

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066
LCB FILE NO. R084-22**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 483.

1. A clear and concise explanation of the need for the adopted regulation.

Currently, a court may order a person convicted of a DUI to pay tuition for an educational course on alcohol or other substance use disorders approved by the DMV and complete the course within the time specified. The course requirements have been specified from the perspective of educating the offender on Nevada DUI laws and to provide information regarding the effects of drugs and alcohol on the body. The current system is punitive in terms of time and money but has not been proven to benefit the recipient and prevent recidivism. Recent studies show that the problem is more serious than a momentary poor decision for first-time offenders. Further, research shows that the recidivism rate in first time offenders more closely resembles that of second offenders than of nonoffenders. Any alcohol-impaired violation, not just convictions, is a marker for future recidivism. In Nevada, fatalities caused by impaired drivers have steadily increased. More concerning, the occurrence of polysubstance impairment in drivers has become the primary cause for impaired traffic fatalities, more prevalent than alcohol alone. Across the US, greater focus is being placed on programs that can help an offender recognize the power they have to change their behaviors. These programs include elements of the American Society of Addiction Medicine's defined Early Intervention strategies, which is a level of care that constitutes a service for individuals who, for a known reason, are at risk of developing substance-related problems, or a service for those for whom there is not yet sufficient information to document a diagnosable substance use disorder. Strategies incorporated in the educational material are effective only when presented synchronously by an individual trained to lead a person towards changes in their behavior.

The DUI Consortium, a group comprised of representatives of the departments of Public Safety, Motor Vehicles, traffic safety educational foundations, law enforcement, the judiciary, driver education businesses and treatment centers, have worked together recently to develop proposed changes to the regulations overseeing education for impaired drivers to include increasing the required hours in the educational component of impaired driving programs from 8 to 12 hours and which include evidence-based elements that are shown to change behaviors and produce successful outcomes and reduce recidivism.

- 2. A description of how public comment was solicited, a summary of the public response, and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were solicited using electronic mail and postings for both the Workshop and the Hearing, and during the public meetings themselves. During the process of posting during the workshop and hearing phases, especially during the hearing phase, the Department did interact and receive feedback from industry participants on the draft language that was developed; comments were received and responded to by staff and during the hearing meeting itself. Language was also made available on the Department of Motor Vehicles website at www.dmvnv.com/publicmeetings.htm. Persons who would like a copy of the proceedings and comments for this process may contact the Research and Project Management Division of the Department of Motor Vehicles, 555 Wright Way, Carson City, NV 89711; email mhefner@dmv.nv.gov.

- 3. The number of persons who:**
(a) Attended each hearing (remote meetings held via Webex and GoToMeeting, no physical location was held for these):

1. Workshop - ___0___

2. Hearing ___13___

(b) Testified at the hearing- 9

(c) Submitted to the agency written statements- 3

- 4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity of organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit A.**

See attached Exhibit A

- 5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comment from interested participants was obtained through the workshops and hearings held on the topic, and during notification periods when the public meetings were posted. Other persons wishing to obtain a summary of the regulations adoption proceedings may contact:

Department of Motor Vehicles
Attn: Research and Project Management Division
555 Wright Way
Carson City, NV 89711
Southern NV- (702) 486-4368
Northern NV- (775) 684-4368
Email: mhefner@dmv.nv.gov

6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

N/A

7. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) **Business:**
- i. **Both adverse and beneficial effects; and**
 - ii. **Both immediate and long-term effects.**

These regulations are anticipated to have an overall beneficial impact to the business community by incorporating this new educational component within their curriculums. Existing businesses will change DUI education if necessary to comply with the following requirements: (a) instruction will be delivered in a live, synchronous manner; (b) curricula will be revised to include established, evidence-based practices, which have undergone tests of rigorous experimental evaluations, shown that it is supported by data, not just based on theory, been repeatedly tested and is more effective than standard care or an alternative practice, and been shown to make a positive, statistically significant difference in DUI recidivism; (c) the live instruction is to be delivered by trained drug and alcohol counselors who hold a valid certificate or license issued pursuant to chapter 641, 641A, 641B or 641C of NRS, and; (d) class hours to be extended from 8 to 12. By adoption of these instructional criteria, DUI schools will be adding value to their business model and improving their level of instruction to students and providing real value for money spent, to prevent further episodes of drugged driving.

Immediate: will work to change DUI education curriculums to include this new component in their courses of instruction and more strongly address the necessary topic of drugged driving and its dangers in a responsible manner that also protects the public.

Long-term: Will help to prevent recidivism among those drivers cited for DUI's and provide them and the public at large with awareness of drugged driving dangers and provide them with tools to keep them out of these situations.

- (b) Public:**
 - i. Both adverse and beneficial effects; and**
 - ii. Both immediate and long-term effects.**

No adverse impact to the general public is estimated; Nevada overall will benefit from having driver instruction that covers the topic of drugged driving and development of educational strategies that can work to address the root causes of this type of driving under the influence and make Nevada roads safer by preventing recurrences of this type of poor behavior.

Immediate and long-term effect to the general public will be to ensure that all Nevadans have equal access to treatment, receive effective and possibly life-changing insight to their personal behaviors, learn to take accountability for their actions, and become habituated to safe alternative choices for controlling their transportation when in predictable situations. The long-term outcome of reduced recidivism and changes to social norms around driving while intoxicated will make the roadways safer for all Nevadans.

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

The Department incurs a standard amount of costs (\$342.00) for the general development of regulations. There is no anticipated additional cost to the Department for the enforcement of the adopted regulations, aside from the increase in the fee itself to cover the costs for plate production.
- 9. A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or federal government agency regulations that are duplicated or overlapped by the adopted regulations.
- 10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

N/A

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

N/A

NRS 233B.066 Informational statement required concerning adopted permanent or temporary regulation; contents of statement.

1. Except as otherwise provided in subsection 2, each adopted regulation which is submitted to the Legislative Counsel pursuant to [NRS 233B.067](#) or filed with the Secretary of State pursuant to subsection 2 or 3 of [NRS 233B.070](#) must be accompanied by a statement concerning the regulation which contains the following information:

- (a) A clear and concise explanation of the need for the adopted regulation.
- (b) A description of how public comment was solicited, a summary of the public response and an explanation of how other interested persons may obtain a copy of the summary.
- (c) The number of persons who:
 - (1) Attended each hearing;
 - (2) Testified at each hearing; and
 - (3) Submitted to the agency written statements.
- (d) For each person identified in subparagraphs (2) and (3) of paragraph (c), the following information if provided to the agency conducting the hearing:
 - (1) Name;
 - (2) Telephone number;
 - (3) Business address;
 - (4) Business telephone number;
 - (5) Electronic mail address; and
 - (6) Name of entity or organization represented.
- (e) A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.
- (f) If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.
- (g) 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:
 - (1) Both adverse and beneficial effects; and
 - (2) Both immediate and long-term effects.
- (h) The estimated cost to the agency for enforcement of the proposed regulation.
- (i) A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.
- (j) If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.
- (k) If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

2. **The requirements of paragraphs (b) to (f), inclusive, of subsection 1 do not apply to emergency regulations.**

(Added to NRS by [1981, 186](#); A [1987, 1581](#); [1989, 572](#); [1995, 131, 2580](#); [2003, 2006](#); [2011, 379](#); [2013, 78](#))

EXHIBIT A

Attendees at Public Workshops/Hearings for R084-22

| Name | Organization | Address | Phone Number | Email | Testified? (Y/N) |
|-------------------|---------------------------------|---|--------------|--|------------------|
| Ray Daugherty | Prevention Research Institute | 841 Corporate Dr., Ste. 300, Lexington, KY | 859-223-3392 | ray.daugherty@primeforlife.org | Y |
| Derek Jordan | Prevention Research Institute | 841 Corporate Dr., Ste. 300, Lexington, KY | 859-296-5042 | derek.jordan@primeforlife.org | N |
| Shannon Bryant | Washoe County | 1 S. Sierra St., Reno, NV 89501 | 775-337-5751 | sbryant@da.washoecounty.gov | Y |
| Michael Yasmer | Advanced DUI Counseling Service | 1000 Bible Way, #66, Reno NV 89502 | 775-233-5316 | mickey@advanceddui.com | Y |
| Larry Robb | Northern Nevada Associates | 561 VFW Drive, Elko, NV | 775-777-4072 | elkoduschool@yahoo.com | Y |
| Andrew Bennett | Clark County | 500 S. Grand Central Parkway, Las Vegas, NV | 702-455-4311 | Andrew.bennett@clarkcountynv.gov | Y |
| Scott Pearson | Reno Justice Court | 1 S. Sierra St., Reno, NV 89501 | 775-325-6501 | Region8jol@gmail.com | Y |
| Tiffani May Noel | Department of Public Safety | 4615 W. Sunset Rd., Las Vegas, NV | | tmay@dps.state.nv.us | Y |
| Roland Louderburg | Self | N/A | N/A | N/A | N |

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|--------------------|---------------------|---|--------------|--|---|
| Allison Howes | Self | N/A | N/A | arienschatzi@gmail.com | Y |
| Islena Marie Giron | Atlas Giron Academy | 4525 S. Sandhill Rd., #107, Las Vegas, NV 89121 | 725-204-0772 | agironacademy@gmail.com | Y |
| Craig Merrill | Sierra Counseling | 1855 Sullivan Ln., Ste. 145, Sparks, NV | 775-356-1908 | craig@sierracounseling.com | N |
| Chelsi Cheatom | Trac-B Exchange | 6114 W. Charleston, Las Vegas, NV | 702-840-6693 | www.harmreductioncenterlv.com | N |
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