

1 STATE OF NEVADA

2 DEPARTMENT OF PUBLIC SAFETY

3 OFFICE OF TRAFFIC SAFETY

4 WEDNESDAY, AUGUST 26, 2020

5
6 BENNETT: And we are currently recording.

7 VANDERAA: And, Andrew, I see that the phone number
8 has entered the waiting room and needs to click admit.

9 BENNETT: The 4000 number?

10 VANDERAA: Yes.

11 BENNETT: That's the director's number, and he's
12 using it currently.

13 VANDERAA: Oh, okay. I thought that was somebody else
14 that called in.

15 BENNETT: Nope.

16 VANDERAA: Okay. Good morning. The date is August 26,
17 2020. The time is 9:00 a.m. So this meeting is called to
18 order. Please be aware that this meeting is in compliance with
19 the open meeting law, and this meeting is being recorded, so
20 that we can accurately transcribe the discussions and to
21 prepare meeting minutes. The Nevada Department of Public
22 Safety, supported by the Office of Traffic Safety is proposing
23 an amendment of regulations, pertaining to chapter 486 of the
24 Nevada Administrative Code. In attendance today, Representing
25 the Department of Public Safety, is Department Director,

1 George Togliatti and myself, Pete Vanderaa of the Nevada Rider
2 of Motorcycle Safety Program Administrator. Assisting with the
3 zoom meeting coordination and telephone calls into the meeting
4 is Andrew Bennett, Public Information Officer for the Office
5 of Traffic Safety, and Daniel Banda, Nevada Rider Program
6 Assistant. For the purposes of this meeting, transcription and
7 minutes, we would like to know who is in attendance. We'll
8 start in Carson City. Please state your name and your
9 affiliation for the record.

10 DEMY: This is Amy Demy (phonetic) with the
11 Office of Traffic Safety.

12 BENNETT: Danny, go ahead. Danny, you are muted.

13 BANDA: Danny Banda, Office of Traffic Safety,
14 Nevada Rider of Motorcycle Safety Program, Program Assistant.

15 VANDERAA: And, of course, Pete Vanderaa, Nevada
16 Rider, Motorcycle Safety Program Administrator. Andrew, if you
17 could help with whoever else is on zoom or phone calls.

18 BENNETT: Sure. Looking at the list, I show Director
19 Togliatti, if you want to introduce yourself.

20 TOGLIATTI: Yeah, Director of Department of
21 Public Safety, I'm George Togliatti.

22 BENNETT: Thank you, Director. And I'm the last
23 person on the meeting, Andrew Bennett, Public Information
24 Officer, Office of Traffic Safety.

25 VANDERAA: Okay. Is that it, Andrew?

1 BENNETT: That is correct.

2 VANDERAA: Thank you. As a reminder, if you've dialed
3 into this meeting, please remember to not put your phone on
4 hold since you're on hold. Music would be heard by all. The
5 authority and direction to adopt rules and regulations is
6 found in NRS 486.372.1D, where it says the director shall
7 adopt rules and regulations, which are necessary to carry out
8 the program. This public hearing provides the opportunity for
9 members of the public and those that may be affected by the
10 regulations to submit data, views, or arguments upon the
11 proposed regulations. For this meeting, we will follow the
12 agenda as it was posted. The agenda and the regulations that
13 will be discussed can be found on Nevadarider.com, on the
14 homepage. Briefly, we'll begin with the public comment
15 hearing, and then following that hearing, will begin a public
16 meeting. The agenda items that we'll follow for the public
17 meeting are section for public comments. Agenda item two is
18 discussion, public comment, and for possible action. Section
19 three is public comments. Section four is discussion, public
20 comment, and for possible action, the adjournment. We have
21 already called the meeting to order, so we'll move on to the
22 public comment hearing to receive public comment on proposed
23 regulations, LCB File Number R129-18. Please be advised that
24 the purpose of the hearing is to receive comments from all
25 interested persons regarding the adoption of amendment and

1 repeal of regulations pertaining to chapter 486 of the Nevada
2 administrative code. The public comment hearing has been
3 previously noticed as required by NRS chapter 233B. Briefly,
4 existing law requires the director of the Department of Public
5 Safety to establish the program for the education of
6 motorcycle riders, approve courses of instruction in
7 motorcycle safety, and adopt rules and regulations necessary
8 to carry out the program. As detailed in LCB File Number R129-
9 18, the proposed regulations amend NAC chapter 46. Section 7
10 and 8 describes the responsibilities of the Motorcycle Safety
11 Program administrator and the allowable expenses of the
12 program. Sections 9 through 12 is to establish rules for
13 motorcycle safety training program providers to include the
14 requirements for application and contracting with the
15 department, responsibilities of the training provider, and
16 establishes the approval and revocation process for training
17 providers. Sections 13 through 18 establishes rules for
18 motorcycle safety instructors to include instructor licensing
19 and the renewal process, requirements of an instructor to
20 maintain a license, license suspension, revocation and
21 hearings, and also includes the rules of professional conduct.
22 The notice to act upon regulations was posted to the required
23 websites and physical locations, DPS Office of Traffic Safety
24 physical locations, and also included County libraries. This
25 document was sent for posting the week of July 13. Within that

1 document was a section instructing those who were interested
2 in providing written comments, views, data, or arguments to
3 have them submitted to the Office of Traffic Safety by no
4 later than 5:00 p.m. on August 18. For the record, no written
5 submissions were received. Now we'll move on to accepting
6 verbal comments. If you desire to speak, please provide your
7 name and affiliation, starting in Carson City. Hearing none
8 via the telephone or via the zoom meeting, any public comments
9 on the proposed regulations?

10 BENNETT: For the record, I'm currently seeing no
11 additional participants in the meeting at this time and
12 hearing none.

13 VANDERAA: Thank you. Let the record show that no one
14 participating in Carson City wished to comment, and no one
15 that had logged on to the zoom meeting and no one had dialed
16 into the meeting to present any public comments. At this
17 point, we'll begin with the public meeting agenda items. We'll
18 begin with another public comment period, and then we'll move
19 on to the agenda item two, which is discussion, public
20 comment, and for possible action to adopt, amend, or repeal
21 the regulations. Prior to adjourning the meeting, we will have
22 a final time set for public comments. So for Carson City, are
23 there any public comments in Carson City? Hearing none, move
24 on to the telephones or zoom.

25 BENNETT: For the record, I'm currently seeing

1 nobody wishing to make an additional comment, and nobody
2 additional has joined the meeting.

3 VANDERAA: Thank you. Item two of the agenda to
4 discuss, take public comment, and to take possible action to
5 adopt, amend, or repeal regulations as follows: LCB File
6 R129-18, existing law requires the director of the Department
7 of Public Safety to establish the program for the education of
8 motorcycle riders, approve courses of instruction in
9 motorcycle safety, and adopt rules and regulations necessary
10 to carry out the program. Section 7 and 8 of LCB File R129-18,
11 describes the responsibilities of the motorcycle safety
12 program administrator and the allowable expenses of the
13 program. Sections 9 through 12 is to establish rules for
14 motorcycle safety training providers to include the
15 requirements for application and contracting with the
16 department responsibilities of the training provider and
17 establishes the approval and revocation process. Sections 13
18 through 18 establishes rules for motorcycle safety instructors
19 to include instructor licensing and the renewal process
20 requirements of an instructor to maintain a license, license
21 suspension and revocation and hearings. Also section on rules
22 of conduct. Before moving on, I'd like to briefly mention that
23 we did conduct a public workshop last year. There were a
24 number of written comments and a few verbal comments that we
25 received, but before moving on with any further discussion on

1 the proposed regulations, I'll take just a few minutes to
2 relate which sections of the LCB File had been changed since
3 the original preliminary draft was discussed at the public
4 workshop. Section 6, which was part of the definitions,
5 section six was for a provider, this was revised for clarity
6 and added some additional details to mention that the
7 department is also considered a provider. In section 8, which
8 discusses the authorized expenses of the program, subsection 6
9 and 7 were modified and expanded for clarity to ensure that
10 there's a clear understanding about who is responsible for
11 maintaining motorcycles. On the preliminary draft, we had a
12 section that addressed the \$150 fee cap on any classes that
13 the Nevada rider program providers offer. By statute, that fee
14 is set at \$150 and is capped at \$150. That particular section
15 was deleted from this final version of the draft regulations
16 because it was already mentioned in statute, and it would just
17 simply have been repeating what was already in statutes. In
18 section 9, one of the people who provided written comments had
19 an issue with requiring a business plan for any potential
20 provider. This was something that had been written into that
21 preliminary draft of the regulations and based on that
22 person's comments and the needs of the department, we decided
23 to remove the requirement for a potential provider to submit a
24 business plan. Along the same lines, there was a comment at
25 the workshops that their view was that a business license

1 should not be required during the application process to
2 become a provider, but as long as the license was obtained
3 prior to offering any classes they preferred it to be said
4 that way in the department. We had no objections to that as
5 long as at the end, there is actually a business license in
6 place for each provider. So within section 9, there's a couple
7 different areas where the business license is mentioned, but
8 as it stands now, as long as the provider has a business
9 license in place prior to offering any classes, that is
10 sufficient for the department. A section was added again
11 regarding program providers, and the section describes how an
12 application to be a provider can be denied, and those areas
13 that were added to the final version of the regulations, the
14 department may deny an application if the area in which the
15 applicant proposes to provide on-cycle instruction is not
16 suitable to provide such instruction. The department may deny
17 an application if the applicant has been convicted of a crime,
18 involving fraud, deceptive trade practices or dishonesty, or
19 for any other reasons that the department determines is in the
20 best interest of the state, and those sections were added.
21 Section 13 just added additional detail to list a number of
22 days for an applicant who submits any information or
23 documentation to complete the application for a motorcycle
24 instructor license; we've added within 14 calendar days.
25 Section 16, subsection 8, this is a section when a license can

1 be suspended or revoked. In subsection 8B2, the licensee
2 (inaudible) course of instruction in motorcycle education when
3 the licensee has consumed any alcohol or drug, except for a
4 medication that does not affect his or her ability to teach
5 the course. This was minor word changing. Originally, in the
6 preliminary draft, it mentioned if the instructor was under
7 the influence of alcohol or any controlled substance. So the
8 definition for this particular subsection was expanded a bit
9 for clarity. In the preliminary draft, it was discussed at the
10 public workshop in section 17, the Legislative Counsel Bureau,
11 at that time, had not finished writing or putting their
12 information in section 17, which is a due process area for
13 instructors who have received a suspension or revocation of
14 their instructor license. So in section 17, now that
15 particular area has been fully detailed in accordance with the
16 Nevada revised statutes. Lastly, in section 18, which is
17 typically referred to as rules of conduct, in subsection 6,
18 must demonstrate safe riding habits by wearing protective gear
19 when riding a motorcycle during a course of instruction to and
20 from such course, or to and from any activity at which the
21 instructor represents the program. The part that was added to
22 this is such protective gear must include without limitation,
23 and then it goes on to discuss the type of helmets that's
24 used, requirements for gloves, eye protection, pants, long
25 sleeves, and sturdy over-the-ankle shoes or boots. Those were

1 the changes from the preliminary LCB draft that was discussed
2 at the workshop. So continuing on with the public meeting
3 agenda, I've just described what the regulations are, the
4 proposed regulations to NAC chapter 486 as detailed in LCB
5 File Number R129-18. Are there any public comments from Carson
6 City? Hearing none on the phones or zoom, Andrew?

7 BENNETT: For the record, nobody additional has
8 joined the meeting, and seeing and hearing none.

9 VANDERAA: Thank you. Director, there's one
10 subsection that should be removed out of the LCB File Number
11 R129-18 draft prior to the adoption of the regulations.
12 Section 12, subsection 1, states that a provider that uses
13 state-owned training motorcycles as part of a course of
14 instruction for a person enrolled in the program shall
15 maintain liability insurance on the motorcycles used in the
16 course of instruction that ensures the liability of the
17 provider, instructor, and any person enrolled in the program.
18 Based on conversations with legal counsel, this wording
19 regarding insurance that the training providers must carry is
20 better served and more typically addressed in the contract
21 that the provider would sign with the Department of Public
22 Safety. Prior to the adoption of regulations, subsection 1 of
23 section 12 should be removed since it will be addressed
24 through the contracting process. Is there any discussion on
25 this amendment to LCB File Number R129-18, Carson City?

1 Hearing none, Andrew?

2 BENNETT: For the record, nobody additional has
3 joined the meeting, and I'm looking and seeing none for
4 additional comment.

5 VANDERAA: Thank you. Director Togliatti, would you,
6 at this time, like to adopt regulations in LCB File Number
7 R129-18, with the exception of striking the language in
8 section 12, subsection 1?

9 TOGLIATTI: Yes. And if I may, I want to thank
10 everyone for their hard work on these regulations, and as a
11 graduate of this course, I can't say enough about the value.
12 It's an outstanding course, and I think it has made me, over
13 the years, a much safer motorcycle rider. So, with that, I
14 will adopt these regulations. By the authority granted to me
15 under NRS 486.372.1D, I adopt the regulations detailed in LCB
16 File Number R129-18, with the amendments to strike subsection
17 1 of section 12.

18 VANDERAA: Thank you, Director. And I appreciate the
19 kind words. We're pretty proud of our program too. We'll now
20 move on to agenda item number three for public comment.
21 Comments in Carson City? Hearing none, Andrew, anyone on the
22 phones or on the zoom meeting that would like to make an
23 additional public comment?

24 BENNETT: For the record, I see no additional
25 comments or anybody additional in the meeting at this time.

1 VANDERAA: Thank you. For the record, I'd like to
2 thank those that attended the previous public workshop, this
3 public hearing and public meeting, and to all those that have
4 provided comments, whether written or verbal, and suggestions
5 in this regulation adoption process. The next steps in this
6 rule making process is to create a transcription and minutes
7 of this meeting that will be posted onto the Nevadarider.com
8 website. Following that, the Legislative Counsel Bureau will
9 redraft the regulations to strike the language in section 12,
10 subsection 1, and those redrafted regulations will also be
11 placed on the Nevada rider.com website. The regulations are
12 then sent to the Legislative Commission for review and
13 approval, and finally, recording the regulations with the
14 Secretary of State. Thank you, everyone. This meeting is now
15 adjourned. The time is 9:22 a.m.

16 [end of meeting]

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