.
 - (h) Natural forces affecting driving, including driving at night;
 - (i) Rules of the road, including state laws and local motor vehicle laws and ordinances.
4. Instruction offered in a motor vehicle by a school for training drivers must include, but is not limited to:
- (a) Familiarization with a motor vehicle;
 - (b) Basic use of the controls in a motor vehicle;
 - (c) Development of skills essential to the safe operation of a motor vehicle in traffic; and
 - (d) Driving a motor vehicle in traffic with the instructor to develop abilities which are necessary to respond logically in a complex traffic situation.
5. A school for training drivers shall not permit a student to operate a motor vehicle on any public street or highway unless the student has in his immediate possession a valid

- instruction permit issued by the department.
6. A school for training drivers shall not permit a student under the age of 18 to operate a motor vehicle in a jurisdiction during any time when the student would be in violation of a curfew in the jurisdiction.
 7. An operator of a school for training drivers may allow a guest speaker to present information to the students of a classroom course. The use of one or more guest speakers may not exceed 4 hours of the total time allotted for the entire course. A guest speaker need not be licensed as an instructor by the department.

NAC 483.792 is hereby amended to read as follows:

483.792 Annual inspection: Cooperation required; report.

1. An authorized representative of the department will annually inspect a school for training drivers to determine whether the school complies with all applicable laws and regulations, including the provisions of NRS 483.700 to 483.780, inclusive, and NAC 483.710 to 483.795, inclusive. The representative will inspect the school during regular business hours. The inspection will include an examination of:
 - (a) All records of the school, including the course evaluation forms completed by the students;
 - (b) All facilities used by the school;
 - (c) Training devices employed by the school; [and]
 - (d) Instruction materials and methods used by the school[.];and
 - (e) Written examinations, if applicable.
2. Each person who owns or operates a school for training drivers, including a partnership, corporation or association, and each employee of the school, shall cooperate with the authorized representative who is conducting the inspection and, upon the request of the representative, shall provide all records, instructional materials, equipment and other items necessary to conduct the inspection. If such a person refuses to allow the representative to conduct the investigation, the license of the school may be [revoked] suspended by the department.
3. Within 30 days after an inspection, the department will provide to the school for training drivers a written report of the inspection, which will indicate whether the school is in compliance with all applicable laws and regulations and describe any deficiency which requires correction. The department may [revoke or] suspend the license of a school which does not correct a deficiency within a reasonable time after notification by the department.

NAC 483.795 is hereby amended to read as follows:

483.795 Vehicles used for training drivers: Inspection; requirements.

1. An authorized representative of the department will, at least semiannually, visually inspect each vehicle used for the training of drivers to ensure that the vehicle is in good operating condition.
2. Each vehicle which is not a commercial motor vehicle pursuant to NAC 483.802 and is used by a school for the training of drivers must be maintained in a clean and safe operating condition at all times and have at least the following equipment:

- (a) If the vehicle is equipped with an automatic transmission, a dual braking device which enables an instructor in the front passenger seat to bring the vehicle under control in an emergency;
 - (b) If the vehicle is equipped with a standard transmission, a dual clutch device and braking device which enables an instructor in the front passenger seat to bring the car under control in an emergency;
 - (c) A separate mirror which enables the instructor to view traffic behind the vehicle; and
 - (d) A safety belt for the driver and each passenger of the vehicle.
3. If a school for training drivers purchases or leases a motor vehicle for the training of drivers, an authorized representative of the department will inspect the vehicle:
- (a) Within 30 days after the purchase or lease.
 - (b) In the discretion of the department, during the semiannual inspection conducted pursuant to subsection 1.
4. Each vehicle which is a commercial motor vehicle pursuant to NAC 483.802 and is used by a school for the training of drivers, must meet all the requirements of the Federal Motor Carrier Safety Regulations as set forth in 49 C.F.R. '391.41 et seq.
5. [If a motor vehicle used by a school for the training of drivers is] Vehicles, while being used to provide behind-the-wheel instruction, [being operated] on a public road, must have conspicuously displayed thereon, a sign which states "Student Driver" or the name of the school. [must be conspicuously displayed on the vehicle]
- (a) The sign shall have a background and letters of contrasting colors and be visible at least 100 feet from both the front and rear of the vehicle while operating in traffic.