



November 3, 2023

Notice of Hearing to Adopt Proposed Regulations for R084-22

The Department of Motor Vehicles, Research and Project Management Division, 555 Wright Way, Carson City, NV 89711 is proposing the Amendment of regulations pertaining to Chapter 483 of the Nevada Administrative Code. A hearing has been scheduled for the following date and time:

Wednesday December 15, 2023 at 12pm
Department of Transportation
1263 S. Stewart St., 3rd Floor Conf. Rm.
Carson City, NV 89712

The purpose of the hearing is to adopt regulatory language changes to Nevada Administrative Code Chapter 483, first proposed in the April 28th, 2022 workshop. These regulations are proposed pursuant to: changes suggested by the Consortium on DUI Curricula, and; NRS 481.051 (Powers and duties of the Director: Generally; delegation).

AGENDA

1. Open Hearing/Call to Order
2. Items for Consideration
 - A. Opening Remarks
 - B. Public Comment
 - C. Overview of Hearing Process
 - D. Review of Language of Proposed Regulations
 - E. Motion to Adopt Proposed Regulations
3. General Public Comment
4. Close Hearing

The hearing will be able to be joined in person at the NDOT facilities in Carson City or Las Vegas, or via Microsoft Teams by phone or over the Internet, using the login information below:

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 284 921 071 482

Passcode: W3Conk

Joe Lombardo
Governor



Julie Butler
Director

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+1 702-780-6673,,143416022#](#) United States, Las Vegas

Phone Conference ID: 143 416 022#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

Note: Items on the agenda may be taken in a different order than listed. Two or more agenda items may be combined for consideration. An item may be removed from this agenda or discussion relating to an item on this agenda may be delayed at any time.

A period of public comment will be allowed after each item on the agenda. Public comment may be limited to five (5) minutes per speaker and will not be restricted based on viewpoint. Members of the public are encouraged to submit written comments for the record. Due to time considerations, the duration of the hearing may be limited. Reasonable efforts will be made to accept testimony from all participants.

Reasonable efforts will be made to assist and accommodate physically disabled persons desiring to attend the meeting. Please call the contact number listed in this notice so that advance arrangements for attendance may be made.

Supporting material is available from: Martin Hefner at Department of Motor Vehicles, 555 Wright Way, Carson City, NV 89711 and will also be available at the hearing. Anyone desiring to submit their comments or obtain additional information is invited to call: (775) 684-4773 or send emails to mhefner@dmv.nv.gov.

This notice of Hearing to Adopt Proposed Regulations has been posted at the following locations and sent to all persons on the agency's mailing list for administrative regulations:

OFFICES

Carson City DMV
555 Wright Way
Carson City, NV 89711

Decatur DMV
7170 N. Decatur Blvd.
Las Vegas, NV 89131

Las Vegas DMV (West Flamingo)
8250 West Flamingo
Las Vegas, NV 89147

Reno DMV
9155 Double Diamond Parkway
Reno, NV 89521

Elko DMV
3920 East Idaho Street
Elko, NV 89801

Henderson DMV
1399 American Pacific Drive
Henderson, NV 89704

Ely DMV
480 Campton St.
Ely, NV 89301

Las Vegas DMV (Sahara Office)
2621 East Sahara Ave.
Las Vegas, NV 89104

Fallon DMV
2147 W Williams
Fallon, NV 89406

Hawthorne DMV
1085 Highway 95
Hawthorne, NV 89415

Donovan DMV
4110 Donovan Way
N. Las Vegas, NV 89030

Laughlin DMV
3030 S Needles Hwy, Suite 100
Laughlin, NV 89029

Tonopah DMV
1137 S. Main St. #C-8
Tonopah, NV 89049

Pahrump DMV
1780 E. Basin Avenue, Suite 1
Pahrump, NV 89060

Winnemucca DMV
3505 Construction Way
Winnemucca, NV 89445

Mesquite DMV
550 W Pioneer Blvd #120
Mesquite, NV 89027

Yerington DMV
215 West Bridge Street #9
Yerington, NV 89447

Reno CDL
890 Trademark Dr.
Reno, NV 89521

LIBRARIES

Battle Mountain Branch
625 South Broad Street
PO Box 141
Battle Mountain, Nevada 89820

Carson City Library
900 North Roop Street
Carson City, NV 89701

Churchill County Library
553 South Main Street
Fallon, NV 89406

Douglas County Library
1625 Library Lane
PO Box 337
Minden, NV 89423

Elko County Library
720 Court Street
Elko, NV 89801

Esmeralda County Library
Crook & 4th Street
PO Box 430
Goldfield, NV 89013

Eureka Branch Library
80 South Monroe Street
Eureka, NV 89316

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89445

Lincoln County Library
63 Main Street
Pioche, NV 89316

Lyon County Library System
20 Nevin Way
Yerington NV 89447

Mineral County Library
110 1st Street
Hawthorne, NV 89415

Nevada State Library
100 North Stewart Street
Carson City, NV 89701

Pershing County Library
125 Central Avenue
PO Box 781
Lovelock, NV 89440

Storey County Community Library
175 Carson Street
PO Box 999
Virginia City, NV 89403

Tonopah Public Library
PO Box 449
Tonopah, NV 89049

Washoe County Library System
301 South Center Street
Reno, NV 89501

White Pine County Library
950 Campton Street
Ely, NV 89301

**SECOND REVISED PROPOSED REGULATION OF THE
DEPARTMENT OF MOTOR VEHICLES**

LCB File No. R084-22

October 12, 2023

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

AUTHORITY: §§ 1-3 and 5-9, NRS 481.051; § 4, NRS 481.051 and 483.720.

A REGULATION relating to driver’s education; revising requirements for an applicant for licensure as an instructor to teach certain courses at a school for drivers; revising the content of and manner in which a school for drivers must conduct a course on alcohol and other substance use disorders; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires a person to obtain a license from the Department of Motor Vehicles before engaging in the business of giving instruction for hire in driving motor vehicles or in the preparation of an applicant for an examination given by the Department for a driver’s license. (NRS 483.700) Existing regulations require an applicant for licensure as an instructor to teach at a school or other entity that offers a course on the abuse of alcohol or controlled substances to have a minimum of 2 years of education or experience in a field related directly to the problems of driving under the influence of intoxicating liquor or controlled substances, or a combination of education and experience that is acceptable to the Department. (NAC 483.752) **Section 4** of this regulation requires such an applicant to instead: (1) hold a certain license or certificate to practice psychology, social work, marriage and family therapy or clinical professional counseling or to counsel persons with alcohol and other substance use disorders; and (2) submit to the Department proof that the applicant has successfully completed a course of instruction in the presentation of the evidence-based curricula to be taught. **Section 1** of this regulation defines the term “course on alcohol and other substance use disorders” in the context of regulations relating to schools for drivers. **Section 2** of this regulation makes a conforming change to indicate the proper placement of **section 1** in the Nevada Administrative Code. **Sections 3-9** of this regulation change references to a course on the abuse of alcohol and controlled substances to a course on alcohol and other substance use disorders.

Existing regulations require a school for drivers that is licensed to conduct a course on the abuse of alcohol and controlled substances or a course on traffic safety to obtain a signed statement from a student acknowledging that he or she has been informed of certain requirements relating to the operation of the school. (NAC 483.767) **Section 5** of this regulation provides that only a school licensed to conduct a course on traffic safety must obtain such a signed statement. Additionally, **section 5** increases the minimum duration of a course on alcohol and other substance use disorders to 12 hours and requires the course to be completed within 21 consecutive days.

Section 7 of this regulation requires a course on alcohol and other substance use disorders to follow a published, evidence-based curriculum that has been approved by the Department and which incorporates methods for delivering early intervention to persons who have or are at risk of developing

a substance use disorder. **Section 7** also sets forth requirements for the instruction of a course on alcohol and other substance use disorders.

Section 1. Chapter 483 of NAC is hereby amended by adding thereto a new section to read as follows:

“Course on alcohol and other substance use disorders” means a program of instruction on alcohol and other substance use disorders which is intended for persons who have violated the provisions of NRS 484C.110 or 484C.120.

Sec. 2. NAC 483.708 is hereby amended to read as follows:

483.708 As used in NAC 483.708 to 483.795, inclusive, unless the context otherwise requires, the words and terms defined in NAC 483.712 to 483.740, inclusive, *and section 1 of this regulation* have the meanings ascribed to them in those sections.

Sec. 3. NAC 483.733 is hereby amended to read as follows:

483.733 “School for drivers” includes:

1. A school for training drivers;
2. A school or other entity that offers a course on ~~[the abuse of]~~ alcohol and ~~[controlled substances;]~~ *other substance use disorders;* and
3. A school that offers a course on traffic safety, including, without limitation, defensive driving.

Sec. 4. NAC 483.752 is hereby amended to read as follows:

483.752 1. Each applicant for licensure as an instructor must, in addition to all applicable statutory requirements, provide to the Department:

- (a) Proof acceptable to the Department that the applicant possesses a valid driver’s license issued by this State;
- (b) Proof acceptable to the Department that the applicant:
 - (1) Has received a high school diploma or its equivalent; or

(2) If the application is for licensure as an instructor for a school for training drivers to operate commercial motor vehicles, has accumulated, in the 7 years immediately preceding his or her application, not less than 5 years' experience in the operation of commercial vehicles;

(c) The applicant's:

(1) Full legal name;

(2) Date of birth;

(3) Social security number and driver's license number; and

(4) Address of principal residence;

(d) The official name of the school at which the applicant will be an instructor; (e) A resume that summarizes the applicant's education, experience, certification as an instructor and fitness for the position;

(f) Any certificates which substantiate that the applicant meets the qualifications for licensure as an instructor; and

(g) Any other information concerning the applicant which the Department may consider necessary to determine whether the applicant is qualified for licensure.

2. If the application is for a license as an instructor for a school for training drivers, the applicant, in addition to all applicable statutory requirements and the requirements of subsection 1, must:

(a) Submit to the Department to satisfy the requirements of NRS 483.7205:

(1) Two cards upon which the applicant's fingerprints, taken by an agent of the Department who has been authorized by the Department to take fingerprints or by a law enforcement agency, are displayed;

(2) Written permission that authorizes the Department to forward those cards to the

Central Repository for submission to the Federal Bureau of Investigation for its report; and

(3) A fee for processing the fingerprints of the applicant that is equal to the total amount charged by the Central Repository and the Federal Bureau of Investigation for processing the fingerprints of the applicant.

(b) Obtain a score of at least 80 percent on a practical demonstration of driving ability over a prescribed course established by the Department in the type of vehicle in which the applicant will be providing instruction.

(c) If the applicant is seeking approval to provide behind-the-wheel training:

(1) Not have, in any jurisdiction:

(I) More than two convictions for a moving traffic violation within the 24 months immediately preceding the date on which the applicant submitted his or her application;

(II) Any convictions involving alcohol or controlled substances within the 3 years immediately preceding the date on which the applicant submitted his or her application; or

(III) Had the applicant's driver's license or driving privilege suspended or revoked within the 3 years immediately preceding the date on which the applicant submitted his or her application;

(2) Be authorized to operate a vehicle of the classification necessary for the type of vehicle in which the applicant will be giving instruction; and

(3) Submit evidence that the applicant has possessed, for at least 5 years, a driver's license of the classification necessary for the type of vehicle in which he or she will be giving instruction.

3. An applicant who seeks approval to provide classroom instruction to a person who is under 18 years of age must, except as otherwise provided in this subsection, submit school transcripts or other documentation as proof of completion of at least 40 hours of instruction at the college level, or the equivalent thereof, as evidenced by the accumulation of four credits for continuing education or other training acceptable to the Department that pertains to the development of skills related to driving or

providing instruction. An instructor in a school for training commercial vehicle operators and an instructor who is not approved to provide classroom instruction to a person who is under 18 years of age may submit proof of other education and experience that is acceptable to the Department.

4. If the application is for a license as an instructor for a school for traffic safety or a school or other entity that offers a course on ~~the abuse of~~ alcohol ~~for controlled substances,~~ *and other substance use disorders*, the applicant, in addition to any applicable statutory requirements and the requirements of subsection 1, must:

(a) Have education or experience in a field related directly to the subject matter to be taught, such as:

(1) Traffic safety;

(2) Law enforcement;

(3) Drivers' education or improvement; or

(4) Some other closely related field approved by the Department.

(b) Present proof to the Department that the applicant has successfully completed a course of instruction in the subject matter to be taught.

(c) Not be a law enforcement officer whose primary duty assignment includes the enforcement of traffic laws in the jurisdiction in which the school is located.

(d) If the application is for a license as an instructor to teach *a course on alcohol and other substance use disorders* at a school or other entity that offers *such* a course ~~on the abuse of alcohol or controlled substances, have a minimum of 2 years of education or experience in a field related directly to the problems of driving under the influence of intoxicating liquor or controlled substances, such as rehabilitative counseling for abusers of alcohol and controlled substances, or a combination of education and experience acceptable to the Department.] :~~

(1) *Hold a valid certificate or license issued pursuant to chapter 641, 641A, 641B or*

641C of NRS; and

- (2) *Present to the Department proof that the applicant has successfully completed a course of instruction on the correct presentation of the evidence-based curricula to be taught.*

5. A representative of the Department may interview an applicant for any license as an instructor to evaluate his or her knowledge, skills and abilities, and fitness for receiving a license. 6. An instructor may transfer his or her license to another school after notifying the

Department.

7. An instructor must obtain a separate license for each school at which he or she acts as an instructor. An instructor must file a separate application and pay a separate fee for each such license.

8. If an instructor terminates his or her employment or contractual relationship with a school for drivers, the instructor shall surrender his or her license to instruct at that school to the operator of the school. The operator shall forward the surrendered license to the Department not later than 10 days after the termination of the employment or relationship. The Department will issue an updated license to authorize the instructor to teach at a different school for the remaining term of the surrendered license if the instructor submits to the Department:

- (a) All documentation required by the Department; and
- (b) A certificate of employment indicating the instructor has been reemployed by a licensed school.

Sec. 5. NAC 483.767 is hereby amended to read as follows:

483.767 1. A school for drivers shall:

- (a) Establish written statements of policy which an instructor may use to maintain order in a classroom;
- (b) Establish a written policy that describes procedures for:
 - (1) Visitors who may accompany a student to a class; and

- (2) Persons attending the class without a referral from a court or other entity;
- (c) Prohibit an instructor from teaching at a school or a branch location of a school for which he or she is not licensed;
- (d) Have available in person or by telephone, during its normal hours of operation, knowledgeable personnel to assist the public, or maintain and monitor a telephone answering service or answering machine; and
- (e) Not conduct a class at a particular location if the number of persons present exceeds the occupancy rating for that location.

2. A school licensed to conduct a course on ~~the abuse of alcohol and controlled substances or a course on~~ traffic safety must obtain a signed statement from a student acknowledging that he or she has been informed of the requirements set forth in NAC 483.708 to 483.795, inclusive. 3. A class in a school licensed to conduct a course on ~~the abuse of~~ alcohol and ~~controlled substances~~ *other substance use disorders* must, ~~meet,~~ excluding periods of rest:

- (a) ~~For~~ *Meet for* a total of ~~8~~ *12* or more hours, including the time for:
 - (1) Instruction in the subjects of the course; and
 - (2) Administration of the preliminary and final examinations;
- (b) ~~At least twice in successive weeks;~~ *Be completed within 21 consecutive days;* and (c) ~~For~~ *Meet for* not more than 4 hours per session and not more than one session per day.

↪ An hour must contain at least 50 minutes of instruction.

Sec. 6. NAC 483.777 is hereby amended to read as follows:

483.777 1. All materials for a course, including, without limitation, the syllabus, an outline, a handout, an audiovisual aid, an examination and other related course materials to be used by students must:

- (a) Be adequate and accurately cover the subject matter;
- (b) Be relevant, current, understandable and consistent with the goals and objectives of the course;
- (c) Be effective and suitable in approach, delivery and methodology;
- (d) If the school uses the materials in a course on traffic safety or a course on ~~the abuse of~~ alcohol and ~~controlled substances,~~ *other substance use disorders*, be consistent with the intent and purposes of NRS 483.475 or 484C.400, respectively; and
- (e) Be submitted to the Department for approval before their use in any course, including a course provided by correspondence or an interactive course that uses communications technology. All materials for a course, whether written or audio or visual, must relate directly to the syllabus of the course.

2. An instructor of a course may use:

- (a) Audio and visual aids;
- (b) Motion pictures and printed materials if they relate directly to the curriculum; and
- (c) Speakers who are guests.

3. The operator of a school must obtain the written approval of the Department before allowing a speaker who is a guest to present any part of the course. A presentation by an approved speaker who is a guest may be no more than one-half of any session of a class and no more than 1 1/2 hours of the total length of the course. The presentations of all speakers who are guests 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.

4. An applicant for approval of a guest as a speaker for a course must:

- (a) Apply for and obtain written approval from the Department; and

- (b) Provide the school with a written statement signed by the speaker acknowledging that he or she agrees to comply with the provisions of this chapter.

Sec. 7. NAC 483.782 is hereby amended to read as follows:

483.782 1. A course on ~~[the abuse of]~~ alcohol and ~~[controlled substances]~~ *other substance use disorders* must *follow a published, evidence-based curriculum which has been approved by the Department and which incorporates methods for delivering early intervention to persons who have or are at risk of developing a substance use disorder. Instruction for the course must be:*

- (a) Synchronous, whether presented in a classroom setting or on a virtual platform;*
- (b) Delivered at scheduled times; and*
- (c) Presented in the manner prescribed by the publishers of the curricula.*

2. A course on alcohol and other substance use disorders must include instruction in the following subjects:

- (a) The problem of driving under the influence of intoxicating liquor or controlled substances as it exists in this State and the United States, including relevant statistics;
- (b) The law against driving under the influence of intoxicating liquor or controlled substances in this State, including penalties, the specific prohibition against driving with a concentration of 0.08 grams or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath, implied consent to a test of a driver's breath, blood or urine, summary revocation of drivers' licenses and related matters;
- (c) The responsibilities and procedures of law enforcement agencies, the courts and the Department regarding driving under the influence of intoxicating liquor or controlled substances;
- (d) The adverse effects of alcohol and controlled substances on bodily organs and the central nervous system, including the effects of ~~[abuse]~~ *misuse* and addiction;

- (e) The adverse effects of alcohol and controlled substances on a person's ability to drive;
- (f) The possible effects of a conviction for driving under the influence of intoxicating liquor or controlled substances on a person's employment and personal life; and
- (g) The types of treatment that are available for ~~abusers~~ *users* of alcohol and controlled substances.

~~2-~~ **3.** The time of instruction in a course on ~~the abuse of~~ alcohol and ~~controlled substances~~ *other substance use disorders* must include subjects relating to:

- (a) The ~~abuse~~ *use* of alcohol and controlled substances; and
- (b) Traffic safety and traffic laws that are primarily applicable to driving under the influence of intoxicating liquor or controlled substances.

~~3-~~ **4.** The instructor of a course on ~~the abuse of~~ alcohol and ~~controlled substances~~ *other substance use disorders*:

- (a) May administer a preliminary written examination at the first meeting of the class to determine the knowledge of each student regarding driving under the influence of intoxicating liquor or controlled substances and the ~~abuse~~ *use* of alcohol, controlled substances and other chemicals; and
- (b) Shall administer a final written or oral examination, at least half of which is directly related to driving under the influence of intoxicating liquor or controlled substances.

Sec. 8. NAC 483.786 is hereby amended to read as follows:

483.786 1. A student enrolled in a course on ~~the abuse of~~ alcohol and ~~controlled substances~~ *other substance use disorders* or a course on traffic safety may:

- (a) Be considered absent if late for a class and be reassigned to another class or course;
- (b) Leave the class only during designated periods of rest, except in an emergency;
- (c) Not arrive late or leave early from a class;

- (d) Be excluded or expelled from any class by an instructor for disruptive behavior and not receive credit for attendance at that class; and
- (e) Be admitted to another course, with such conditions of reenrollment, attendance and additional costs as may be determined by the school.

2. A student enrolled in a course on ~~the abuse of~~ alcohol and ~~controlled substances;~~ *other*

substance use disorders:

- (a) Shall complete the course within the time ordered by the court and attend all classes in a course;
- (b) Must be reassigned to a subsequent session upon any failure to complete a session within a course; and
- (c) Must be excluded without credit for attendance in any class if, in the instructor's best judgment, the student is, during a class, impaired as a result of the use of alcohol, a controlled substance or other chemical.

3. A student enrolled in a course on traffic safety must receive classroom instruction, including, without limitation, instruction using communications technology, for not less than: (a) Five hours, if the student has been convicted of two or fewer violations within a 12-month period; and

(b) Eight hours, if the student has been convicted of three or more violations within a 12month period.

Sec. 9. NAC 483.787 is hereby amended to read as follows:

483.787 1. After a course on traffic safety is completed, the operator of the school conducting the course shall submit to the Department, on a form approved by the Department, the following information concerning each student who completed the course:

- (a) Full legal name;
- (b) Address of principal residence;
- (c) Driver's license number;

- (d) Date of birth;
 - (e) Course;
 - (f) The date on which the student completed the course;
 - (g) Test score;
 - (h) License number of the school;
 - (i) Whether the student had any traffic violations pending at any time during his or her enrollment in the course;
 - (j) Whether the student's enrollment in the course was in conjunction with any type of plea agreement or a condition of sentencing;
 - (k) Information concerning previous courses the student has enrolled in and completed within the 12-month period immediately preceding the student's enrollment in this course, including the name and location of the schools attended and the dates of enrollment and completion; and (l) The instructor's printed name and signature.
2. The form must be mailed to the Department of Motor Vehicles, Central Services and Records Division, 555 Wright Way, Carson City, Nevada 89711, Attention: Data Integrity.
 3. Except as otherwise provided in subsections 4 and 5, upon receipt of the form by the Department, three demerit points will be deleted from, credited to or not credited to the driver's demerit record pursuant to NRS 483.475.
 4. Three demerit points will not be deleted from, credited to or not credited to the demerit record of a student who:
 - (a) Attended the course pursuant to a plea agreement;
 - (b) Missed one or more class sessions; or
 - (c) Failed to obtain a score of 70 percent or greater on the final examination.

5. The Department may, in its discretion, decide that no demerit points will be deleted from or not credited to the driver's demerit record if the student's enrollment was a condition of sentencing.

6. A person is not eligible for the deletion of demerit points and may not otherwise receive credit for completing a traffic safety course more than once in any 12-month period.

7. The operator of a school or other entity that offers a course on ~~the abuse of~~ alcohol and ~~controlled substances~~ *other substance use disorders* shall submit a written report to the referring court for each student who enrolls in such a course at the referral of the court. The report must include:

- (a) The name and department of the court having jurisdiction of the student;
- (b) Whether the student successfully completed the course within the time ordered by the court; and
- (c) Any additional information required by order of the court.

8. The operator of a school or other entity that offers a course on ~~the abuse of~~ alcohol and ~~controlled substances~~ *other substance use disorders* or a course on traffic safety shall retain:

- (a) A copy of the reports and forms required pursuant to this section for each student;
- (b)

Each student's preliminary examination, if one is administered, and final examination, or the score on those examinations if administered orally;

- (c) Each student's record of attendance in class;
- (d) Each student's evaluation of the course and teacher; and
- (e) The agreement signed by any speaker who is a guest pursuant to NAC 483.777,

↳ for 3 years after the date on which the final class was held for the course to which it pertains.

9. The documents which must be retained pursuant to subsection 8 are not public records but must be made available to a representative of the Department or Judicial System during any inspection of the school.

10. The operator of a school or other entity that offers a course on ~~[the abuse of]~~ alcohol and ~~[controlled substances]~~ *other substance use disorders* shall submit to the Department a written report that includes the:

- (a) Full legal name;
- (b) Address of principal residence;
- (c) Date of birth; and
- (d) Driver's license number, if available,

↳ of each student who enrolls in a course on ~~[the abuse of]~~ alcohol and ~~[controlled substances.]~~ *other substance use disorders*. The report must be submitted by the 10th day of the month immediately following the month in which the student enrolls in the course.

11. A student enrolled in a course on traffic safety who fails to pass the final examination must wait at least 4 hours before he or she may retake the examination.