August 26, 2020

NOTICE OF INTENT TO ACT UPON REGULATIONS

Notice of Hearing for the Adoption of Regulations of the Department of Public Safety.
LCB File No. R129-18

The Department of Public Safety will hold a public hearing at 9:00am on the 26th day of August of 2020, at The Office of Traffic Safety, 107 Jacobsen Way, Carson City, NV 89711. The purpose of the hearing is to receive comments from all interested persons regarding the Adoption of Regulations that pertain to chapter 486 of the Nevada Administrative Code.

Those persons who cannot attend in person may participate via a Zoom meeting or via telephone call.

https://zoom.us/j/94222741066 (zoom.us/j/94222741066)

Meeting ID: 942 2274 1066

Dial in number 1 (301) 715-8592

Meeting ID: 942 2274 1066

The following information is provided pursuant to the requirements of NRS 233B.0603:

- **The need for and purpose of the proposed regulations.**

  This proposed regulations are needed to implement the requirements of NRS 486.372 1.(d) to "Adopt rules and regulations which are necessary to carry out the Program".

- **For temporary regulation, the terms or substance of the proposed regulation or a description of the subjects and issues involved.**

  These are permanent regulations so this section is not applicable.

- **For permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.**

  A copy of the proposed regulations may be obtained at the hearing or by visiting the Nevada Rider Motorcycle Safety Program website at https://nevadarider.com/. The proposed regulations may also be obtained by contacting Peter Vander Aa at the Nevada Rider Motorcycle Safety Program 775-684-7480 or TSafety@dps.state.nv.us.

- **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:**

  Both adverse and beneficial effects: and

  Adverse – The Department does not anticipate an adverse economic impact on businesses.

  Beneficial- The Department does not anticipate an economic benefit to businesses.

  Both immediate and long-term effects

  Immediate – The Department does not anticipate any immediate economic effect on businesses.

  Long-term - The Department does not anticipate any long-term economic effect on businesses.

- **The methods used by the agency in determining the impact on a small business.**

  The Department reviewed the regulations and has determined that since there are no fees created, increased or decreased by these regulations, there is no impact to businesses.

- **The estimated cost to the agency for enforcement of the proposed regulation.**

  The Department does not foresee any costs for the enforcement of the proposed regulations.

- **A description of any citation to any regulations of other states or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**

  The proposed regulations do not overlap or duplicate any regulations of state, local or federal governmental agency regulating the same activity.

- **If the regulation is required pursuant to federal law, a citation and description of the federal law.**

  The proposed regulations are not required pursuant to federal law.

- **If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of each provision.**

  The proposed regulations do not contain provisions that are more stringent than a federal regulation.

- **Whether the proposed regulation establishes a new fee or increases an existing fee.**

  The regulations do not establish a new fee or increase an existing fee.

- **For a temporary regulation, each address at which the test of the regulations may be inspected and copied.**

  These are permanent regulations so this section is not applicable.

Persons wishing to comment upon the proposed action of the Department of Public Safety may appear at the scheduled public hearing or participate through the Zoom meeting or telephone. Written comments, data, views or arguments are encouraged and may be mailed to:

Peter Vander Aa, Program Administrator
Nevada Rider Motorcycle Safety Program
DPS/Office of Traffic Safety
107 Jacobsen Way
Carson City, NV 89711

Written comments may also be submitted via email to TSafety@dps.state.nv.us

Written submissions must be received by the Department of Public Safety on or before 5:00pm PST, August 18, 2020. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Department of Public Safety may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be adopted will be on file at the State Library, Archives and Public Records, 100 N. Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Department of Public Safety/Office of Traffic Safety, 107 Jacobsen Way, Carson City, Nevada 89711 and at the Department of Public Safety/Office of Traffic Safety, 4615 W. Sunset Rd., Las Vegas, Nevada 89118, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the internet at http://www.leg.state.nv.us/ . This notice and the text of the proposed regulations are also available on the internet at https://nevadarider.com/

Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulations, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

Members of the public who are disabled and may require accommodations or assistance at the meeting are requested to notify Peter Vander Aa at (775) 684-7480 or TSafety@dps.state.nv.us no later than five working days prior to the meeting.

This notice of hearing has been posted at the Department of Public Safety/Office of Traffic Safety locations:

DPS/Office of Traffic Safety
107 Jacobsen Way
Carson City, NV 89711-0001

DPS/Office of Traffic Safety
4615 W. Sunset Rd.
Las Vegas, NV 89118

This notice of hearing has been posted at the following library locations:

Carson City Library 900 North Roop Street Carson City, NV 89701-3101	Eureka Branch Library 80 S. Monroe Street Eureka, NV 89316
Churchill County Library 553 South Main Street Fallon, NV 89406-3306	Lincoln County Library 63 Main Street Pioche, NV 89043
Clark County Library District 833 Las Vegas Boulevard North Las Vegas, NV 89101-2062	Lyon County Library 20 Nevin Way Yerington, NV 89447-2399
Douglas County Library 1625 Library Lane Minden, NV 89423-0337	Mineral County 110 West 1st Street Hawthorne, NV 89415
Elko County Library 720 Court Street Elko, NV 89801-3397	Tonopah Public Library P.O. Box 449 Tonopah, NV 89049
Esmeralda County Library Corner of Fourth & Crook Street P.O. Box 430 Goldfield, NV 89013-0430	Pershing County Library 1125 Central Avenue Lovelock, NV 89419

Eureka County Library 10190 Monroe Street Eureka, NV 89316	Storey County Treasurer and Clerk Office Drawer D Virginia City, NV 89440
Humboldt County Library 89 East 5th Street Winnemucca, NV 89445	Washoe County Library 301 South Center Street Reno, NV 89521
Battle Mountain Branch Library 625 South Broad Street Battle Mountain, NV 89820	White Pine County Library 950 Campton Street Ely, NV 89301

(Proposed Regulations and Small Business Impact Statement on Next Pages)

PROPOSED REGULATION OF THE DIRECTOR OF PUBLIC SAFETY

LCB File No. R129-18

Small Business Impact Statement

Pursuant to NRS 233B.0608(1), the Director of Public Safety is required to make a determination whether its proposed regulations will: (a) impose a direct and significant economic burden upon small business, and (b) directly restrict the formation, operation, or expansion of small business. NRS 233B.0382 defines a small business to be any business that employs 150 or fewer employees.

The Director of Public Safety has considered the two factors in NRS 233B.0608(1) and also acknowledges the following:

1. The Director is statutorily directed by NRS 486.372.1(d) to adopt rules and regulations which are necessary to carry out the Program for Education of Motorcycle Riders and NRS 486.375(3) to adopt standards and procedures for the licensing of motorcycle instructors.

2. No fees are created, increased or decreased by these regulations.

Therefore, the Director makes the following finding:

1. The proposed regulation will not impose a direct and significant economic burden upon small business and will not directly restrict the formation, operation, or expansion of small business.

Prepared by:

George Togliatti, Director
Nevada Department of Public Safety
555 Wright Way
Carson City, NV 89701

PROPOSED REGULATION OF THE DIRECTOR OF THE

DEPARTMENT OF PUBLIC SAFETY

LCB File No. R129-18

December 2, 2019

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

AUTHORITY: §§1-12, NRS 486.372; §§13-19, NRS 486.372 and 486.375.

A REGULATION relating to motorcycles; prescribing the duties of the Administrator of the Program for the Education of Motorcycle Riders; prescribing certain authorized expenses of the Program; providing for the approval and regulation of providers of courses of instruction in motorcycle education for the Program; providing for the licensure and regulation of instructors for the Program; prescribing rules of conduct for a licensed instructor for the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Public Safety to: (1) establish the Program for the Education of Motorcycle Riders; (2) approve courses of instruction in motorcycle safety; and (3) adopt rules and regulations necessary to carry out the Program. (NRS 486.372, 486.375) **Section 6** of this regulation defines a "provider" to mean the Department or a public or private entity that provides a course of instruction in motorcycle education approved by the Department. **Section 9** of this regulation requires a public or private entity that desires to become a provider to apply to the Department. **Section 9** also prescribes the required contents of such applications and the circumstances under which the Department may deny an application.

Section 10 of this regulation requires the Department to notify an applicant in writing of its decision to approve or deny an application. **Section 10** also: (1) requires a provider to enter into a contract with the Department to offer a course of instruction in motorcycle education before enrolling students in the course; and (2) prescribes certain requirements for such a contract. **Section 11** of this regulation prescribes the circumstances under which the Department may revoke the approval of a provider.

Section 12 of this regulation requires a provider who uses state-owned training motorcycles as part of a course of instruction for persons enrolled in the Program to: (1) maintain

liability insurance on the motorcycles; (2) maintain the motorcycles in safe operating condition at all times; and (3) securely store the motorcycles.

Existing law requires the Program to meet certain requirements concerning instruction. (NRS 486.374) **Section 7** of this regulation requires the Administrator of the Program to: (1) inspect providers; (2) provide technical support to providers; (3) take certain action to improve motorcycle safety; (4) apply for and manage grants for motorcycle safety; and (5) provide training events to licensed instructors.

Existing law creates the Account for the Program for the Education of Motorcycle Riders in the State General Fund and requires money in the Account to be used only to pay the expenses of the Program. (NRS 486.372) **Section 8** of this regulation prescribes authorized expenses of the Program.

Existing law requires the Program to be taught by a licensed instructor. (NRS 486.374) Existing law also prescribes qualifications for licensure as an instructor. (NRS 486.375) **Sections 13 and 15** of this regulation prescribe the requirements for the issuance or renewal, respectively, of such a license. **Section 14** of this regulation prescribes certain conditions applicable to such a license and authorizes the Department to issue a duplicate license upon request. **Section 16** of this regulation prescribes the circumstances under which the Department may suspend, revoke or refuse to renew a license. **Section 17** of this regulation authorizes the holder of a license that has not been renewed or that has been suspended or revoked to petition the Department for a hearing. **Section 17** also prescribes certain requirements concerning the granting or denial of such a hearing and the procedure used to conduct such a hearing. **Section 18** of this regulation prescribes rules of conduct for a licensed instructor for the Program.

Section 1. Chapter 486 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this regulation.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this regulation have the meanings ascribed to them in those sections.***

Sec. 3. ***"Administrator" means the person appointed by the Director pursuant to NRS 486.372 to carry out the Program.***

Sec. 4. *"Curriculum organization" means a nationally recognized public or private organization approved by the Director to develop curriculum for courses of instruction offered to persons enrolled in the Program or to certify instructors for the Program.*

Sec. 5. *"On-cycle instruction" means the portion of a course of instruction in motorcycle education that is taught through the actual operation of a motorcycle under real conditions and includes, without limitation, driving on a practice range or on a public roadway under the direction of an instructor.*

Sec. 6. *"Provider" means:*

1. The Department.

2. A public or private entity that is approved by the Department pursuant to section 10 of this regulation to provide a course of instruction in motorcycle education for persons enrolled in the Program.

Sec. 7. *The Administrator or his or her designee shall:*

1. Inspect providers, other than the Department, to ensure that the provider:

(a) Adheres to the requirements of the Program;

(b) Provides instruction using curriculum developed by a curriculum organization; and

(c) Adheres to any requirements of the contract between the provider and the Department;

2. Provide technical assistance to a provider;

3. Compile statistics on motorcycle safety and make such information publicly available on an Internet website maintained by the Department;

4. Apply for and manage grants for motorcycle safety;

5. Periodically provide training events to instructors licensed pursuant to NRS 486.375 and notify instructors of any required training event;

6. Encourage cooperation between public agencies, private persons and businesses who have an interest in promoting motorcycle safety;

7. Prepare or distribute, or both, publications to improve motorcycle safety;

8. Implement media campaigns and conduct media outreach events to improve motorcycle safety; and

9. Participate in statewide traffic safety meetings and activities to promote motorcycle safety.

Sec. 8. *In addition to the expenses authorized by NRS 486.372, authorized expenses of the Program include, without limitation:*

1. Personnel costs of the Program;

2. Travel expenses of instructors for courses of instruction in motorcycle education offered in rural areas;

3. Costs associated with training the staff of the Program;

4. Costs associated with training an instructor for the Program, including, without limitation, initial training and continuing education for the instructor;

5. Financial assistance for providers;

6. Costs associated with purchasing training motorcycles and other vehicles used by providers for the Program;

7. Costs associated with maintaining and repairing training motorcycles used by the Department to provide a course of instruction in motorcycle education;

8. Costs associated with supplies related to the operation of the Program; and

9. Costs associated with carrying out any duty of the Administrator, including, without limitation, conducting the media outreach events required by subsection 8 of section 7 of this regulation.

Sec. 9. *1. Except as otherwise provided in subsection 5, to provide a course of instruction for persons enrolled in the Program, a public or private entity must apply to the Department for approval as a provider on a form prescribed by the Department.*

2. If the applicant is a private entity, an application submitted pursuant to subsection 1 must include, without limitation:

(a) If the applicant does not own the property on which the applicant plans to conduct a course of instruction, a copy of the proposed lease agreement between the applicant and the owner of the property.

(b) Except as otherwise provided in this paragraph, a copy of the state business license of the applicant and, if applicable, a copy of the current business license issued for the applicant's business by the county, city or town in which the applicant's business is located or written verification that the applicant is exempt from any requirement to obtain a business license. If the applicant is not exempt from any requirement to obtain a business license and the applicant does not have a current business license, a written attestation that the applicant will comply with paragraph (d) of subsection 2 of section 10 of this regulation.

(c) The resume of each owner of the applicant or, if the applicant is a:

(1) Corporation, each officer of the corporation.

(2) Limited-liability company, each manager or managing member of the limited liability company.

(3) Limited-liability partnership, each managing partner of the limited liability partnership.

(d) The street address, telephone number and, if applicable, the electronic mail address of the applicant and any other contact information of the applicant.

(e) A diagram of the area in which the applicant plans to provide on-cycle instruction.

(f) A diagram of the area in which the applicant plans to provide classroom instruction. Such an area may not be located in a private residence.

(g) A description of the process that the applicant intends to use for enrolling and registering students.

(h) If the applicant is a non-profit entity, a request, if applicable:

(1) For financial assistance from the Account for the Program for the Education of Motorcycle Riders created by NRS 486.372 to provide a course of instruction to persons enrolled in the Program. Such a request will be granted to the extent that money is available for that purpose.

(2) To use state-owned training motorcycles if such vehicles are available and a description of the manner in which the applicant intends to securely store such motorcycles.

3. If the applicant is a public entity, an application submitted pursuant to subsection 1 must include, without limitation:

(a) The street address, telephone number and, if applicable, the electronic mail address and any other contact information of the applicant.

(b) A diagram of the area in which the applicant plans to provide on-cycle instruction.

(c) A diagram of the area in which the applicant plans to provide classroom instruction. Such an area may not be located in a private residence.

(d) A description of the process that the applicant intends to use for enrolling and registering students.

(e) A request, if applicable:

(1) For financial assistance from the Account for the Program for the Education of Motorcycle Riders created by NRS 486.372 to provide a course of instruction to persons enrolled in the Program. Such a request will be granted to the extent that money is available for that purpose.

(2) To use state-owned training motorcycles if such vehicles are available and a description of the manner in which the applicant intends to securely store such motorcycles.

4. The Department may deny an application submitted pursuant to this section:

(a) If the area in which the applicant proposes to provide on-cycle instruction is not suitable to provide such instruction.

(b) If the applicant has been convicted of a crime involving fraud, deceptive trade practices or dishonesty.

(c) For any other reason that the Department determines is in the best interest of the State.

5. The provisions of this section do not apply to the Department.

Sec. 10. *1. As soon as practicable after the Department approves or denies an application submitted pursuant to section 9 of this regulation, the Department will notify the applicant in writing of its decision.*

2. A provider that receives notification of the approval of its application pursuant to subsection 1 must, before enrolling students in a course, enter into a contract with the Department to offer the course of instruction in motorcycle education which requires that the provider:

(a) Provide instruction using an instructor licensed pursuant to NRS 486.375;

(b) Have a current written agreement with a curriculum organization;

(c) Adhere to any policies and procedures adopted by the curriculum organization; and

(d) If applicable, obtain a state business license and a business license issued by the county, city or town in which the provider's business is located.

Sec. 11. *The Department may revoke approval granted to a provider pursuant to section 10 of this regulation for any reason that the Department determines is in the best interest of the State , including, without limitation, if the Administrator determines that:*

1. The area in which provider provides on-cycle instruction is not suitable to provide such instruction.

2. The provider is not adhering to the requirements of the Program.

3. The provider is not adhering to any of the requirements of the contract with the Department.

4. The provider is not providing instruction using curriculum developed by a curriculum organization.

5. The provider has been convicted of a crime involving fraud, deceptive trade practices or dishonesty.

Sec. 12. *A provider that uses state-owned training motorcycles as part of a course of instruction for persons enrolled in the Program shall:*

1. Maintain liability insurance on the motorcycles used in the course of instruction that insures the liability of the provider, the instructor and any person enrolled in the Program;

2. Maintain such motorcycles in safe operating conditions at all times; and

3. Securely store such motorcycles.

Sec. 13. *1. Each applicant for licensure as an instructor for the Program must provide to the Department in the form prescribed by the Department:*

(a) Proof acceptable to the Department that the applicant meets the qualifications for licensure prescribed in NRS 486.375;

(b) The applicant's:

(1) Full legal name;

(2) Date of birth;

(3) Motorcycle driver's license number or number of his or her driver's license that has a motorcycle endorsement; and

(4) Address of principal residence;

(c) A copy of the driving record of the applicant for the 10 years immediately preceding the date on which he or she submits the application;

(d) A signed document attesting that the applicant will comply with the rules of conduct set forth in section 18 of this regulation;

(e) Proof acceptable to the Department that the applicant is certified in the administration of cardiopulmonary resuscitation and:

(1) Trained in the administration of first aid; or

(2) Certified in an another area approved by the Administrator;

(f) Proof acceptable to the Department that the applicant is physically able to safely operate a motorcycle and train others in the operation of a motorcycle;

(g) Written consent authorizing the Department to conduct a background investigation of the applicant to verify compliance with the requirements prescribed in NRS 486.375; and

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

2. If the Department determines it is in the best interest of the State, a representative of the Department may interview an applicant to evaluate his or her knowledge, skill, ability and fitness to receive a license as an instructor for the Program.

3. The Department may deny an application for a license as an instructor for the Program:

(a) If the applicant is convicted of:

(1) A felony in this State or any other jurisdiction;

(2) A crime involving fraud, deceptive trade practices, dishonesty or moral turpitude in this State or any other jurisdiction; or

(3) A sexual offense, as defined in NRS 179D.097, in this State or any other jurisdiction.

(b) For any other reason that the Department determines is in the best interest of the State.

4. If the Department determines that an application for licensure as an instructor for the Program is incomplete, the Department will notify the applicant that the application is

incomplete and authorize the applicant to submit any information or documentation required to complete the application. An applicant must submit any information or documentation required to complete the application within 14 calendar days after receipt of such notice.

Sec. 14. *1. A license issued pursuant to section 13 of this regulation:*

(a) Is not transferrable;

(b) Authorizes a licensee to teach a course of instruction in motorcycle education for the Program; and

(c) Is valid for 2 years.

2. The Department will issue a duplicate license if a licensee submits a request on a form prescribed by the Department.

3. A licensee shall notify the Administrator of a change of address, electronic mail address, telephone number or other contact information within 30 calendar days after the change.

Sec. 15. *1. To renew a license issued pursuant to section 13 of this regulation, a licensee must submit to the Department:*

(a) A completed application for renewal on a form provided by the Department;

(b) Except as otherwise provided in subsection 2, proof acceptable to the Department that the licensee attended any training event required by the Department for instructors for the Program;

(c) Proof acceptable to the Department that the licensee meets the qualifications prescribed in NRS 486.375;

(d) A signed document attesting that the licensee will comply with the rules of conduct set forth in section 18 of this regulation; and

(e) Proof acceptable to the Department that the licensee is certified in the administration of cardiopulmonary resuscitation and:

(1) Trained in the administration of first aid; or

(2) Certified in an another area approved by the Administrator of the Program.

2. The Department may, for good cause shown, grant a waiver of the requirement prescribed in paragraph (b) of subsection 1.

3. If the Department determines that an application for renewal is incomplete, the Department will notify the licensee that the application is incomplete and authorize the licensee to submit any required information or documentation to complete the application. If an applicant fails to submit any required information or documentation on or before the expiration date of his or her license, the Department will suspend the license until the application is complete and the Department renews the license.

Sec. 16. *1. The Department may suspend, revoke or refuse to renew any license issued pursuant to section 13 of this regulation if:*

(a) The licensee:

(1) Is no longer certified in the administration of cardiopulmonary resuscitation and:

(I) Trained in the administration of first aid; or

(II) Certified in another area approved by the Administrator of the Program;

(2) Had a license suspended or revoked by the Department and not reissued or reinstated for any cause;

(3) Fails to attend any required training event sponsored by the Program unless the Department grants a waiver pursuant to subsection 2 of section 15 of this regulation;

(4) Is convicted of:

(I) A felony in this State or any other jurisdiction;

(II) A crime involving fraud, deceptive trade practices, dishonesty or moral turpitude in this State or any other jurisdiction; or

(III) A sexual offense, as defined in NRS 179D.097, in this State or any other jurisdiction;

(5) Willfully fails to comply with any directive issued by the Department;

(6) Fails to cooperate with the Department in any investigation;

(7) Makes any changes to the course materials, curriculum or standards developed by the curriculum organization without written approval from the Department and the curriculum organization; or

(8) Issues a course completion card to a student who does not successfully complete a course of instruction in motorcycle education, including, without limitation, a student who completes a course that is different than the course indicated on the completion card.

(b) The Department determines that:

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

(2) The licensee taught a course of instruction in motorcycle education when the licensee has consumed any alcohol or drug, except for a medication that does not affect his or her ability to teach the course;

(3) The licensee knowingly allowed a student who is not, in the determination of the licensee, reasonably physically or mentally capable of operating a motorcycle safely to participate in a course of instruction on motorcycle education;

(4) The licensee is no longer physically able to safely operate a motorcycle and train other persons in the operation of a motorcycle;

(5) The licensee willfully violated a rule of conduct set forth in section 18 of this regulation; or

(6) Suspending, revoking or refusing to renew the license of the applicant is in the best interest of the public.

2. The Department will suspend or revoke a license issued pursuant to section 13 of this regulation if the licensee no longer meets the qualifications prescribed by NRS 486.375.

3. If the Department revokes the license of an instructor, the Department will not issue to that person a new license as an instructor for the Program until 1 year after the date on which the license was revoked.

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

Sec. 17. *1. The holder of a license issued pursuant to section 13 of this regulation may, within 14 calendar days after receipt of a notice of the suspension or revocation of, or the refusal to renew, the license, petition the Department in writing for a hearing conducted by a hearing officer of the Department.*

2. If the request for a hearing is granted:

(a) A date for the hearing must be fixed not later than 30 days after the receipt of the request for hearing or as soon thereafter as practicable; and

(b) The Department will appoint a hearing officer who was not involved in the decision of the Department to suspend, revoke or refuse to renew the license or any investigation relating to this decision.

3. If the request for a hearing is denied, the petitioner will be notified in writing, stating the reason for the denial.

4. Evidence offered at the hearing that the hearing officer determines is not material or relevant to the determination of issues at the hearing must not be considered.

5. The hearing must be conducted in accordance with the procedures set forth in chapter 233B of NRS.

6. Within 30 days after the hearing, the hearing officer of the Department shall make a final determination.

Sec. 18. *An instructor who has been issued a license pursuant to section 13 of this regulation shall:*

1. Teach a course of instruction in motorcycle education to persons enrolled in the Program in a manner that complies with the requirements prescribed in NRS 486.374 and any policies or standards prescribed by a curriculum organization.

2. Maintain a positive environment for enrolled students.

3. Teach in a manner that fosters interactive learning.

4. Evaluate and coach students during the on-cycle instruction in a course of instruction to ensure students meet learning objectives.

5. Ensure the safety of students enrolled in a course of instruction to the highest degree practicable.

6. Demonstrate safe habits by wearing protective gear when riding a motorcycle during a course of instruction, to and from such a course, or to and from any activity at which the instructor represents the Program. Such protective gear must include, without limitation:

(a) A full-face or three-quarter helmet that complies with the safety standards adopted by the United States Department of Transportation;

(b) Leather or other abrasion-resistant full-fingered gloves;

(c) Eye protection, including, without limitation, a face shield, goggles or glasses;

(d) Sturdy, long pants that fully cover the legs;

(e) Long sleeves; and

(f) Sturdy, over-the-ankle shoes or boots.

7. Operate a motorcycle on a frequent basis outside of teaching a course of instruction.

8. Refrain from operating a vehicle or motorcycle while under the influence of alcohol or a substance as prohibited by NRS 484C.110.

9. Discontinue any behavior the Administrator determines is negative or injurious to the carrying out of the purpose of the Program or creates a likelihood of confusion, mistake or deception to the public.

10. While he or she is instructing a course of instruction or otherwise representing the Program, conduct himself or herself in a professional manner, including, without limitation, maintaining an appropriate appearance, using appropriate language, delivering positive

verbal and written messages, being positive in interactions with persons and refraining from behavior that could be construed as intimidating or threatening.

11. Refrain from presenting himself or herself as speaking on behalf of the Program when addressing a public policy forum or taking a public position on issues relating to safety or legislation. Nothing in this subsection shall be construed to prohibit an instructor from speaking to the media, participating in the legislative process or any legal process, expressing his or her opinion as a private citizen or serving as an expert witness regarding motorcycle safety issues.

Sec. 19. This regulation becomes effective on January 1, 2020, or upon filing with the Secretary of State, whichever occurs later.