

ASSEMBLY BILL NO. 542—COMMITTEE ON JUDICIARY

(ON BEHALF OF BUDGET DIVISION)

MARCH 15, 1999

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning driving under influence of intoxicating liquor or controlled substance. (BDR 43-1583)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to motor vehicles; revising provisions concerning driving under the influence of intoxicating liquor or a controlled substance; providing penalties; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 482 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.
- 3 **Sec. 2. 1.** *The department shall, upon receiving an order from a*
4 *court to suspend the registration of each motor vehicle that is registered*
5 *to or owned by a person pursuant to subsection 7 of this act, suspend the*
6 *registration of each such motor vehicle for 30 days and require the*
7 *return to the department of the license plates of each such motor vehicle.*
8 **2.** *If the registration of a motor vehicle of a person is suspended*
9 *pursuant to this section, he shall immediately return the certificate of*
10 *registration and the license plates to the department.*
- 11 **3.** *The period of suspension of the registration of a motor vehicle*
12 *that is suspended pursuant to this section begins on the effective date of*
13 *the suspension as set forth in the notice thereof.*
- 14 **4.** *The department shall reinstate the registration of a motor vehicle*
15 *that was suspended pursuant to this section and reissue the license plates*
16 *of the motor vehicle only upon the payment of the fee for reinstatement*
17 *of registration prescribed in subsection 9 of NRS 482.480.*

1 **5. The suspension of the registration of a motor vehicle pursuant to**
2 **this section does not prevent the owner of the motor vehicle from selling**
3 **or otherwise transferring an interest in the motor vehicle.**

4 **Sec. 3. 1. A person who has had the registration of his motor**
5 **vehicle suspended pursuant to section 2 of this act and who drives the**
6 **motor vehicle for which the registration has been suspended on a**
7 **highway is guilty of a misdemeanor and shall be:**

8 **(a) Punished by imprisonment in the county jail for not less than 30**
9 **days nor more than 6 months; or**

10 **(b) Sentenced to a term of not less than 60 days not more than 6**
11 **months in residential confinement, and by a fine of not less than \$500**
12 **and not more than \$1,000.**

13 **A person who is punished pursuant to this subsection may not be granted**
14 **probation and a sentence imposed for such a violation may not be**
15 **suspended. A prosecutor may not dismiss a charge of such a violation in**
16 **exchange for a plea of guilty, guilty but mentally ill or nolo contendere to**
17 **a lesser charge or for any other reason, unless in his judgment the**
18 **charge is not supported by probable cause or cannot be proved at trial.**
19 **The provisions of this subsection do not apply if the period of suspension**
20 **has expired but the person has not reinstated his registration.**

21 **2. A person who has had the registration of his motor vehicle**
22 **suspended pursuant to section 2 of this act and who knowingly allows the**
23 **motor vehicle for which the registration has been suspended to be**
24 **operated by another person upon a highway is guilty of a misdemeanor.**

25 **3. A person who willfully fails to return a certificate of registration**
26 **or the license plates as required pursuant to section 2 of this act is guilty**
27 **of a misdemeanor.**

28 **4. A term of imprisonment imposed pursuant to the provisions of this**
29 **section may be served intermittently at the discretion of the judge or**
30 **justice of the peace, except that the full term of imprisonment must be**
31 **served within 6 months after the date of conviction, and any segment of**
32 **time the person is imprisoned must not consist of less than 24 hours. This**
33 **discretion must be exercised after considering all the circumstances**
34 **surrounding the offense, and the family and employment of the person**
35 **convicted.**

36 **5. Jail sentences simultaneously imposed pursuant to this section**
37 **and NRS 484.3792, 484.37937 or 484.3794 must run consecutively.**

38 **Sec. 4. NRS 482.480 is hereby amended to read as follows:**

39 **482.480** There must be paid to the department for the registration or
40 the transfer or reinstatement of the registration of motor vehicles, trailers
41 and semitrailers, fees according to the following schedule:

42 **1. Except as otherwise provided in this section, for each stock**
43 **passenger car and each reconstructed or specially constructed passenger car**

1 registered to a person, regardless of weight or number of passenger
2 capacity, a fee for registration of \$33.

3 2. Except as otherwise provided in subsection 3:

4 (a) For each of the fifth and sixth such cars registered to a person for
5 which special license plates have been issued pursuant to NRS 482.380,
6 482.381, 482.3812, 482.3814 or 482.3816, a fee for registration of \$16.50.

7 (b) For each of the seventh and eighth such cars registered to a person
8 for which special license plates have been issued pursuant to NRS 482.380,
9 482.381, 482.3812, 482.3814 or 482.3816, a fee for registration of \$12.

10 (c) For each of the ninth or more such cars registered to a person for
11 which special license plates have been issued pursuant to NRS 482.380,
12 482.381, 482.3812, 482.3814 or 482.3816, a fee for registration of \$8.

13 3. The fees specified in subsection 2 do not apply:

14 (a) Unless the person registering the cars presents to the department at
15 the time of registration the registrations of all of the cars registered to him.

16 (b) To cars that are part of a fleet.

17 4. For every motorcycle, a fee for registration of \$33 and for each
18 motorcycle other than a trimobile, an additional fee of \$6 for motorcycle
19 safety. The additional fee must be deposited in the state highway fund for
20 credit to the account for the program for the education of motorcycle riders.

21 5. For each transfer of registration, a fee of \$6 in addition to any other
22 fees.

23 6. To reinstate the registration of a motor vehicle suspended pursuant
24 to NRS 485.317:

25 (a) A fee of \$250 for a registered owner who failed to have insurance on
26 the date specified in the form for verification that was mailed by the
27 department pursuant to subsection 2 of NRS 485.317; or

28 (b) A fee of \$50 for a registered owner of a dormant vehicle who
29 canceled the insurance coverage for that vehicle or allowed the insurance
30 coverage for that vehicle to expire without first canceling the registration
31 for the vehicle in accordance with subsection 3 of NRS 485.320,
32 both of which must be deposited in the account for verification of insurance
33 which is hereby created in the state highway fund. Money in the account
34 must be used to carry out the provisions of NRS 485.313 to 485.318,
35 inclusive.

36 7. For every travel trailer, a fee for registration of \$27.

37 8. For every permit for the operation of a golf cart, an annual fee of
38 \$10.

39 ***9. To reinstate the registration of a motor vehicle that is suspended
40 pursuant to section 2 of this act, a fee of \$33.***

41 **Sec. 5.** NRS 483.460 is hereby amended to read as follows:

42 483.460 1. Except as otherwise provided by statute, the department
43 shall revoke the license, permit or privilege of any driver upon receiving a

1 record of his conviction of any of the following offenses, when that
2 conviction has become final, and the driver is not eligible for a license,
3 permit or privilege to drive for the period indicated:

4 (a) For a period of 3 years if the offense is:

5 (1) A violation of subsection 2 of NRS 484.377.

6 (2) A third or subsequent violation within 7 years of NRS 484.379.

7 (3) A violation of NRS 484.3795 or homicide resulting from driving a
8 vehicle while under the influence of intoxicating liquor or a controlled
9 substance.

10 The period during which such a driver is not eligible for a license, permit or
11 privilege to drive must be set aside during any period of imprisonment and
12 the period of revocation must resume upon completion of the period of
13 imprisonment or when the person is placed on residential confinement.

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

15 (1) Any other manslaughter resulting from the driving of a motor
16 vehicle or felony in the commission of which a motor vehicle is used,
17 including the unlawful taking of a motor vehicle.

18 (2) Failure to stop and render aid as required pursuant to the laws of
19 this state in the event of a motor vehicle accident resulting in the death or
20 bodily injury of another.

21 (3) Perjury or the making of a false affidavit or statement under oath
22 to the department pursuant to NRS 483.010 to 483.630, inclusive, or
23 pursuant to any other law relating to the ownership or driving of motor
24 vehicles.

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

27 (5) A second violation within 7 years of NRS 484.379 and ~~[-except~~
28 ~~as otherwise provided in subsection 2 of NRS 483.490,]~~ the driver is not
29 eligible for a restricted license during any of that period.

30 (6) A violation of NRS 484.348.

31 (c) For a period of 90 days, if the offense is a first violation within 7
32 years of NRS 484.379.

33 2. The department shall revoke the license, permit or privilege of a
34 driver convicted of violating NRS 484.379 who fails to complete the
35 educational course on the use of alcohol and controlled substances within
36 the time ordered by the court and shall add a period of 90 days during
37 which the driver is not eligible for a license, permit or privilege to drive.

38 3. When the department is notified by a court that a person who has
39 been convicted of ~~[-violating]~~ *a first violation within 7 years of* NRS
40 484.379 has been permitted to enter a program of treatment pursuant to
41 NRS 484.37937, ~~[-or 484.3794,]~~ the department shall reduce by one-half
42 the period during which he is not eligible for a license, permit or privilege

1 to drive, but shall restore that reduction in time if notified that he was not
2 accepted for or failed to complete the treatment.

3 4. The department shall revoke the license, permit or privilege to drive
4 of a person who is required to install a device pursuant to NRS 484.3943
5 but who operates a motor vehicle without such a device:

6 (a) For 3 years, if it is his first such offense during the period of required
7 use of the device.

8 (b) For 5 years, if it is his second such offense during the period of
9 required use of the device.

10 5. A driver whose license, permit or privilege is revoked pursuant to
11 subsection 4 is not eligible for a restricted license during the period set
12 forth in paragraph (a) or (b) of that subsection, whichever ~~is applicable.~~
13 *applies.*

14 6. When the department is notified that a court has:

15 (a) Pursuant to paragraph (h) of subsection 1 of NRS 62.211, NRS
16 62.224, 62.2255, 62.226 or 62.228, ordered the suspension or delay in the
17 issuance of a child's license;

18 (b) Pursuant to NRS 206.330, ordered the suspension or delay in the
19 issuance of a person's license; or

20 (c) Pursuant to NRS 62.227, ordered the revocation of a child's license,
21 the department shall take such actions as are necessary to carry out the
22 court's order.

23 7. As used in this section, "device" has the meaning ascribed to it in
24 NRS 484.3941.

25 **Sec. 6.** NRS 483.490 is hereby amended to read as follows:

26 483.490 1. Except as otherwise provided in this section, after a
27 driver's license has been suspended or revoked for an offense other than a
28 second violation within 7 years of NRS 484.379 and one-half of the period
29 during which the driver is not eligible for a license has expired, the
30 department may, unless the statute authorizing the suspension prohibits the
31 issuance of a restricted license, issue a restricted driver's license to an
32 applicant permitting the applicant to drive a motor vehicle:

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

34 (b) To acquire supplies of medicine or food or receive regularly
35 scheduled medical care for himself or a member of his immediate
36 family.

37 Before a restricted license may be issued, the applicant must submit
38 sufficient documentary evidence to satisfy the department that a severe
39 hardship exists because the applicant has no alternative means of
40 transportation and that the severe hardship outweighs the risk to the public
41 if he is issued a restricted license.

42 2. A person who has been ordered to install a device in a motor vehicle
43 ~~{which he owns or operates}~~ pursuant to NRS 484.3943:

1 (a) Shall install the device not later than 21 days after the date on which
2 the order issued; and

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

4 (1) After at least ~~[180 days]~~ **1 year** of the period during which he is
5 not eligible for a license, if he was convicted of ~~[a violation of subsection 2~~
6 ~~of NRS 484.377,]~~ a violation of NRS 484.3795 or homicide resulting from
7 driving a vehicle while under the influence of intoxicating liquor or a
8 controlled substance or if he was convicted of a third **or subsequent**
9 violation within 7 years of NRS 484.379;

10 (2) After at least ~~[90]~~ **180** days of the period during which he is not
11 eligible for a license, if he was convicted of ~~[a second violation within 7~~
12 ~~years of NRS 484.379;]~~ **a violation of subsection 2 of NRS 484.377;** or

13 (3) After at least 45 days of the period during which he is not eligible
14 for a license, if he was convicted of a first violation within 7 years of NRS
15 484.379.

16 3. If the department has received a copy of an order requiring a person
17 to install a device in a motor vehicle ~~[which he owns or operates]~~ pursuant
18 to NRS 484.3943, the department shall not issue a restricted driver's
19 license to such a person pursuant to this section unless the applicant has
20 submitted proof of compliance with the order and subsection 2.

21 4. After a driver's license has been revoked pursuant to subsection 1 of
22 NRS 62.227 or suspended pursuant to paragraph (h) of subsection 1 of
23 NRS 62.211, NRS 62.224, 62.2255, 62.226 or 62.228, the department may
24 issue a restricted driver's license to an applicant permitting the applicant to
25 drive a motor vehicle:

26 (a) If applicable, to and from work or in the course of his work, or both;
27 and

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

29 5. After a driver's license has been suspended pursuant to NRS
30 483.443, the department may issue a restricted driver's license to an
31 applicant permitting the applicant to drive a motor vehicle:

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

33 (b) To receive regularly scheduled medical care for himself or a member
34 of his immediate family; and

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

37 6. A driver who violates a condition of a restricted license issued
38 pursuant to subsection 1 or by another jurisdiction is guilty of a
39 misdemeanor, and if his license was suspended or revoked for a violation of
40 NRS 484.379, 484.3795, 484.384 or a homicide resulting from driving a
41 vehicle while under the influence of intoxicating liquor or a controlled
42 substance, or the violation of a law of any other jurisdiction which prohibits

1 the same conduct, he shall be punished in the manner provided pursuant to
2 subsection 2 of NRS 483.560.

3 7. The periods of suspensions and revocations required pursuant to this
4 chapter and NRS 484.384 must run consecutively, except as otherwise
5 provided in NRS 483.465 and 483.475, when the suspensions must run
6 concurrently.

7 8. Whenever the department suspends or revokes a license, the period
8 of suspension, or of ineligibility for a license after the revocation, begins
9 upon the effective date of the revocation or suspension as contained in the
10 notice thereof.

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

13 *1. If a person is convicted of a second or subsequent violation of*
14 *NRS 484.379 or 484.3795 within 7 years, the court shall issue an order*
15 *directing the department to suspend the registration of each motor*
16 *vehicle that is registered to or owned by the person for 30 days.*

17 *2. If a court issues an order directing the department to suspend the*
18 *registration of a motor vehicle pursuant to subsection 1, the court shall*
19 *forward a copy of the order to the department within 5 days after issuing*
20 *the order. The order must include, without limitation, information*
21 *concerning each motor vehicle that is registered to or owned by the*
22 *person, including, without limitation, the registration number of the*
23 *motor vehicle, if such information is available.*

24 *3. A court may provide for limited exceptions to the provisions of*
25 *subsection 1 on an individual basis to avoid undue hardship to a person*
26 *other than the person to whom that provision applies. In determining*
27 *whether to provide for such an exception, the court shall consider:*

28 *(a) Whether a member of the immediate family of the person whose*
29 *registration is suspended needs to use the motor vehicle:*

30 *(1) To travel to or from work or in the course and scope of his*
31 *employment;*

32 *(2) To obtain medicine, food or other necessities or to obtain health*
33 *care services for himself or another member of his immediate family; or*

34 *(3) To transport himself or another member of his immediate*
35 *family to or from school; and*

36 *(b) The availability of alternative means of transportation for a*
37 *member of the immediate family of the person whose registration is*
38 *suspended.*

39 **Sec. 8.** NRS 484.3792 is hereby amended to read as follows:

40 484.3792 1. A person who violates the provisions of NRS 484.379:

41 (a) For the first offense within 7 years, is guilty of a misdemeanor.

42 Unless he is allowed to undergo treatment as provided in NRS 484.37937,
43 the court shall:

1 (1) Except as otherwise provided in subsection 6, order him to pay
2 tuition for an educational course on the abuse of alcohol and controlled
3 substances approved by the department and complete the course within the
4 time specified in the order, and the court shall notify the department if he
5 fails to complete the course within the specified time;

6 (2) Unless the sentence is reduced pursuant to NRS 484.37937,
7 sentence him to imprisonment for not less than 2 days nor more than 6
8 months in jail, or to perform 96 hours of work for the community while
9 dressed in distinctive garb that identifies him as having violated the
10 provisions of NRS 484.379; and

11 (3) Fine him not less than \$400 nor more than \$1,000.

12 (b) For a second offense within 7 years, is guilty of a misdemeanor.
13 Unless the sentence is reduced pursuant to NRS 484.3794, the court:

14 (1) Shall sentence him to:

15 (I) Imprisonment for not less than 10 days nor more than 6 months
16 in jail; or

17 (II) Residential confinement for not less than 10 days nor more
18 than 6 months, in the manner provided in NRS 4.376 to 4.3768, inclusive,
19 or 5.0755 to 5.078, inclusive;

20 (2) Shall fine him not less than \$750 nor more than \$1,000;

21 (3) Shall order him to perform not less than 100 hours, but not more
22 than 200 hours, of work for the community while dressed in distinctive garb
23 that identifies him as having violated the provisions of NRS 484.379,
24 unless the court finds that extenuating circumstances exist; and

25 (4) May order him to attend a program of treatment for the abuse of
26 alcohol or drugs pursuant to the provisions of NRS 484.37945.

27 A person who willfully fails or refuses to complete successfully a term of
28 residential confinement or a program of treatment ordered pursuant to this
29 paragraph is guilty of a misdemeanor.

30 (c) For a third or subsequent offense within 7 years, is guilty of a
31 category B felony and shall be punished by imprisonment in the state prison
32 for a minimum term of not less than 1 year and a maximum term of not
33 more than 6 years, and shall be further punished by a fine of not less than
34 \$2,000 nor more than \$5,000. An offender so imprisoned must, insofar as
35 practicable, be segregated from offenders whose crimes were violent and,
36 insofar as practicable, be assigned to an institution or facility of minimum
37 security.

38 2. An offense that occurred within 7 years immediately preceding the
39 date of the principal offense or after the principal offense constitutes a prior
40 offense for the purposes of this section when evidenced by a conviction,
41 without regard to the sequence of the offenses and convictions. The facts
42 concerning a prior offense must be alleged in the complaint, indictment or
43 information, must not be read to the jury or proved at trial but must be

1 proved at the time of sentencing and, if the principal offense is alleged to
2 be a felony, must also be shown at the preliminary examination or
3 presented to the grand jury.

4 3. A person convicted of violating the provisions of NRS 484.379 must
5 not be released on probation, and a sentence imposed for violating those
6 provisions must not be suspended except, as provided in NRS 4.373, 5.055,
7 484.37937 and 484.3794, that portion of the sentence imposed that exceeds
8 the mandatory minimum. A prosecuting attorney shall not dismiss a charge
9 of violating the provisions of NRS 484.379 in exchange for a plea of guilty,
10 guilty but mentally ill or nolo contendere to a lesser charge or for any other
11 reason unless he knows or it is obvious that the charge is not supported by
12 probable cause or cannot be proved at the time of trial.

13 4. A term of confinement imposed pursuant to the provisions of this
14 section may be served intermittently at the discretion of the judge or justice
15 of the peace, except that a person who is convicted of a second or
16 subsequent offense within 7 years must be confined for at least one segment
17 of not less than 48 consecutive hours. This discretion must be exercised
18 after considering all the circumstances surrounding the offense, and the
19 family and employment of the offender, but any sentence of 30 days or less
20 must be served within 6 months after the date of conviction or, if the
21 offender was sentenced pursuant to NRS 484.37937 or 484.3794 and the
22 suspension of his sentence was revoked, within 6 months after the date of
23 revocation. Any time for which the offender is confined must consist of not
24 less than 24 consecutive hours.

25 5. Jail sentences simultaneously imposed pursuant to this section and
26 NRS 483.560 or 485.330 *or section 3 of this act* must run consecutively.

27 6. If the person who violated the provisions of NRS 484.379 possesses
28 a driver's license issued by a state other than the State of Nevada and does
29 not reside in the State of Nevada, in carrying out the provisions of
30 subparagraph (1) of paragraph (a) or (b) of subsection 1, the court shall:

31 (a) Order the person to pay tuition for and submit evidence of
32 completion of an educational course on the abuse of alcohol and controlled
33 substances approved by a governmental agency of the state of his residence
34 within the time specified in the order; or

35 (b) Order him to complete an educational course by correspondence on
36 the abuse of alcohol and controlled substances approved by the department
37 within the time specified in the order,
38 and the court shall notify the department if the person fails to complete the
39 assigned course within the specified time.

40 7. If the defendant was transporting a person who is less than 15 years
41 of age in the motor vehicle at the time of the violation, the court shall
42 consider that fact as an aggravating factor in determining the sentence of
43 the defendant.

8. As used in this section, unless the context otherwise requires, “offense” means a violation of NRS 484.379 or 484.3795 or a homicide resulting from the driving of a vehicle while under the influence of intoxicating liquor or a controlled substance, or the violation of a law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 9. NRS 484.3943 is hereby amended to read as follows:

484.3943 1. Except as otherwise provided in subsection 5, a court:

(a) May order a person convicted of a first violation of NRS 484.379, for a period of not less than 3 months nor more than 6 months; **and**

~~(b) [Shall order a person convicted of a second violation of NRS 484.379, for a period of not less than 6 months nor more than 12 months; and~~

~~—(c)]~~ Shall order a person convicted of a third or subsequent violation of NRS 484.379 or a violation of NRS 484.3795, for a period of not less than 12 months nor more than 36 months,

to install at his own expense a device in any motor vehicle which he owns or operates as a condition to obtaining a restricted license pursuant to subsection 3 of NRS 483.490.

2. A court may order a person convicted of a violation of NRS 484.379 or 484.3795, for a period determined by the court, to install at his own expense a device in any motor vehicle which he owns or operates as a condition of reinstatement of his driving privilege.

3. If the court orders a person to install a device pursuant to subsection 1 or 2:

(a) The court shall immediately prepare and transmit a copy of its order to the director. The order must include a statement that a device is required and the specific period for which it is required. The director shall cause this information to be incorporated into the records of the department and noted as a restriction on the person’s driver’s license.

(b) The person who is required to install the device shall provide proof of compliance to the department before he may receive a restricted license or before his driving privilege may be reinstated, as applicable. Each model of a device installed pursuant to this section must have been certified by the committee on testing for intoxication.

4. A person whose driving privilege is restricted pursuant to this section shall:

(a) If he was ordered to install a device pursuant to paragraph (a) of subsection 1, have the device inspected by the manufacturer of the device or its agent at least one time during the period in which he is required to use the device; or

(b) If he was ordered to install a device pursuant to paragraph (b) ~~for~~ ~~(c)]~~ of subsection 1, have the device inspected by the manufacturer of the device or its agent at least one time each 90 days,

1 to determine whether the device is operating properly. An inspection
2 required pursuant to this subsection must be conducted in accordance with
3 regulations adopted pursuant to NRS 484.3888. The manufacturer or its
4 agent shall submit a report to the director indicating whether the device is
5 operating properly and whether it has been tampered with. If the device has
6 been tampered with, the director shall notify the court that ordered the
7 installation of the device.

8 5. If a person is required to operate a motor vehicle in the course and
9 scope of his employment and the motor vehicle is owned by his employer,
10 the person may operate that vehicle without the installation of a device, if:

11 (a) The employee notifies his employer that the employee's driving
12 privilege has been so restricted; and

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

15 This exemption does not apply to a motor vehicle owned by a business
16 which is all or partly owned or controlled by the person otherwise subject
17 to this section.

18 **Sec. 10.** NRS 4.3762 is hereby amended to read as follows:

19 4.3762 1. Except as otherwise provided in subsection ~~6,~~ 7, in lieu
20 of imposing any punishment other than a minimum sentence ~~mandated~~
21 **required** by statute, a justice of the peace may sentence a person convicted
22 of a misdemeanor to a term of residential confinement. In making this
23 determination, the justice of the peace shall consider the criminal record of
24 the convicted person and the seriousness of the crime committed.

25 2. In sentencing a convicted person to a term of residential
26 confinement, the justice of the peace shall:

27 (a) Require the convicted person to be confined to his residence during
28 the time he is away from his employment, public service or other activity
29 authorized by the justice of the peace; and

30 (b) Require intensive supervision of the convicted person, including,
31 without limitation, electronic surveillance and unannounced visits to his
32 residence or other locations where he is expected to be to determine
33 whether he is complying with the terms of his sentence.

34 3. In sentencing a convicted person to a term of residential
35 confinement, the justice of the peace may, when the circumstances warrant,
36 require the convicted person to submit to:

37 (a) A search and seizure by the chief of a department of alternative
38 sentencing, an assistant alternative sentencing officer or any other law
39 enforcement officer at any time of the day or night without a search
40 warrant; and

41 (b) Periodic tests to determine whether the offender is using a controlled
42 substance or consuming alcohol.

1 4. ~~{An}~~ *Except as otherwise provided in subsection 5, an* electronic
2 device may be used to supervise a convicted person sentenced to a term of
3 residential confinement. The device must be minimally intrusive and
4 limited in capability to recording or transmitting information concerning
5 the presence of the person at his residence, including, but not limited to, the
6 transmission of still visual images which do not concern the activities of the
7 person while inside his residence. A device which is capable of recording
8 or transmitting:

9 (a) Oral or wire communications or any auditory sound; or

10 (b) Information concerning the activities of the person while inside his
11 residence,
12 must not be used.

13 5. *An electronic device must be used in the manner set forth in*
14 *subsection 4 to supervise a person who is sentenced pursuant to*
15 *paragraph (b) of subsection 1 of NRS 484.3792 for a second violation*
16 *within 7 years of driving under the influence of intoxicating liquor or a*
17 *controlled substance.*

18 6. A term of residential confinement, together with the term of any
19 minimum sentence ~~{mandated}~~ *required* by statute, may not exceed the
20 maximum sentence which otherwise could have been imposed for the
21 offense.

22 ~~{6,}~~ 7. The justice of the peace shall not sentence a person convicted
23 of committing a battery which constitutes domestic violence pursuant to
24 NRS 33.018 to a term of residential confinement in lieu of imprisonment
25 unless the justice of the peace makes a finding that the person is not likely
26 to pose a threat to the victim of the battery.

27 ~~{7,}~~ 8. The justice of the peace may issue a warrant for the arrest of a
28 convicted person who violates or fails to fulfill a condition of residential
29 confinement.

30 **Sec. 11.** NRS 5.076 is hereby amended to read as follows:

31 5.076 1. Except as otherwise provided in subsection ~~{6,}~~ 7, in lieu of
32 imposing any punishment other than a minimum sentence ~~{mandated}~~
33 *required* by statute, a municipal judge may sentence a person convicted of
34 a misdemeanor to a term of residential confinement. In making this
35 determination, the municipal judge shall consider the criminal record of the
36 convicted person and the seriousness of the crime committed.

37 2. In sentencing a convicted person to a term of residential
38 confinement, the municipal judge shall:

39 (a) Require the convicted person to be confined to his residence during
40 the time he is away from his employment, public service or other activity
41 authorized by the municipal judge; and

42 (b) Require intensive supervision of the convicted person, including,
43 without limitation, electronic surveillance and unannounced visits to his

1 residence or other locations where he is expected to be in order to
2 determine whether he is complying with the terms of his sentence.

3 3. In sentencing a convicted person to a term of residential
4 confinement, the municipal judge may, when the circumstances warrant,
5 require the convicted person to submit to:

6 (a) A search and seizure by the chief of a department of alternative
7 sentencing, an assistant alternative sentencing officer or any other law
8 enforcement officer at any time of the day or night without a search
9 warrant; and

10 (b) Periodic tests to determine whether the offender is using a controlled
11 substance or consuming alcohol.

12 4. ~~{An}~~ *Except as otherwise provided in subsection 5, an* electronic
13 device may be used to supervise a convicted person sentenced to a term of
14 residential confinement. The device must be minimally intrusive and
15 limited in capability to recording or transmitting information concerning
16 the presence of the person at his residence, including, but not limited to, the
17 transmission of still visual images which do not concern the activities of the
18 person while inside his residence. A device which is capable of recording
19 or transmitting:

20 (a) Oral or wire communications or any auditory sound; or

21 (b) Information concerning the activities of the person while inside his
22 residence,
23 must not be used.

24 5. *An electronic device must be used in the manner set forth in*
25 *subsection 4 to supervise a person who is sentenced pursuant to*
26 *paragraph (b) of subsection 1 of NRS 484.3792 for a second violation*
27 *within 7 years of driving under the influence of intoxicating liquor or a*
28 *controlled substance.*

29 6. A term of residential confinement, together with the term of any
30 minimum sentence ~~{mandated}~~ *required* by statute, may not exceed the
31 maximum sentence which otherwise could have been imposed for the
32 offense.

33 ~~{6.}~~ 7. The municipal judge shall not sentence a person convicted of
34 committing a battery which constitutes domestic violence pursuant to NRS
35 33.018 to a term of residential confinement in lieu of imprisonment unless
36 the municipal judge makes a finding that the person is not likely to pose a
37 threat to the victim of the battery.

38 ~~{7.}~~ 8. The municipal judge may issue a warrant for the arrest of a
39 convicted person who violates or fails to fulfill a condition of residential
40 confinement.

1 **Sec. 12.** NRS 458.260 is hereby amended to read as follows:

2 458.260 1. Except as otherwise provided in subsection 2, the use of
3 alcohol, the status of drunkard and the fact of being found in an intoxicated
4 condition are not:

5 (a) Public offenses and shall not be so treated in any ordinance or
6 resolution of a county, city or town.

7 (b) Elements of an offense giving rise to a criminal penalty or civil
8 sanction.

9 2. The provisions of subsection 1 do not apply to:

10 (a) The provisions of NRS 483.460, 483.490, subsection 2 of NRS
11 483.560 and NRS 484.384 ~~and~~ **and sections 2, 3 and 7 of this act;**

12 (b) An offense for which intoxication is an element of the offense
13 pursuant to the provisions of a specific statute;

14 (c) A homicide resulting from driving, operating or being in actual
15 physical control of a vehicle or a vessel under power or sail while under the
16 influence of intoxicating liquor or a controlled substance; and

17 (d) Any offense similar to an offense set forth in paragraph (a), (b) or (c)
18 that is set forth in an ordinance or resolution of a county, city or town.

19 3. This section does not make intoxication an excuse or defense for any
20 criminal act.

21 **Sec. 13.** Section 1.9 of chapter 551, Statutes of Nevada 1997, at page
22 2647, is hereby amended to read as follows:

23 Sec. 1.9. NRS 482.480 is hereby amended to read as follows:

24 482.480 There must be paid to the department for the
25 registration or the transfer or reinstatement of the registration of
26 motor vehicles, trailers and semitrailers, fees according to the
27 following schedule:

28 1. Except as otherwise provided in this section, for each stock
29 passenger car and each reconstructed or specially constructed
30 passenger car registered to a person, regardless of weight or number
31 of passenger capacity, a fee for registration of \$33.

32 2. Except as otherwise provided in subsection 3:

33 (a) For each of the fifth and sixth such cars registered to a person
34 , ~~for which special license plates have been issued pursuant to NRS~~
35 ~~482.380, 482.381, 482.3812, 482.3814 or 482.3816,~~ a fee for
36 registration of \$16.50.

37 (b) For each of the seventh and eighth such cars registered to a
38 person , ~~for which special license plates have been issued pursuant~~
39 ~~to NRS 482.380, 482.381, 482.3812, 482.3814 or 482.3816,~~ a fee
40 for registration of \$12.

41 (c) For each of the ninth or more such cars registered to a person
42 , ~~for which special license plates have been issued pursuant to NRS~~

1 ~~482.380, 482.381, 482.3812, 482.3814 or 482.3816,~~ a fee for
2 registration of \$8.

3 3. The fees specified in subsection 2 do not apply:

4 (a) Unless the person registering the cars presents to the
5 department at the time of registration the registrations of all of the
6 cars registered to him.

7 (b) To cars that are part of a fleet.

8 4. For every motorcycle, a fee for registration of \$33 and for
9 each motorcycle other than a trimobile, an additional fee of \$6 for
10 motorcycle safety. The additional fee must be deposited in the state
11 highway fund for credit to the account for the program for the
12 education of motorcycle riders.

13 5. For each transfer of registration , a fee of \$6 in addition to
14 any other fees.

15 6. To reinstate the registration of a motor vehicle suspended
16 pursuant to NRS 485.317:

17 (a) A fee of \$250 for a registered owner who failed to have
18 insurance on the date specified in the form for verification that was
19 mailed by the department pursuant to subsection 2 of NRS 485.317;
20 or

21 (b) A fee of \$50 for a registered owner of a dormant vehicle who
22 canceled the insurance coverage for that vehicle or allowed the
23 insurance coverage for that vehicle to expire without first canceling
24 the registration for the vehicle in accordance with subsection 3 of
25 NRS 485.320,
26 both of which must be deposited in the account for verification of
27 insurance which is hereby created in the state highway fund. Money
28 in the account must be used to carry out the provisions of NRS
29 485.313 to 485.318, inclusive.

30 7. For every travel trailer, a fee for registration of \$27.

31 8. For every permit for the operation of a golf cart, an annual
32 fee of \$10.

33 ***9. To reinstate the registration of a motor vehicle that is***
34 ***suspended pursuant to section 2 of this act, a fee of \$33.***

35 **Sec. 14.** The amendatory provisions of this act do not apply to acts
36 that were committed before October 1, 1999.

37 **Sec. 15.** 1. This section and sections 1 to 7, inclusive, and 9 to 14,
38 inclusive, of this act become effective on October 1, 1999.

39 2. Section 8 of this act becomes effective at 12:01 a.m. on October 1,
40 1999.