

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

LCB File No. R150-98

September 15, 1998

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

AUTHORITY: §§1-5, NRS 481.051 and 483.760; §§6-8, NRS 481.051 and 483.255; §§9-26, NRS 481.051 and 483.760.

Section 1. Chapter 483 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this regulation.

Sec. 2. *“Behind-the-wheel training” means the portion of a course of training provided by a school for training drivers which is taught through the operation of a motor vehicle under real conditions and which is characterized by a student driving on a driving range, on the street, or both, while under the direction of a licensed instructor.*

Sec. 3. *“Central repository” means the central repository for Nevada records of criminal history.*

Sec. 4. *“Classroom instruction” means the portion of a course of training provided by a school for training drivers that is taught in a classroom environment by a licensed instructor.*

Sec. 5. *“Owner of a school for training drivers” means a person licensed by the department to own a business that gives instruction in the driving of a motor vehicle or in the preparation of an applicant for examination for a driver’s license issued by the department.*

Sec. 6. *1. If an applicant for a driver’s license who is under the age of 18 years attends a school that:*

(a) Is located in a county whose population is less than 35,000 or located in a city or town whose population is less than 25,000; and

(b) Does not offer a course in automobile driver education, the applicant must submit to the department a form provided by the department and signed by an officer or a member of the administrative staff of a public or private high school which attests that the school does not offer a course in automobile driver education as part of the school curriculum.

2. Except as otherwise provided in subsection 3, an applicant for a driver's license who is under the age of 18 years and who surrenders a valid driver's license that is issued by another state or jurisdiction is exempt from the requirement to submit proof of completion of a course in automobile driver education to obtain a driver's license from this state.

3. An applicant for a driver's license who is under the age of 18 years and who surrenders a valid instruction permit or a valid restricted driver's license that is issued by another state or jurisdiction must comply with the provisions of NRS 483.250 before the department will issue a driver's license from this state.

4. A person under the age of 18 years who obtains an instruction permit before October 1, 1998, and who applies for a driver's license on or after October 1, 1998, is exempt from the requirement to submit proof of completion of a course in automobile driver education and is exempt from the requirements of subparagraph (2) of paragraph (d) of subsection 1 of NRS 483.250 if the instruction permit did not expire more than 30 days before the date of application for a driver's license.

5. *A person under the age of 18 years who applies for a driver's license or instruction permit on or after October 1, 1998, and who successfully completed a course in automobile driver education before October 1, 1998, will be given credit for completing the course in automobile driver education, regardless of the age of the applicant at the time the course was completed.*

6. *A person under the age of 18 years who applies for a driver's license and who presents a court document showing that he has been legally emancipated must submit proof of completion of a course in automobile driver education, but he may sign for himself, attesting that he has completed the training and experience required by subparagraph (2) of paragraph (d) of subsection 1 of NRS 483.250.*

Sec. 7. *1. Before a course in automobile driver education that is conducted by a school for training drivers is commenced, the department must approve the course. The department will evidence its approval of a course by placing an endorsement on the school's license to operate a school for training drivers. The endorsement will specify whether the school is authorized to provide:*

(a) General classroom instruction;

(b) Classroom instruction to a person who is under the age of 18 years to fulfill the requirements of NRS 483.250;

(c) Behind-the-wheel training; or

(d) Any combination of paragraphs (a), (b) and (c).

2. A school for training drivers that is currently licensed by the department must fulfill the requirements of subparagraph (2) of paragraph (d) of subsection 1 of NRS 483.250 and

sections 5, 6 and 7 of this regulation before the department will place an endorsement on the license as described in subsection 1.

3. Classroom instruction offered by a school for training drivers to meet the requirements of NRS 483.250 must consist of a minimum of 30 periods that each last 50 minutes, excluding any time taken for meals, rest breaks, workbook assignments, behind-the-wheel training, other work completed out of the presence of an instructor and the issuance of a certificate upon completion of the course.

4. Each student may receive a maximum of 7 hours of instruction per day.

5. Each session of a course must be presented not later than 7 days after the previous session was held.

6. The use of audio-visual aids, personal computers or simulators for course instruction must not exceed 6 hours of the total 30 hours that are allotted for classroom instruction.

Sec. 8. *1. Pursuant to NRS 483.250, the department will accept the following as proof of successful completion of a course in automobile driver education offered by a public or private college, university or high school located in the United States that is subject to regulation by their respective state educational agency or governing board:*

(a) A written statement which indicates that the student has successfully completed a course in automobile driver education which includes the:

(1) Name of the student;

(2) Date of birth of the student; and

(3) Signature of the registrar or other member of the administrative staff of the school;

(b) A school transcript; or

(c) Any other form acceptable to the department.

2. Pursuant to NRS 483.250, the department will accept a certificate of completion on a form approved by the department as proof of successful completion of a course in automobile driver education that is offered by a school for training drivers which is licensed by the department and which includes the:

(a) Official name of the school;

(b) Name of the student;

(c) Date of birth of the student;

(d) Date that the course was completed;

(e) Amount and type of training that was completed; and

(f) Name and signature of the instructor who provided the training.

3. For a person under the age of 18 years to receive credit for completion of classroom instruction of a course in automobile driver education:

(a) The student must attend every session; or

(b) If a student is absent, the absence must be marked on the attendance record and the student must make up the session that is missed.

4. A school for training drivers may issue a certificate of completion to a person under the age of 18 years only if the person:

(a) Completes the classroom course required pursuant to subparagraph (2) of paragraph

(d) of subsection 1 of NRS 483.250; and

(b) Receives a minimum passing score of 70 percent on his final examination.

5. *A school for training drivers that provides training to students as described in this section shall retain a copy or transcript of the record of each student under the age of 18 years for 3 years after the date of the completion of the course as evidence of the total hours of training he has received.*

Sec. 9. NAC 483.710 is hereby amended to read as follows:

483.710 As used in NAC 483.710 to 483.795, inclusive, *and sections 2 to 8, inclusive of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 483.715 to 483.740, inclusive, *and sections 2 to 5, inclusive, of this regulation*, have the meanings ascribed to them in those sections.

Sec. 10. NAC 483.725 is hereby amended to read as follows:

483.725 “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 instruction phase or the behind-the-wheel training phase of a course of training in automobile driver education.*

Sec. 11. NAC 483.750 is hereby amended to read as follows:

483.750 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] 89117;

(b) Have a high school diploma or its equivalent;

(c) Submit a check or money order in the amount of the nonrefundable fee required by NRS 483.780; [and

(d) Not]

(d) Within the 2 years immediately preceding the date an applicant submits his application to own or operate a school, not have a conviction of [a :

(1) Traffic offense which is assigned four or more demerit points;

(2) Felony;

(3) Gross misdemeanor; or

(4) Misdemeanor involving fraud, dishonesty or moral turpitude,

during the 2 years immediately preceding the date he submits his application.] :

(1) Two or more traffic offenses; or

(2) A gross misdemeanor; and

(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:

(1) A felony;

(2) An offense involving fraud, dishonesty or moral turpitude;

(3) A sex offense; or

(4) A conviction that the department determines is related to a license to own or operate a school for training drivers.

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 training that the school will offer, including copies of detailed training outlines, if applicable;*
- (h) The days and hours of operation of the school; **[and**
- (h)]** (i) *Two fingerprint cards;*
- (j) *Written permission that authorizes the department to forward those fingerprints to the central repository for submission to the Federal Bureau of Investigation for its report;*
- (k) *The fee for processing the fingerprints as required by the central repository;*

(l) Written documentation clarifying the information in the report if the result of the criminal history check indicates the applicant has a criminal record, which may include:

(1) Court documentation; or

(2) Additional information that consists of records or history of the applicant; and

(m) Any other information concerning the applicant's honesty and integrity which the department considers necessary.

3. An owner or operator shall inform the department of the address of each place where he conducts business and the name under which he does business at each address. If an owner or operator does business at more than one address, he shall designate one address 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 as branches all his other business addresses not otherwise designated as a principal place of business pursuant to this subsection.

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, 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; and

(b) Allow an instructor employed by the school to instruct only in the school for which he is licensed or in one of its designated branch offices.

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) Cleanliness;
- (j) Accessibility of the classroom to the area for parking; and
- (k)] (e) Cleanliness; and
- (f) Area for parking.

[4.] 6. *In addition to the requirements listed in this section, before an application is approved for a school that offers classroom instruction, an authorized representative of the department will inspect the premises of the school for training drivers 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.

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 may grant an extension if the result of the criminal history check is not received within the 6-month period.* 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 owner or operator must be a licensed instructor for a course, or employ or contract for the services of at least one person who is a licensed instructor.

Sec. 12. NAC 483.760 is hereby amended to read as follows:

483.760 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 each branch office.*

Sec. 13. NAC 483.7605 is hereby amended to read as follows:

483.7605 *1.* To renew a license to *own or* 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 [~~.]~~ ;
- (e) Two fingerprint cards;*
- (f) Written permission that authorizes the department to forward the fingerprints to the central repository for submission to the Federal Bureau of Investigation for its report;*

(g) The fee for processing the fingerprints as required by the central repository; and
(h) Written documentation clarifying the information on the report if the criminal history check indicates the applicant has a criminal record, which may include:

(1) Court documentation; or

(2) Additional information that consists of records or history of the applicant.

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.

4. The department may issue a provisional license for a period not to exceed 6 months pending the result of the criminal history check. The department may grant an extension if the result of the criminal history check is not received within the 6-month period.

Sec. 14. NAC 483.761 is hereby amended to read as follows:

483.761 1. In addition to the requirements of NRS 483.720, an applicant for a license as an instructor for [a school for training drivers] *classroom instruction* 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; *and*
- (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:*

- (1) *Two fingerprint cards;*
- (2) *Written permission authorizing the department to forward the fingerprints to the central repository for submission to the Federal Bureau of Investigation for its report;*
- (3) *The fee for processing the fingerprints as required by the central repository; and*
- (4) *Written documentation clarifying the information on the report if the criminal history check indicates the applicant has a criminal record, which may include:*

(I) Court documentation; or

(II) Additional information that consists of records or history of the applicant.

(c) Have a high school diploma or its equivalent . [*;*

(c) Provide personal references or other information concerning his character, honesty, integrity and reputation which the department considers necessary;

(d) Not]

(d) Within the 2 years preceding the date of application, not have a conviction of [a:

- (1) Traffic offense which is assigned four or more demerit points;*
- (2) Felony;*

(3) Gross misdemeanor;

(4) Misdemeanor] :

(1) *Two or more traffic offenses;*

(2) *A gross misdemeanor;*

(3) *A misdemeanor* involving fraud, dishonesty or moral turpitude; or

[(5) Crime]

(4) *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) Submit a copy of his driving instructor's certificate issued by the department of education;

(f) (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:*

(1) *A felony;*

(2) *An offense involving fraud, dishonesty or moral turpitude;*

(3) *A sex offense; or*

(4) *A conviction that the department determines is related to the position for which the applicant applies.*

(f) *Submit school transcripts or other documentation acceptable to the department as proof of completion of at least one semester of instruction at the college level, or the equivalent thereof, that pertains to the development of skills related to driving or to instructor*

development. An instructor in a school for training commercial vehicle operators may submit proof of other education and experience that is acceptable to the department.

(g) Possess a valid driver's license issued by the department or any other state or jurisdiction which:

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

(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 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.] 80 percent.

2. In addition to the requirements listed in subsection 1, an applicant for a license as an instructor is eligible to instruct a student in the behind-the-wheel training phase of a course in driver training if he:

(a) Possesses a valid driver's license in this state or any other state or jurisdiction that:

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

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

(3) Shows no alcohol-related traffic convictions within the 3 years immediately preceding the date on which the applicant submitted his application; and

(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) Shows that he has at least 5 years of driving experience; and

(c) Obtains a score of at least 80 percent 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.

3. 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.] 89117.

[3.] 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.

[4.] 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.

[5.] 6. The department may revoke the license *to instruct* 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 instruction phase of training for drivers 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 the behind-the-wheel training phase of training for drivers until 3 years after the date of [revocation.*

6.] reinstatement of his driver's license or driving privilege.

7. At least once every 4 years, an instructor *of the behind-the-wheel training phase of training for drivers* shall submit to a driving examination administered by a representative of the department.

Sec. 15. NAC 483.7615 is hereby amended to read as follows:

483.7615 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] *or* 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.

Sec. 16. NAC 483.762 is hereby amended to read as follows:

483.762 1. To renew a license as an instructor for a school for training drivers, a licensee must *submit to the department*:

- (a) [~~Submit to the department an~~] *An* application for renewal;
- (b) [~~Submit to the department the~~] *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.]~~ *Two fingerprint cards;*
(d) Written permission authorizing the department to forward the fingerprints to the central repository for submission to the Federal Bureau of Investigation for its report;
(e) The fee for processing the fingerprints as required by the central repository; and
(f) Written documentation clarifying the information on the report if the result of the criminal history check indicates the applicant has a criminal record, which may include:
 - (1) Court documentation; or*
 - (2) Additional information that consists of records or history of the applicant.*

2. A licensee shall, during each 4-year period after the initial issuance of his license, pass a written examination administered by the department [.

3. The department will waive the examination required by subsection 2 if the applicant submits the following], unless he meets the requirements of subsection 3.

3. An applicant whose license is endorsed for classroom instruction must submit evidence with his application [:], in the form of a school transcript or other documentation acceptable to the department 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,] *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] *pertain 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.

Sec. 17. NAC 483.7625 is hereby amended to read as follows:

483.7625 The department will refuse to issue a license to an applicant for a license to *own* or 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 ground 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 **[.]** ;

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; or

6. The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the central repository indicate that the applicant has been convicted of:

(a) A felony;

(b) An offense involving moral turpitude;

(c) A sex offense; or

(d) A conviction that the department determines is related to the position for which the applicant applies.

Sec. 18. NAC 483.763 is hereby amended to read as follows:

483.763 1. A license to operate a school for training drivers or as an instructor for a school for training drivers is not transferable.

2. *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.*

3. *A licensed instructor who will be instructing at more than one school must apply to the department and pay the required license fee for each school in which he will instruct.*

4. 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 an 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.

Sec. 19. NAC 483.7645 is hereby amended to read as follows:

483.7645 1. If the license of a person to *own or* 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 license will be suspended until the licensee complies with the requirements of the department.

2. If the *driver's* license of a person *who is licensed* 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 *department will suspend or revoke the license to operate or instruct in a school*

for training drivers. The person whose license to operate or instruct 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 instructor for classroom instruction within 1 year after the date of the reinstatement of his driver's license or driving privilege.

Upon *suspension or revocation*, the license *to operate or instruct* must be surrendered to the department.

3. A license *to operate or instruct* 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 to operate or instruct that has been suspended or revoked by the department, the licensee must:

(a) Submit a new application to the department; and

(b) Pay the original licensing fee.

Sec. 20. NAC 483.765 is hereby amended to read as follows:

483.765 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 general public* within any premises owned, rented or leased by the department . [to enroll the person in the school.]

Sec. 21. NAC 483.770 is hereby amended to read as follows:

483.770 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.

Sec. 22. NAC 483.780 is hereby amended to read as follows:

483.780 1. Each owner or operator of a school for training drivers approved by the department **[must]** *shall* 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]** *89117* 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 a principal place of business or a licensed branch office.*

2. 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.

3. 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.

4. 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.

Sec. 23. NAC 483.784 is hereby amended to read as follows:

483.784 1. A school for training drivers shall comply with all state and local health and safety codes [.] *and must be located in this state.*

2. A school for training drivers *offering classroom instruction 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 before issuance of a license by the department.

Sec. 24. NAC 483.789 is hereby amended to read as follows:

483.789 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 [.

2. Each] for approval of a:

(a) Proposed change in the curriculum;

(b) Change in the schedule of courses offered by the school; or

(c) Proposed change in the final examination.

2. In addition to the requirements of NRS 483.725, 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;] *The 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 procedure for driving in a controlled or an uncontrolled intersection;*

(h) Passing;

- (i) **[Safe operation of a motor vehicle:]** *Differentiating between the techniques required for driving:*
 - (1) In a city;
 - (2) On a freeway;
 - (3) On an open highway; and
 - (4) **[In hazardous conditions;**
- (j) The effect of alcohol and controlled substances on the ability to drive;**
- (k) Driver responsibility;**
- (l) Traffic signs, signals and pavement markings;]** *Under adverse conditions;*
 - (j) The meaning of the different colors of a traffic light and the meaning of traffic signs, signals and pavement markings, including signs that designate parking as illegal;*
 - (k) Major causes of accidents and the legal and moral responsibilities in case of an accident;*
 - (l) Driving in a work zone for construction or maintenance;*
- (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 [**.**
- 3. Instruction offered in a motor vehicle] ; and**
- (o) The proper procedures for:**
 - (1) The right of way in various situations;*
 - (2) Hand signals;*
 - (3) Passing a school bus, including passing when the driver of a school bus must stop;*

- (4) Starting a vehicle;*
- (5) Making turns;*
- (6) Parking;*
- (7) Moving in reverse; and*
- (8) Following another car at a proper distance.*

3. In addition to the requirements listed in subsection 2, each student enrolled in a course of classroom instruction at a school for training drivers to meet the requirements of NRS 483.250 must be provided with instruction in the following additional subjects:

- (a) Required vehicle equipment;*
 - (b) Vehicle registration;*
 - (c) The different highway systems;*
 - (d) The organizations that supervise the maintenance of and enforce the traffic laws on each system;*
 - (e) The requirements for insurance in this state;*
 - (f) The types of insurance coverage available;*
 - (g) The procedures for purchasing an automobile;*
 - (h) The sources of credit to finance the purchase of an automobile;*
 - (i) 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;*
 - (j) The consequence of physical handicaps on the ability to drive;*

(k) Sharing the road with others, including commercial vehicles, buses, motorcycles, bicycles and pedestrians;

(l) Natural forces affecting driving, including driving at night; and

(m) Rules of the road, including state laws and local motor vehicle laws and ordinances.

4. *Behind-the-wheel training offered* 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.

[4.] 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 years 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 classroom instruction. 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.*

Sec. 25. NAC 483.792 is hereby amended to read as follows:

483.792 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) The records of the school , *including, without limitation, the course evaluation forms completed by a student*;
- (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.

Sec. 26. NAC 483.795 is hereby amended to read as follows:

483.795 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] 390 et seq.

5. [If a motor vehicle used by a school for the training of drivers is being operated] *While being used to provide behind-the-wheel training* on a public road, *a vehicle must display conspicuously* a sign which states [Student Driver] “*Student Driver*” or the name of the school . [must be conspicuously displayed on the vehicle] *The sign must 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.*

Sec. 27. Sections 5, 6 and 7 of this regulation and subsection 3 of NAC 483.789 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 pursuant to NRS 483.785 is \$10,000 or more.