

SENATE BILL NO. 259—SENATORS MANENDO, PARKS, CANNIZZARO, SEGERBLOM, GUSTAVSON; ATKINSON, CANCELA, DENIS, FARLEY, FORD, GANSERT, HAMMOND, HARDY, RATTI, SPEARMAN AND WOODHOUSE

MARCH 13, 2017

JOINT SPONSOR: ASSEMBLYMAN CARRILLO

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to driving under the influence of alcohol or a controlled substance. (BDR 43-606)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

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

AN ACT relating to motor vehicles; requiring certain persons to install an ignition interlock device following a revocation of a driver's license, permit or privilege to drive; revising the provisions governing the period of revocation of a driver's license, permit or privilege to drive related to certain offenses involving driving under the influence; requiring the court to order certain persons to install an ignition interlock device in certain circumstances; revising provisions governing the installation of an ignition interlock device following a conviction of driving under the influence of alcohol or a controlled substance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires a law enforcement officer to revoke the driver's license,
2 permit or privilege to drive of a person who has a concentration of alcohol of 0.08
3 or more in his or her blood or who is found to have a detectable amount of a
4 prohibited substance in his or her blood or urine for which he or she did not have a
5 valid prescription or hold a valid registry identification card. The driver's license,
6 permit or privilege of the person is revoked for 90 days. (NRS 484C.210,
7 484C.220) **Section 3** of this bill requires a person whose license, permit or privilege



* S B 2 5 9 *

8 has been revoked to install, at his or her own expense, an ignition interlock device
9 in each vehicle the person owns or operates as a condition to obtaining a restricted
10 license. **Section 3** also revises the period of revocation to not less than 6 months.
11 Existing law further provides that the officer is required to advise the person of his
12 or her right to administrative and judicial review of the revocation and to have a
13 temporary license, valid for 7 days, which the officer must issue upon request.
14 **Section 4** of this bill requires the officer to also advise the person that he or she is
15 required to install an ignition interlock device, at his or her own expense, in each
16 vehicle the person owns or operates as a condition to obtaining a restricted license.

17 With certain exceptions, existing law requires a court to order a person to
18 install, at his or her own expense, an ignition interlock device in each vehicle the
19 person owns or operates if the person is convicted of an offense involving driving
20 under the influence of alcohol or a controlled substance which: (1) constitutes a
21 felony; or (2) constitutes a misdemeanor, but the concentration of alcohol in the
22 person's blood or breath was 0.18 or more. Existing law also authorizes a court to
23 order a person to install an ignition interlock device if the person is convicted of a
24 misdemeanor offense involving driving under the influence of alcohol or a
25 controlled substance in which the concentration of alcohol in the person's blood or
26 breath was less than 0.18. (NRS 484C.110, 484C.400, 484C.460) **Section 6** of this
27 bill requires a court to order the installation of an ignition interlock device for all
28 persons convicted of an offense involving driving under the influence of alcohol or
29 a controlled substance. **Section 9** of this bill authorizes a juvenile court to order the
30 installation of an ignition interlock device for a child convicted of an offense
31 involving driving under the influence of alcohol or a controlled substance. **Section**
32 **3** requires the court to give the person day-for-day credit for any period during
33 which the person installed a device as a condition to obtaining a restricted license
34 before the issuance of an order from the court to do so. Further, **section 7** of this
35 bill authorizes the court to extend the order of a person required to install an
36 ignition interlock device if the court receives a report from the Department of
37 Motor Vehicles or the manufacturer of the device that the person has committed
38 certain violations. Existing law authorizes a court to provide an exception to
39 ordering a person to install an ignition interlock device to avoid undue hardship to
40 the person. **Section 6** removes this exception and instead authorizes the court to not
41 order a person to install an ignition interlock device if such an order would not
42 serve the interests of justice.

43 **Section 8** of this bill requires the manufacturer of the ignition interlock device
44 to provide certain discounts and waive certain costs for persons whose income is at
45 or below certain federal poverty levels.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 483.460 is hereby amended to read as follows:
2 483.460 1. Except as otherwise provided by specific statute,
3 the Department shall revoke the license, permit or privilege of any
4 driver upon receiving a record of his or her conviction of any of the
5 following offenses, when that conviction has become final, and
6 the driver is not eligible for a license, permit or privilege to drive for
7 the period indicated:
8 (a) For a period of 3 years if the offense is:
9 (1) A violation of subsection 6 of NRS 484B.653.



1 (2) A third or subsequent violation within 7 years of NRS
2 484C.110 or 484C.120.

3 (3) A violation of NRS 484C.110 or 484C.120 resulting in a
4 felony conviction pursuant to NRS 484C.400 or 484C.410.

5 (4) A violation of NRS 484C.430 or a homicide resulting
6 from driving or being in actual physical control of a vehicle while
7 under the influence of intoxicating liquor or a controlled substance
8 or resulting from any other conduct prohibited by NRS 484C.110,
9 484C.130 or 484C.430.

10 ➤ The period during which such a driver is not eligible for a
11 license, permit or privilege to drive must be set aside during any
12 period of imprisonment and the period of revocation must resume
13 when the Department is notified pursuant to NRS 209.517 or
14 213.12185 that the person has completed the period of
15 imprisonment or that the person has been placed on residential
16 confinement or parole.

17 (b) For a period of 1 year if the offense is:

18 (1) Any other manslaughter, including vehicular
19 manslaughter as described in NRS 484B.657, resulting from the
20 driving of a motor vehicle or felony in the commission of which a
21 motor vehicle is used, including the unlawful taking of a motor
22 vehicle.

23 (2) Failure to stop and render aid as required pursuant to the
24 laws of this State in the event of a motor vehicle crash resulting in
25 the death or bodily injury of another.

26 (3) Perjury or the making of a false affidavit or statement
27 under oath to the Department pursuant to NRS 483.010 to 483.630,
28 inclusive, or pursuant to any other law relating to the ownership or
29 driving of motor vehicles.

30 (4) Conviction, or forfeiture of bail not vacated, upon three
31 charges of reckless driving committed within a period of 12 months.

32 (5) A second violation within 7 years of NRS 484C.110 or
33 484C.120 and the driver is not eligible for a restricted license during
34 any of that period.

35 (6) A violation of NRS 484B.550.

36 (c) For a period of ~~90 days,~~ *not less than 6 months*, if the
37 offense is a first violation within 7 years of NRS 484C.110 or
38 484C.120.

39 2. The Department shall revoke the license, permit or privilege
40 of a driver convicted of violating NRS 484C.110 or 484C.120 who
41 fails to complete the educational course on the use of alcohol and
42 controlled substances within the time ordered by the court and shall
43 add a period of 90 days during which the driver is not eligible for a
44 license, permit or privilege to drive.



1 3. When the Department is notified by a court that a person
2 who has been convicted of a first violation within 7 years of NRS
3 484C.110 has been permitted to enter a program of treatment
4 pursuant to NRS 484C.320, the Department shall reduce by one-half
5 the period during which the person is not eligible for a license,
6 permit or privilege to drive, but shall restore that reduction in time if
7 notified that the person was not accepted for or failed to complete
8 the treatment.

9 4. The Department shall revoke the license, permit or privilege
10 to drive of a person who is required to install a device pursuant to
11 NRS **484C.210** or 484C.460 but who operates a motor vehicle
12 without such a device:

13 (a) For 3 years, if it is his or her first such offense during the
14 period of required use of the device.

15 (b) For 5 years, if it is his or her second such offense during the
16 period of required use of the device.

17 5. A driver whose license, permit or privilege is revoked
18 pursuant to subsection 4 is not eligible for a restricted license during
19 the period set forth in paragraph (a) or (b) of that subsection,
20 whichever applies.

21 6. In addition to any other requirements set forth by specific
22 statute, if the Department is notified that a court has ordered the
23 revocation, suspension or delay in the issuance of a license pursuant
24 to title 5 of NRS, NRS 176.064, 206.330 or 392.148, chapters 484A
25 to 484E, inclusive, of NRS or any other provision of law, the
26 Department shall take such actions as are necessary to carry out the
27 court's order.

28 7. As used in this section, "device" has the meaning ascribed to
29 it in NRS 484C.450.

30 **Sec. 2.** NRS 483.490 is hereby amended to read as follows:

31 483.490 1. Except as otherwise provided in this section, after
32 a driver's license has been suspended or revoked for an offense
33 other than a ~~second violation within 7 years of~~ **violation of** NRS
34 484C.110, and one-half of the period during which the driver is not
35 eligible for a license has expired, the Department may, unless the
36 statute authorizing the suspension prohibits the issuance of a
37 restricted license, issue a restricted driver's license to an applicant
38 permitting the applicant to drive a motor vehicle:

39 (a) To and from work or in the course of his or her work, or
40 both; or

41 (b) To acquire supplies of medicine or food or receive regularly
42 scheduled medical care for himself, herself or a member of his or
43 her immediate family.

44 ➤ Before a restricted license may be issued, the applicant must
45 submit sufficient documentary evidence to satisfy the Department



1 that a severe hardship exists because the applicant has no alternative
2 means of transportation and that the severe hardship outweighs the
3 risk to the public if the applicant is issued a restricted license.

4 2. A person who ~~has been ordered~~ *is required* to install a
5 device in a motor vehicle pursuant to NRS ~~484C.210~~ *or* 484C.460:

6 (a) Shall install the device not later than ~~21~~ *14* days after the
7 date on which the order was issued; and

8 (b) May not receive a restricted license pursuant to this section
9 until:

10 (1) After at least 1 year of the period during which the person
11 is not eligible for a license, if the person was convicted of:

12 (I) A violation of NRS 484C.430 or a homicide resulting
13 from driving or being in actual physical control of a vehicle while
14 under the influence of intoxicating liquor or a controlled substance
15 or resulting from any other conduct prohibited by NRS 484C.110,
16 484C.130 or 484C.430; or

17 (II) A violation of NRS 484C.110 that is punishable as a
18 felony pursuant to NRS 484C.410 or 484C.420; *or*

19 (2) After at least 180 days of the period during which the
20 person is not eligible for a license, if the person was convicted of a
21 violation of subsection 6 of NRS 484B.653. ~~1; or~~

22 ~~— (3) After at least 45 days of the period during which the~~
23 ~~person is not eligible for a license, if the person was convicted of a~~
24 ~~first violation within 7 years of NRS 484C.110.~~

25 3. If the Department has received a copy of an order requiring a
26 person to install a device in a motor vehicle pursuant to NRS
27 484C.460 ~~1;~~ *or following an order of revocation issued pursuant*
28 *to 484C.220*, the Department shall not issue a restricted driver's
29 license to such a person pursuant to this section unless the applicant
30 has submitted proof of compliance with the order and subsection 2.

31 4. Except as otherwise provided in NRS 62E.630, after a
32 driver's license has been revoked or suspended pursuant to title 5 of
33 NRS or NRS 392.148, the Department may issue a restricted
34 driver's license to an applicant permitting the applicant to drive a
35 motor vehicle:

36 (a) If applicable, to and from work or in the course of his or her
37 work, or both; or

38 (b) If applicable, to and from school.

39 5. After a driver's license has been suspended pursuant to NRS
40 483.443, the Department may issue a restricted driver's license to an
41 applicant permitting the applicant to drive a motor vehicle:

42 (a) If applicable, to and from work or in the course of his or her
43 work, or both;

44 (b) To receive regularly scheduled medical care for himself,
45 herself or a member of his or her immediate family; or



1 (c) If applicable, as necessary to exercise a court-ordered right to
2 visit a child.

3 6. A driver who violates a condition of a restricted license
4 issued pursuant to subsection 1 or by another jurisdiction is guilty of
5 a misdemeanor and, if the license of the driver was suspended or
6 revoked for:

7 (a) A violation of NRS 484C.110, 484C.210 or 484C.430;

8 (b) A homicide resulting from driving or being in actual
9 physical control of a vehicle while under the influence of
10 intoxicating liquor or a controlled substance or resulting from any
11 other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;
12 or

13 (c) A violation of a law of any other jurisdiction that prohibits
14 the same or similar conduct as set forth in paragraph (a) or (b),
15 → the driver shall be punished in the manner provided pursuant to
16 subsection 2 of NRS 483.560.

17 7. The periods of suspensions and revocations required
18 pursuant to this chapter and NRS 484C.210 must run consecutively,
19 except as otherwise provided in NRS 483.465 and 483.475, when
20 the suspensions must run concurrently.

21 8. Whenever the Department suspends or revokes a license, the
22 period of suspension, or of ineligibility for a license after the
23 revocation, begins upon the effective date of the revocation or
24 suspension as contained in the notice thereof.

25 **Sec. 3.** NRS 484C.210 is hereby amended to read as follows:

26 484C.210 1. If a person fails to submit to an evidentiary test
27 as requested by a police officer pursuant to NRS 484C.160, the
28 license, permit or privilege to drive of the person must be revoked as
29 provided in NRS 484C.220, and the person is not eligible for a
30 license, permit or privilege to drive for a period of:

31 (a) One year; or

32 (b) Three years, if the license, permit or privilege to drive of the
33 person has been revoked during the immediately preceding 7 years
34 for failure to submit to an evidentiary test.

35 2. If the result of a test given under NRS 484C.150 or
36 484C.160 shows that a person had a concentration of alcohol of 0.08
37 or more in his or her blood or breath or a detectable amount of a
38 controlled substance or prohibited substance in his or her blood or
39 urine for which he or she did not have a valid prescription, as
40 defined in NRS 453.128, or hold a valid registry identification card,
41 as defined in NRS 453A.140, at the time of the test, the license,
42 permit or privilege of the person to drive must be revoked as
43 provided in NRS 484C.220 and the person is not eligible for a
44 license, permit or privilege for a period of ~~90 days~~ **not less than 6**
45 **months.**



1 3. *At any time while a person is not eligible for a license,*
2 *permit or privilege to drive following a revocation under*
3 *subsection 2 which was based on the person having a*
4 *concentration of alcohol of 0.08 or more in his or her blood or*
5 *breath, the person shall install, at his or her own expense, a device*
6 *in any motor vehicle which the person owns or operates as a*
7 *condition to obtaining a restricted license pursuant to*
8 *NRS 483.490.*

9 4. If a revocation of a person's license, permit or privilege to
10 drive under NRS 62E.640 or 483.460 follows a revocation under
11 subsection 2 which was based on the person having a concentration
12 of alcohol of 0.08 or more in his or her blood or breath, the
13 Department shall cancel the revocation under that subsection and
14 give the person credit for any period during which the person was
15 not eligible for a license, permit or privilege.

16 5. *If an order to install a device pursuant to NRS 62E.640 or*
17 *484C.460 follows the installation of a device pursuant to*
18 *subsection 3, the court shall give the person day-for-day credit for*
19 *any period during which the person installed a device as a*
20 *condition to obtaining a restricted license.*

21 ~~14~~ 6. Periods of ineligibility for a license, permit or privilege
22 to drive which are imposed pursuant to this section must run
23 consecutively.

24 7. *As used in this section, "device" has the meaning ascribed*
25 *to it in NRS 484C.450.*

26 **Sec. 4.** NRS 484C.220 is hereby amended to read as follows:

27 484C.220 1. As agent for the Department, the officer who
28 requested that a test be given pursuant to NRS 484C.150 or
29 484C.160 or who obtained the result of a test given pursuant to NRS
30 484C.150 or 484C.160 shall immediately serve an order of
31 revocation of the license, permit or privilege to drive on a person
32 who failed to submit to a test requested by the police officer
33 pursuant to NRS 484C.150 or 484C.160 or who has a concentration
34 of alcohol of 0.08 or more in his or her blood or breath or has a
35 detectable amount of a controlled substance or prohibited substance
36 in his or her blood or urine for which he or she did not have a valid
37 prescription, as defined in NRS 453.128, or hold a valid registry
38 identification card, as defined in NRS 453A.140, if that person is
39 present, and shall seize the license or permit to drive of the person.
40 The officer shall then, unless the information is expressly set forth
41 in the order of revocation, advise the person of his or her right to
42 administrative and judicial review of the revocation pursuant to
43 NRS 484C.230 and, except as otherwise provided in this subsection,
44 that the person has a right to request a temporary license. *The*
45 *officer shall also advise the person that he or she is required to*



1 *install a device pursuant to NRS 484C.210.* If the person currently
2 is driving with a temporary license that was issued pursuant to this
3 section or NRS 484C.230, the person is not entitled to request an
4 additional temporary license pursuant to this section or NRS
5 484C.230, and the order of revocation issued by the officer must
6 revoke the temporary license that was previously issued. If the
7 person is entitled to request a temporary license, the officer shall
8 issue the person a temporary license on a form approved by the
9 Department if the person requests one, which is effective for only 7
10 days including the date of issuance. The officer shall immediately
11 transmit the person's license or permit to the Department along with
12 the written certificate required by subsection 2.

13 2. When a police officer has served an order of revocation of a
14 driver's license, permit or privilege on a person pursuant to
15 subsection 1, or later receives the result of an evidentiary test which
16 indicates that a person, not then present, had a concentration of
17 alcohol of 0.08 or more in his or her blood or breath or had a
18 detectable amount of a controlled substance or prohibited substance
19 in his or her blood or urine for which he or she did not have a valid
20 prescription, as defined in NRS 453.128, or hold a valid registry
21 identification card, as defined in NRS 453A.140, the officer shall
22 immediately prepare and transmit to the Department, together with
23 the seized license or permit and a copy of the result of the test, if
24 any, a written certificate that the officer had reasonable grounds to
25 believe that the person had been driving or in actual physical control
26 of a vehicle:

27 (a) With a concentration of alcohol of 0.08 or more in his or her
28 blood or breath or with a detectable amount of a controlled
29 substance or prohibited substance in his or her blood or urine for
30 which he or she did not have a valid prescription, as defined in NRS
31 453.128, or hold a valid registry identification card, as defined in
32 NRS 453A.140, as determined by a chemical test; or

33 (b) While under the influence of intoxicating liquor or a
34 controlled substance or with a prohibited substance in his or her
35 blood or urine and the person refused to submit to a required
36 evidentiary test.

37 ➤ The certificate must also indicate whether the officer served an
38 order of revocation on the person and whether the officer issued the
39 person a temporary license.

40 3. The Department, upon receipt of such a certificate for which
41 an order of revocation has not been served, after examining the
42 certificate and copy of the result of the chemical test, if any, and
43 finding that revocation is proper, shall issue an order revoking the
44 person's license, permit or privilege to drive by mailing the order to
45 the person at the person's last known address. The order must



1 indicate the grounds for the revocation and the period during which
2 the person is not eligible for a license, permit or privilege to drive
3 and state that the person has a right to administrative and judicial
4 review of the revocation ~~and~~, *has a right to have* a temporary
5 license ~~+~~ *and is required to install a device pursuant to NRS*
6 *484C.210*. The order of revocation becomes effective 5 days after
7 mailing.

8 4. Notice of an order of revocation and notice of the
9 affirmation of a prior order of revocation or the cancellation of a
10 temporary license provided in NRS 484C.230 is sufficient if it is
11 mailed to the person's last known address as shown by any
12 application for a license. The date of mailing may be proved by the
13 certificate of any officer or employee of the Department, specifying
14 the time of mailing the notice. The notice is presumed to have been
15 received upon the expiration of 5 days after it is deposited, postage
16 prepaid, in the United States mail.

17 *5. As used in this section, "device" has the meaning ascribed*
18 *to it in NRS 484C.450.*

19 **Sec. 5.** NRS 484C.230 is hereby amended to read as follows:

20 484C.230 1. At any time while a person is not eligible for a
21 license, permit or privilege to drive following an order of revocation
22 issued pursuant to NRS 484C.220, the person may request in writing
23 a hearing by the Department to review the order of revocation, but
24 the person is only entitled to one hearing. The hearing must be
25 conducted as soon as is practicable at any location, if the hearing
26 officer permits each party and witness to attend the hearing by
27 telephone, videoconference or other electronic means. The Director
28 or agent of the Director may issue subpoenas for the attendance of
29 witnesses and the production of relevant books and papers and may
30 require a reexamination of the requester. Unless the person is
31 ineligible for a temporary license pursuant to NRS 484C.220, the
32 Department shall issue an additional temporary license for a period
33 which is sufficient to complete the administrative review.

34 2. The scope of the hearing must be limited to the issue of
35 whether the person:

36 (a) Failed to submit to a required test provided for in NRS
37 484C.150 or 484C.160; or

38 (b) At the time of the test, had a concentration of alcohol of 0.08
39 or more in his or her blood or breath or a detectable amount of a
40 controlled substance or prohibited substance in his or her blood or
41 urine for which he or she did not have a valid prescription, as
42 defined in NRS 453.128, or hold a valid registry identification card,
43 as defined in NRS 453A.140.



1 ↪ Upon an affirmative finding on either issue, the Department shall
2 affirm the order of revocation. Otherwise, the order of revocation
3 must be rescinded.

4 3. *Whether the order of revocation is affirmed or rescinded,*
5 *the person whose license, permit or privilege to drive has been*
6 *revoked is required to install a device pursuant to NRS 484C.210.*

7 4. If, after the hearing, the order of revocation is affirmed, the
8 person whose license, privilege or permit has been revoked is
9 entitled to a review of the same issues in district court in the same
10 manner as provided by chapter 233B of NRS. The court shall notify
11 the Department upon the issuance of a stay, and the Department
12 shall issue an additional temporary license for a period which is
13 sufficient to complete the review.

14 ~~4.~~ 5. If a hearing officer grants a continuance of a hearing at
15 the request of the person whose license was revoked, or a court does
16 so after issuing a stay of the revocation, the officer or court shall
17 notify the Department, and the Department shall cancel the
18 temporary license and notify the holder by mailing the order of
19 cancellation to the person's last known address.

20 6. *As used in this section, "device" has the meaning ascribed*
21 *to it in NRS 484C.450.*

22 **Sec. 6.** NRS 484C.460 is hereby amended to read as follows:

23 484C.460 1. Except as otherwise provided in subsections 2
24 and 5, a court ~~f~~:

25 ~~(a) May~~ *shall* order a person convicted of ~~f~~:

26 (a) A violation of NRS 484C.110 that is punishable pursuant to
27 paragraph (a) or (b) of subsection 1 of NRS 484C.400, if the person
28 is found to have had a concentration of alcohol of less than 0.18 in
29 his or her blood or breath, ~~for a period of not less than 3 months nor~~
30 ~~more than 6 months,~~ *to install , at his or her own expense and for a*
31 *period of not less than 6 months,* a device in any motor vehicle
32 which the person owns or operates as a condition to obtaining a
33 restricted license pursuant to NRS 483.490 or as a condition of
34 reinstatement of the driving privilege of the person.

35 (b) ~~Shall order a person convicted of:~~

36 ~~(1)~~ A violation of:

37 (1) NRS 484C.110 that is punishable pursuant to paragraph
38 (a) or (b) of subsection 1 of NRS 484C.400, if the person is found to
39 have had a concentration of alcohol of 0.18 or more in his or her
40 blood or breath;

41 (2) ~~A violation of~~ NRS 484C.110 or 484C.120 that is
42 punishable as a felony pursuant to NRS 484C.400 or 484C.410; or

43 (3) ~~A violation of~~ NRS 484C.130 or 484C.430,

44 ↪ ~~for a period of not less than 12 months nor more than 36~~
45 ~~months,~~ *to install , at his or her own expense and for a period of*



1 *not less than 12 months or more than 36 months*, a device in any
2 motor vehicle which the person owns or operates as a condition to
3 obtaining a restricted license pursuant to NRS 483.490 or as a
4 condition of reinstatement of the driving privilege of the person.

5 2. ~~¶A court may provide for an exception to the provisions of~~
6 ~~subparagraph (1) of paragraph (b) of subsection 1 for a person who~~
7 ~~is convicted of a violation of NRS 484C.110 that is punishable~~
8 ~~pursuant to paragraph (a) of subsection 1 of NRS 484C.400, to~~
9 ~~avoid undue hardship to the person if the court determines that:~~

10 ~~—(a) Requiring the person to install a device in a motor vehicle~~
11 ~~which the person owns or operates would cause the person to~~
12 ~~experience an economic hardship; and~~

13 ~~—(b) The person requires the use of the motor vehicle to:~~

14 ~~—(1) Travel to and from work or in the course and scope of his~~
15 ~~or her employment;~~

16 ~~—(2) Obtain medicine, food or other necessities or to obtain~~
17 ~~health care services for the person or another member of the~~
18 ~~person's immediate family; or~~

19 ~~—(3) Transport the person or another member of the person's~~
20 ~~immediate family to or from school.¶~~ *The court has the discretion*
21 *whether to order a person to install a device pursuant to*
22 *subsection 1 if such an order would not serve the interests of*
23 *justice.*

24 3. If the court orders a person to install a device pursuant to
25 subsection 1:

26 (a) The court shall immediately prepare and transmit a copy of
27 its order to the Director. The order must include a statement that a
28 device is required and the specific period for which it is required.
29 The Director shall cause this information to be incorporated into the
30 records of the Department and noted as a restriction on the person's
31 driver's license.

32 (b) The person who is required to install the device shall provide
33 proof of compliance to the Department before the person may
34 receive a restricted license or before the driving privilege of the
35 person may be reinstated, as applicable. Each model of a device
36 installed pursuant to this section must have been certified by the
37 Committee on Testing for Intoxication.

38 4. A person whose driving privilege is restricted pursuant to
39 this section *or NRS 483.490* shall ~~¶~~:

40 ~~—(a) If the person was ordered to install a device pursuant to~~
41 ~~paragraph (a) of subsection 1,¶~~ have the device inspected by the
42 manufacturer of the device or its agent at least one time during the
43 period in which the person is required to use the device ~~¶; or~~

44 ~~—(b) If the person was ordered to install a device pursuant to~~
45 ~~paragraph (b) of subsection 1, have the device inspected by the~~



1 ~~manufacturer of the device or its agent at least one time each 90~~
2 ~~days;~~
3 ↪ to determine whether the device is operating properly. An
4 inspection required pursuant to this subsection must be conducted in
5 accordance with regulations adopted pursuant to NRS 484C.480.
6 The manufacturer or its agent shall submit a report to the Director
7 indicating whether the device is operating properly and whether it
8 has been tampered with. If the device has been tampered with, the
9 Director shall notify the court that ordered the installation of the
10 device.

11 5. If a person is required to operate a motor vehicle in the
12 course and scope of his or her employment and the motor vehicle is
13 owned by the person's employer, the person may operate that
14 vehicle without the installation of a device, if:

15 (a) The employee notifies his or her employer that the
16 employee's driving privilege has been so restricted; and

17 (b) The employee has proof of that notification in his or her
18 possession or the notice, or a facsimile copy thereof, is with the
19 motor vehicle.

20 ↪ This exemption does not apply to a motor vehicle owned by a
21 business which is all or partly owned or controlled by the person
22 otherwise subject to this section.

23 6. The running of the period during which a person is required
24 to have a device installed pursuant to this section commences when
25 the Department issues a restricted license to the person or reinstates
26 the driving privilege of the person and is tolled whenever and for as
27 long as the person is, with regard to a violation of NRS 484C.110,
28 484C.120, 484C.130 or 484C.430, imprisoned, serving a term of
29 residential confinement, placed under the supervision of a treatment
30 provider, on parole or on probation.

31 **Sec. 7.** NRS 484C.470 is hereby amended to read as follows:

32 484C.470 1. *The court may extend the order of a person*
33 *who is required to install a device pursuant to NRS 484C.210 or*
34 *484C.460, if the court receives from the Department or the*
35 *manufacturer of a device, or its agent, a report that 4 consecutive*
36 *months prior to the date of release any of the following incidents*
37 *occurred:*

38 (a) *Any attempt by the person to start the vehicle with a*
39 *concentration of alcohol of 0.04 or more in his or her breath*
40 *unless a subsequent test performed within 10 minutes registers a*
41 *concentration of alcohol lower than 0.04 and the digital image*
42 *confirms the same person provided both samples;*

43 (b) *Failure of the person to take any random test unless a*
44 *review of the digital image confirms that the vehicle was not*
45 *occupied by the person at the time of the missed test;*



1 (c) Failure of the person to pass any random retest with a
2 concentration of alcohol of 0.025 or lower in his or her breath
3 unless a subsequent test performed within 10 minutes registers a
4 concentration of alcohol lower than 0.025, and the digital image
5 confirms the same person provided both samples;

6 (d) Failure of the person to have the device inspected by the
7 manufacturer or its agent pursuant to subsection 4 of NRS
8 484C.460; or

9 (e) Any attempt by the person to operate a motor vehicle
10 without a device or tamper with the device.

11 2. A person required to install a device pursuant to NRS
12 484C.460 shall not operate a motor vehicle without a device or
13 tamper with the device.

14 ~~2:~~ 3. A person who violates any provision of subsection
15 ~~1:~~ 2:

16 (a) Must have his or her driving privilege revoked in the manner
17 set forth in subsection 4 of NRS 483.460; and

18 (b) Shall be:

19 (1) Punished by imprisonment in jail for not less than 30
20 days nor more than 6 months; or

21 (2) Sentenced to a term of not less than 60 days in residential
22 confinement nor more than 6 months, and by a fine of not less than
23 \$500 nor more than \$1,000.

24 ➔ No person who is punished pursuant to this section may be
25 granted probation, and no sentence imposed for such a violation
26 may be suspended. No prosecutor may dismiss a charge of such a
27 violation in exchange for a plea of guilty, guilty but mentally ill or
28 nolo contendere to a lesser charge or for any other reason unless,
29 in the judgment of the attorney, the charge is not supported by
30 probable cause or cannot be proved at trial.

31 **Sec. 8.** NRS 484C.480 is hereby amended to read as follows:

32 484C.480 1. The Committee on Testing for Intoxication shall
33 on or before January 1, 1990, adopt regulations which:

34 (a) Provide for the certification of each model of those devices,
35 described by manufacturer and model, which it approves as
36 designed and manufactured to be accurate and reliable to test a
37 person's breath to determine the concentration of alcohol in the
38 person's breath and, if the results of the test indicate that the person
39 has a concentration of alcohol of 0.02 or more in his or her breath,
40 prevent the motor vehicle in which it is installed from starting.

41 (b) Prescribe the form and content of records respecting the
42 calibration of devices, which must be kept by the Director or the
43 agent of the Director, and other records respecting the maintenance
44 and operation of the devices which it finds should be kept by the
45 Director or the agent.



1 (c) *Require the manufacturer or its agent to waive the cost of*
2 *installing, calibrating, monitoring or removing the device and*
3 *adjust the fee to lease the device, if the person required to install a*
4 *device pursuant to NRS 484C.210 or 484C.460 has an income*
5 *which is at or below:*

6 (1) *One hundred percent of the federally designated level*
7 *signifying poverty, to 50 percent of the fee; or*

8 (2) *One hundred and forty-nine percent of the federally*
9 *designated level signifying poverty, to 75 percent of the fee.*

10 2. The Committee shall establish its own standards and
11 procedures for evaluating the models of the devices and obtain
12 evaluations of those models from the Director or the agent.

13 3. If a model of a device has been certified by the Committee
14 to be accurate and reliable pursuant to subsection 1, it is presumed
15 that, as designed and manufactured, each device of that model is
16 accurate and reliable to test a person's breath to determine the
17 concentration of alcohol in the person's breath and, if the results of
18 the test indicate that the person has a concentration of alcohol of
19 0.02 or more in his or her breath, will prevent the motor vehicle in
20 which it is installed from starting.

21 **Sec. 9.** NRS 62E.640 is hereby amended to read as follows:

22 62E.640 1. If a child is adjudicated delinquent for an
23 unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or
24 484C.430, the juvenile court shall, if the child possesses a driver's
25 license:

26 (a) Issue an order revoking the driver's license of the child for
27 90 days and requiring the child to surrender the driver's license of
28 the child to the juvenile court; and

29 (b) Not later than 5 days after issuing the order, forward to the
30 Department of Motor Vehicles a copy of the order and the driver's
31 license of the child.

32 2. The Department of Motor Vehicles shall order the child to
33 submit to the tests and other requirements which are adopted by
34 regulation pursuant to subsection 1 of NRS 483.495 as a condition
35 of reinstatement of the driver's license of the child.

36 3. If the child is adjudicated delinquent for a subsequent
37 unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or
38 484C.430, the juvenile court shall order an additional period of
39 revocation to apply consecutively with the previous order.

40 4. The juvenile court may ~~authorize~~ :

41 (a) *Authorize* the Department of Motor Vehicles to issue a
42 restricted driver's license pursuant to NRS 483.490 to a child whose
43 driver's license is revoked pursuant to this section ~~+~~ ; *and*



1 ***(b) Order the child to install, at his or her own expense, a***
2 ***device in any motor vehicle the child operates as a condition to***
3 ***obtaining a restricted license pursuant to NRS 483.490.***

4 ***5. As used in this section, "device" has the meaning ascribed***
5 ***to it in NRS 484C.450.***

6 **Sec. 10.** This act becomes effective on January 1, 2018.

Ⓢ



* S B 2 5 9 *

