
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; prohibiting a person from providing his or her breath for an ignition interlock device required to be installed in the vehicle of another person under certain circumstances; requiring the Committee on Testing for Intoxication to adopt certain regulations; providing a penalty; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

1 Existing law requires the revocation of the driver's license, permit or privilege
2 to drive of a person who: (1) has a concentration of alcohol of 0.08 or more in his
3 or her blood or breath or who is found to have a detectable amount of a prohibited
4 substance in his or her blood or urine for which he or she did not have a valid
5 prescription or hold a valid registry identification card; or (2) fails to submit to an
6 evidentiary test requested by a police officer. The driver's license, permit or
7 privilege of the person is revoked for a period of: (1) 90 days for having a
8 concentration of alcohol of 0.08 or more in his or her blood or breath or who is
9 found to have a detectable amount of a prohibited substance in his or her blood or
10 urine under certain circumstances; or (2) not less than 1 year, or 3 years under
11 certain circumstances, for failing to submit to an evidentiary test. (NRS 484C.210,
12 484C.220) **Section 3** of this bill requires a person whose license, permit or privilege
13 has been revoked for failure to submit to an evidentiary test or for having a
14 concentration of alcohol of 0.08 or more in his or her blood or breath to install, at
15 his or her own expense, an ignition interlock device in each vehicle the person
16 operates as a condition to obtaining a restricted license. Existing law further
17 provides that the officer is required to advise the person of his or her right to
18 administrative and judicial review of the revocation and to have a temporary
19 license, valid for 7 days, which the officer must issue upon request. (NRS
20 484C.220) **Section 4** of this bill requires the officer to also advise the person that he
21 or she is required to install an ignition interlock device, at his or her own expense,
22 in each vehicle the person operates as a condition to obtaining a restricted license.

23 Under existing law, the driver's license, permit or privilege of a person
24 convicted of an offense involving driving under the influence of alcohol or a
25 controlled substance is revoked for a period of 90 days for a first offense. (NRS
26 483.460) **Section 1** of this bill revises the period of revocation for such an offense
27 to not less than 185 days.

28 With certain exceptions, existing law requires a court to order a person to
29 install, at his or her own expense, an ignition interlock device in each vehicle the
30 person owns or operates if the person is convicted of an offense involving driving
31 under the influence of alcohol or a controlled substance which: (1) constitutes a
32 felony; or (2) constitutes a misdemeanor, but the concentration of alcohol in the
33 person's blood or breath was 0.18 or more. Existing law also authorizes a court to
34 order a person to install an ignition interlock device if the person is convicted of a
35 misdemeanor offense involving driving under the influence of alcohol or a
36 controlled substance in which the concentration of alcohol in the person's blood or
37 breath was less than 0.18. (NRS 484C.110, 484C.400, 484C.460) **Section 6** of this
38 bill requires a court to order the installation of an ignition interlock device for all
39 persons convicted of an offense involving driving under the influence of alcohol or
40 a controlled substance. **Section 9** of this bill authorizes a juvenile court to order the
41 installation of an ignition interlock device for a child convicted of an offense
42 involving driving under the influence of alcohol or a controlled substance. **Section**
43 **3** authorizes the court to give the person day-for-day credit for any period during
44 which the person installed a device as a condition to obtaining a restricted license
45 before the issuance of an order from the court to do so. Further, **section 7** of this
46 bill authorizes the court to extend the order of a person required to install an
47 ignition interlock device if the court receives a report from the Director of the
48 Department of Public Safety that the person has committed certain violations.
49 Existing law authorizes a court to provide an exception to ordering a person to
50 install an ignition interlock device to avoid undue hardship to the person. (NRS
51 484C.460) **Section 6** revises this exception and additionally authorizes the court, in
52 the interests of justice, to not order a person to install an ignition interlock device if:
53 (1) a person is unable to provide a deep lung sample for a device as certified in



54 writing by a physician; or (2) a person resides more than 100 miles from a
55 manufacturer of a device.

56 **Section 2.5** of this bill prohibits a person from providing a sample of his or her
57 breath for an ignition interlock device required to be installed in a vehicle of
58 another person with the intent to enable the person who is required to install the
59 device to start the vehicle. A person who provides such a sample of breath is guilty
60 of a misdemeanor.

61 **Section 8** of this bill requires the Committee on Testing for Intoxication to
62 adopt certain regulations relating to the manufacturer of the ignition interlock
63 device to: (1) prescribe the form and content of certain records; (2) prescribe certain
64 standards and procedures related to the device; and (3) require certain discounts and
65 waive certain costs for certain persons.

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.

10 (2) A third or subsequent violation within 7 years of NRS
11 484C.110 or 484C.120.

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

14 (4) A violation of NRS 484C.430 or a homicide resulting
15 from driving or being in actual physical control of a vehicle while
16 under the influence of intoxicating liquor or a controlled substance
17 or resulting from any other conduct prohibited by NRS 484C.110,
18 484C.130 or 484C.430.

19 ➤ The period during which such a driver is not eligible for a
20 license, permit or privilege to drive must be set aside during any
21 period of imprisonment and the period of revocation must resume
22 when the Department is notified pursuant to NRS 209.517 or
23 213.12185 that the person has completed the period of
24 imprisonment or that the person has been placed on residential
25 confinement or parole.

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

27 (1) Any other manslaughter, including vehicular
28 manslaughter as described in NRS 484B.657, resulting from the
29 driving of a motor vehicle or felony in the commission of which a



1 motor vehicle is used, including the unlawful taking of a motor
2 vehicle.

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

6 (3) Perjury or the making of a false affidavit or statement
7 under oath to the Department pursuant to NRS 483.010 to 483.630,
8 inclusive, or pursuant to any other law relating to the ownership or
9 driving of motor vehicles.

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

12 (5) A second violation within 7 years of NRS 484C.110 or
13 484C.120 and the driver is not eligible for a restricted license during
14 any of that period.

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

16 (c) For a period of ~~90 days,~~ *not less than 185 days*, if the
17 offense is a first violation within 7 years of NRS 484C.110 or
18 484C.120.

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

25 3. When the Department is notified by a court that a person
26 who has been convicted of a first violation within 7 years of NRS
27 484C.110 has been permitted to enter a program of treatment
28 pursuant to NRS 484C.320, the Department shall reduce by one-half
29 the period during which the person is not eligible for a license,
30 permit or privilege to drive, but shall restore that reduction in time if
31 notified that the person was not accepted for or failed to complete
32 the treatment.

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

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

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

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



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

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

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

11 483.490 1. Except as otherwise provided in this section, after
12 a driver's license has been suspended or revoked for an offense
13 other than a ~~second violation within 7 years of~~ *violation of* NRS
14 484C.110, and one-half of the period during which the driver is not
15 eligible for a license has expired, the Department may, unless the
16 statute authorizing the suspension prohibits the issuance of a
17 restricted license, issue a restricted driver's license to an applicant
18 permitting the applicant to drive a motor vehicle:

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

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

24 ➤ Before a restricted license may be issued, the applicant must
25 submit sufficient documentary evidence to satisfy the Department
26 that a severe hardship exists because the applicant has no alternative
27 means of transportation and that the severe hardship outweighs the
28 risk to the public if the applicant is issued a restricted license.

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

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

33 (b) May not receive a restricted license pursuant to this section
34 until:

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

37 (I) A violation of NRS 484C.430 or a homicide resulting
38 from driving or being in actual physical control of a vehicle while
39 under the influence of intoxicating liquor or a controlled substance
40 or resulting from any other conduct prohibited by NRS 484C.110,
41 484C.130 or 484C.430; or

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



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

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

7 3. If the Department has received a copy of an order requiring a
8 person to install a device in a motor vehicle pursuant to NRS
9 484C.460 ~~†~~ *or following an order of revocation issued pursuant*
10 *to 484C.220*, the Department shall not issue a restricted driver's
11 license to such a person pursuant to this section unless the applicant
12 has submitted proof of compliance with the order and subsection 2.

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

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

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

21 5. After a driver's license has been suspended pursuant to NRS
22 483.443, the Department may issue a restricted driver's license to an
23 applicant permitting the applicant to drive a motor vehicle:

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

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

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

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

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

35 (b) A homicide resulting from driving or being in actual
36 physical control of a vehicle while under the influence of
37 intoxicating liquor or a controlled substance or resulting from any
38 other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;
39 or

40 (c) A violation of a law of any other jurisdiction that prohibits
41 the same or similar conduct as set forth in paragraph (a) or (b),

42 **↳** the driver shall be punished in the manner provided pursuant to
43 subsection 2 of NRS 483.560.

44 7. The periods of suspensions and revocations required
45 pursuant to this chapter and NRS 484C.210 must run consecutively,



1 except as otherwise provided in NRS 483.465 and 483.475, when
2 the suspensions must run concurrently.

3 8. Whenever the Department suspends or revokes a license, the
4 period of suspension, or of ineligibility for a license after the
5 revocation, begins upon the effective date of the revocation or
6 suspension as contained in the notice thereof.

7 **Sec. 2.5.** Chapter 484C of NRS is hereby amended by adding
8 thereto a new section to read as follows:

9 *Any person who provides a sample of breath for a device, with*
10 *the intent to start a motor vehicle of another and for the purpose*
11 *of allowing a person required to install a device pursuant to NRS*
12 *484C.210 or 484C.460 to avoid providing a sample of his or her*
13 *breath, is guilty of a misdemeanor.*

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

15 484C.210 1. If a person fails to submit to an evidentiary test
16 as requested by a police officer pursuant to NRS 484C.160, the
17 license, permit or privilege to drive of the person must be revoked as
18 provided in NRS 484C.220, and the person is not eligible for a
19 license, permit or privilege to drive for a period of:

20 (a) One year; or

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

24 2. If the result of a test given under NRS 484C.150 or
25 484C.160 shows that a person had a concentration of alcohol of 0.08
26 or more in his or her blood or breath or a detectable amount of a
27 controlled substance or prohibited substance in his or her blood or
28 urine for which he or she did not have a valid prescription, as
29 defined in NRS 453.128, or hold a valid registry identification card,
30 as defined in NRS 453A.140, at the time of the test, the license,
31 permit or privilege of the person to drive must be revoked as
32 provided in NRS 484C.220 and the person is not eligible for a
33 license, permit or privilege for a period of 90 days.

34 3. *Except as otherwise provided in subsection 1, at any time*
35 *while a person is not eligible for a license, permit or privilege to*
36 *drive following a revocation under subsection 1 or 2 which was*
37 *based on the person having a concentration of alcohol of 0.08 or*
38 *more in his or her blood or breath, the person shall install, at his*
39 *or her own expense, a device in any motor vehicle which the*
40 *person operates as a condition to obtaining a restricted license*
41 *pursuant to NRS 483.490.*

42 4. If a revocation of a person's license, permit or privilege to
43 drive under NRS 62E.640 or 483.460 follows a revocation under
44 subsection 2 which was based on the person having a concentration
45 of alcohol of 0.08 or more in his or her blood or breath, the



1 Department shall cancel the revocation under that subsection and
2 give the person credit for any period during which the person was
3 not eligible for a license, permit or privilege.

4 *5. If an order to install a device pursuant to NRS 62E.640 or*
5 *484C.460 follows the installation of a device pursuant to*
6 *subsection 3, the court may give the person day-for-day credit for*
7 *any period during which the person installed a device as a*
8 *condition to obtaining a restricted license.*

9 ~~4.~~ 6. Periods of ineligibility for a license, permit or privilege
10 to drive which are imposed pursuant to this section must run
11 consecutively.

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

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

15 484C.220 1. As agent for the Department, the officer who
16 requested that a test be given pursuant to NRS 484C.150 or
17 484C.160 or who obtained the result of a test given pursuant to NRS
18 484C.150 or 484C.160 shall immediately serve an order of
19 revocation of the license, permit or privilege to drive on a person
20 who failed to submit to a test requested by the police officer
21 pursuant to NRS 484C.150 or 484C.160 or who has a concentration
22 of alcohol of 0.08 or more in his or her blood or breath or has a
23 detectable amount of a controlled substance or prohibited substance
24 in his or her blood or urine for which he or she did not have a valid
25 prescription, as defined in NRS 453.128, or hold a valid registry
26 identification card, as defined in NRS 453A.140, if that person is
27 present, and shall seize the license or permit to drive of the person.
28 The officer shall then, unless the information is expressly set forth
29 in the order of revocation, advise the person of his or her right to
30 administrative and judicial review of the revocation pursuant to
31 NRS 484C.230 and, except as otherwise provided in this subsection,
32 that the person has a right to request a temporary license. *The*
33 *officer shall also, unless the information is expressly set forth in*
34 *the order of revocation, advise the person that he or she is*
35 *required to install a device pursuant to NRS 484C.210.* If the
36 person currently is driving with a temporary license that was issued
37 pursuant to this section or NRS 484C.230, the person is not entitled
38 to request an additional temporary license pursuant to this section or
39 NRS 484C.230, and the order of revocation issued by the officer
40 must revoke the temporary license that was previously issued. If the
41 person is entitled to request a temporary license, the officer shall
42 issue the person a temporary license on a form approved by the
43 Department if the person requests one, which is effective for only 7
44 days including the date of issuance. The officer shall immediately



1 transmit the person's license or permit to the Department along with
2 the written certificate required by subsection 2.

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

17 (a) With a concentration of alcohol of 0.08 or more in his or her
18 blood or breath or with a detectable amount of a controlled
19 substance or prohibited substance in his or her blood or urine for
20 which he or she did not have a valid prescription, as defined in NRS
21 453.128, or hold a valid registry identification card, as defined in
22 NRS 453A.140, as determined by a chemical test; or

23 (b) While under the influence of intoxicating liquor or a
24 controlled substance or with a prohibited substance in his or her
25 blood or urine and the person refused to submit to a required
26 evidentiary test.

27 ➤ The certificate must also indicate whether the officer served an
28 order of revocation on the person and whether the officer issued the
29 person a temporary license.

30 3. The Department, upon receipt of such a certificate for which
31 an order of revocation has not been served, after examining the
32 certificate and copy of the result of the chemical test, if any, and
33 finding that revocation is proper, shall issue an order revoking the
34 person's license, permit or privilege to drive by mailing the order to
35 the person at the person's last known address. The order must
36 indicate the grounds for the revocation and the period during which
37 the person is not eligible for a license, permit or privilege to drive
38 and state that the person has a right to administrative and judicial
39 review of the revocation and to have a temporary license. *The order*
40 *must also indicate that the person is required to install a device*
41 *pursuant to NRS 484C.210.* The order of revocation becomes
42 effective 5 days after mailing.

43 4. Notice of an order of revocation and notice of the
44 affirmation of a prior order of revocation or the cancellation of a
45 temporary license provided in NRS 484C.230 is sufficient if it is



1 mailed to the person's last known address as shown by any
2 application for a license. The date of mailing may be proved by the
3 certificate of any officer or employee of the Department, specifying
4 the time of mailing the notice. The notice is presumed to have been
5 received upon the expiration of 5 days after it is deposited, postage
6 prepaid, in the United States mail.

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

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

10 484C.230 1. At any time while a person is not eligible for a
11 license, permit or privilege to drive following an order of revocation
12 issued pursuant to NRS 484C.220, the person may request in writing
13 a hearing by the Department to review the order of revocation, but
14 the person is only entitled to one hearing. The hearing must be
15 conducted as soon as is practicable at any location, if the hearing
16 officer permits each party and witness to attend the hearing by
17 telephone, videoconference or other electronic means. The Director
18 or agent of the Director may issue subpoenas for the attendance of
19 witnesses and the production of relevant books and papers and may
20 require a reexamination of the requester. Unless the person is
21 ineligible for a temporary license pursuant to NRS 484C.220, the
22 Department shall issue an additional temporary license for a period
23 which is sufficient to complete the administrative review. **A person**
24 **who is issued a temporary license is not subject to and is exempt**
25 **from the requirement to install a device pursuant to**
26 **NRS 484C.210.**

27 2. The scope of the hearing must be limited to the issue of
28 whether the person:

29 (a) Failed to submit to a required test provided for in NRS
30 484C.150 or 484C.160; or

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

37 ➤ Upon an affirmative finding on either issue, the Department shall
38 affirm the order of revocation. Otherwise, the order of revocation
39 must be rescinded.

40 3. **If, after the hearing, the order of revocation is affirmed,**
41 **the person whose license, permit or privilege to drive has been**
42 **revoked shall, if not previously installed, install a device pursuant**
43 **to NRS 484C.210.**

44 4. If, after the hearing, the order of revocation is affirmed, the
45 person whose license, privilege or permit has been revoked is



1 entitled to a review of the same issues in district court in the same
2 manner as provided by chapter 233B of NRS. The court shall notify
3 the Department upon the issuance of a stay, and the Department
4 shall issue an additional temporary license for a period which is
5 sufficient to complete the review. *A person who is issued a*
6 *temporary license is not subject to and is exempt from the*
7 *requirement to install a device pursuant to NRS 484C.210.*

8 ~~4.~~ 5. If a hearing officer grants a continuance of a hearing at
9 the request of the person whose license was revoked, or a court does
10 so after issuing a stay of the revocation, the officer or court shall
11 notify the Department, and the Department shall cancel the
12 temporary license and notify the holder by mailing the order of
13 cancellation to the person's last known address.

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

16 **Sec. 5.5.** NRS 484C.450 is hereby amended to read as follows:
17 484C.450 As used in NRS 484C.450 to 484C.480, inclusive,
18 *and section 2.5 of this act*, unless the context otherwise requires,
19 "device" means a mechanism that:

20 1. Tests a person's breath to determine the concentration of
21 alcohol in his or her breath; and

22 2. If the results of the test indicate that the person has a
23 concentration of alcohol of 0.02 or more in his or her breath,
24 prevents the motor vehicle in which it is installed from starting.

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

26 484C.460 1. Except as otherwise provided in subsections 2
27 and 5, a court ~~is~~:

28 ~~—(a) May~~ shall order a person convicted of ~~it~~:

29 (a) A violation of NRS 484C.110 that is punishable pursuant to
30 paragraph (a) or (b) of subsection 1 of NRS 484C.400, if the person
31 is found to have had a concentration of alcohol of less than 0.18 in
32 his or her blood or breath, ~~for a period of not less than 3 months nor~~
33 ~~more than 6 months,~~ to install, at his or her own expense *and for a*
34 *period of not less than 185 days*, a device in any motor vehicle
35 which the person ~~owns or~~ operates as a condition to obtaining a
36 restricted license pursuant to NRS 483.490 or as a condition of
37 reinstatement of the driving privilege of the person.

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

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

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

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



1 (3) ~~[A violation of]~~ NRS 484C.130 or 484C.430,
2 ~~↳ [for a period of not less than 12 months nor more than 36~~
3 ~~months,]~~ to install , at his or her own expense *and for a period of*
4 *not less than 12 months or more than 36 months*, a device in any
5 motor vehicle which the person ~~[owns or]~~ operates as a condition to
6 obtaining a restricted license pursuant to NRS 483.490 or as a
7 condition of reinstatement of the driving privilege of the person.

8 2. A court may , *in the interests of justice*, provide for an
9 exception to the provisions of ~~[subparagraph (1) of paragraph (b) of]~~
10 subsection 1 for a person who is convicted of a violation of NRS
11 484C.110 that is punishable pursuant to paragraph (a) of subsection
12 1 of NRS 484C.400, to avoid undue hardship to the person if the
13 court determines that:

14 (a) Requiring the person to install a device in a motor vehicle
15 which the person owns or operates would cause the person to
16 experience an economic hardship; ~~[and]~~

17 (b) The person requires the use of the motor vehicle to:

18 (1) Travel to and from work or in the course and scope of his
19 or her employment; *or*

20 (2) Obtain medicine, food or other necessities or to obtain
21 health care services for the person or another member of the
22 person's immediate family . ~~[or~~

23 ~~— (3) Transport the person or another member of the person's~~
24 ~~immediate family to or from school.]~~

25 (c) *The person is unable to provide a deep lung breath sample*
26 *for a device, as certified in writing by a physician of the person; or*

27 (d) *The person resides more than 100 miles from a*
28 *manufacturer of a device or its agent.*

29 3. If the court orders a person to install a device pursuant to
30 subsection 1:

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

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

43 4. A person whose driving privilege is restricted pursuant to
44 this section *or NRS 483.490* shall †



1 ~~— (a) If the person was ordered to install a device pursuant to~~
2 ~~paragraph (a) of subsection 1,]~~ have the device inspected ,
3 *calibrated, monitored and maintained* by the manufacturer of the
4 device or its agent ~~[at least one time during the period in which the~~
5 ~~person is required to use the device; or~~
6 ~~— (b) If the person was ordered to install a device pursuant to~~
7 ~~paragraph (b) of subsection 1, have the device inspected by the~~
8 ~~manufacturer of the device or its agent]~~ at least one time each 90
9 days ~~;~~
10 ~~→]~~ *during the period in which the person is required to use the*
11 *device* to determine whether the device is operating properly. ~~+~~*Any*
12 *Any inspection , calibration, monitoring or maintenance* required
13 pursuant to this subsection must be conducted in accordance with
14 regulations adopted pursuant to NRS 484C.480. The manufacturer
15 or its agent shall submit a report to the Director indicating whether
16 the device is operating properly , *whether any of the incidents listed*
17 *in subsection 1 of NRS 484C.470 have occurred* and whether ~~+~~
18 *the device* has been tampered with. If the device has been tampered
19 with, the Director shall notify the court that ordered the installation
20 of the device. *Upon receipt of such notification and before the*
21 *court imposes a penalty pursuant to subsection 3 of NRS*
22 *484C.470, the court shall afford any interested party an*
23 *opportunity for a hearing after reasonable notice.*

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

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

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

33 ➔ This exemption does not apply to a motor vehicle owned by a
34 business which is all or partly owned or controlled by the person
35 otherwise subject to this section.

36 6. The running of the period during which a person is required
37 to have a device installed pursuant to this section commences when
38 the Department issues a restricted license to the person or reinstates
39 the driving privilege of the person and is tolled whenever and for as
40 long as the person is, with regard to a violation of NRS 484C.110,
41 484C.120, 484C.130 or 484C.430, imprisoned, serving a term of
42 residential confinement, placed under the supervision of a treatment
43 provider, on parole or on probation.



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

2 484C.470 1. *The court may extend the order of a person*
3 *who is required to install a device pursuant to NRS 484C.210 or*
4 *484C.460, not to exceed one-half of the period during which the*
5 *person is required to have a device installed, if the court receives*
6 *from the Director of the Department of Public Safety a report that*
7 *4 consecutive months prior to the date of release any of the*
8 *following incidents occurred:*

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

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

17 (c) *Failure of the person to pass any random retest with a*
18 *concentration of alcohol of 0.025 or lower in his or her breath*
19 *unless a subsequent test performed within 10 minutes registers a*
20 *concentration of alcohol lower than 0.025, and the digital image*
21 *confirms the same person provided both samples;*

22 (d) *Failure of the person to have the device inspected,*
23 *calibrated, monitored and maintained by the manufacturer or its*
24 *agent pursuant to subsection 4 of NRS 484C.460; or*

25 (e) *Any attempt by the person to operate a motor vehicle*
26 *without a device or tamper with the device.*

27 2. A person required to install a device pursuant to NRS
28 *484C.210 or* 484C.460 shall not operate a motor vehicle without a
29 device or tamper with the device.

30 ~~2:~~ 3. A person who violates any provision of subsection
31 ~~1:~~ 2:

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

34 (b) Shall be:

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

37 (2) Sentenced to a term of not less than 60 days in residential
38 confinement nor more than 6 months, and by a fine of not less than
39 \$500 nor more than \$1,000.

40 ➔ No person who is punished pursuant to this section may be
41 granted probation, and no sentence imposed for such a violation
42 may be suspended. No prosecutor may dismiss a charge of such a
43 violation in exchange for a plea of guilty, guilty but mentally ill or
44 nolo contendere to a lesser charge or for any other reason unless, in



1 the judgment of the attorney, the charge is not supported by
2 probable cause or cannot be proved at trial.

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

4 484C.480 1. The Committee on Testing for Intoxication shall
5 ~~on or before January 1, 1990,~~ adopt regulations which:

6 (a) Provide for the certification of each model of those devices,
7 described by manufacturer and model, which it approves as
8 designed and manufactured to be accurate and reliable to test a
9 person's breath to determine the concentration of alcohol in the
10 person's breath and, if the results of the test indicate that the person
11 has a concentration of alcohol of 0.02 or more in his or her breath,
12 prevent the motor vehicle in which it is installed from starting.

13 (b) Prescribe the form and content of records respecting the
14 calibration of devices, which must be kept by the ~~Director~~
15 *manufacturer of the device* or ~~the~~ *its* agent, ~~of the Director,~~ and
16 other records respecting the *installation, removal, inspection,*
17 maintenance and operation of the devices which it finds should be
18 kept by the ~~Director~~ *manufacturer* or ~~the~~ *its* agent.

19 (c) *Prescribe standards and procedures for the proper*
20 *installation, removal, inspection, calibration, maintenance and*
21 *operation of a device installed by the manufacturer or its agent.*

22 (d) *Require the manufacturer or its agent to waive the cost of*
23 *installing or removing the device and adjust the fee to lease,*
24 *calibrate or monitor the device, if the person required to install a*
25 *device pursuant to NRS 484C.210 or 484C.460:*

26 (1) *Has an income which is at or below 100 percent of the*
27 *federally designated level signifying poverty, to 50 percent of the*
28 *fee; or*

29 (2) *Receives supplemental nutritional assistance pursuant*
30 *to NRS 422A.072, was determined indigent pursuant to NRS*
31 *171.188 or has an income which is at or below 149 percent of the*
32 *federally designated level signifying poverty, to 75 percent of the*
33 *fee.*

34 2. The Committee shall establish its own standards and
35 procedures for evaluating the models of the devices and obtain
36 evaluations of those models from the Director or *the manufacturer*
37 *of the device or its* the agent.

38 3. If a model of a device has been certified by the Committee
39 to be accurate and reliable pursuant to subsection 1, it is presumed
40 that, as designed and manufactured, each device of that model is
41 accurate and reliable to test a person's breath to determine the
42 concentration of alcohol in the person's breath and, if the results of
43 the test indicate that the person has a concentration of alcohol of
44 0.02 or more in his or her breath, will prevent the motor vehicle in
45 which it is installed from starting.



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

2 62E.640 1. If a child is adjudicated delinquent for an
3 unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or
4 484C.430, the juvenile court shall, if the child possesses a driver's
5 license:

6 (a) Issue an order revoking the driver's license of the child for
7 ~~190~~ **185** days and requiring the child to surrender the driver's
8 license of the child to the juvenile court; and

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

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

16 3. If the child is adjudicated delinquent for a subsequent
17 unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or
18 484C.430, the juvenile court shall order an additional period of
19 revocation to apply consecutively with the previous order.

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

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

24 (b) **Order the child to install, at his or her own expense, or at**
25 **the expense of the parent or guardian of the child, a device in any**
26 **motor vehicle the child operates as a condition to obtaining a**
27 **restricted license pursuant to NRS 483.490.**

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

30 **Sec. 10.** This act becomes effective:

31 1. Upon passage and approval for the purpose of adopting any
32 regulations and performing any other preparatory administrative
33 tasks that are necessary to carry out the provisions of this act; and

34 2. On October 1, 2018, for all other purposes.

