

SENATE BILL NO. 497—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF ADMINISTRATIVE OFFICE OF THE COURTS)

MARCH 19, 1999

Referred to Committee on Transportation

SUMMARY—Makes various changes concerning court-ordered installation of device to prevent person convicted of violating certain traffic laws from starting vehicle if he has consumed alcohol. (BDR 43-853)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

~

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

AN ACT relating to traffic laws; making various changes concerning court-ordered installation of a device in the motor vehicle of a person convicted of driving under the influence of alcohol or a controlled substance to prevent him from driving if he has consumed alcohol; 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.** NRS 484.3943 is hereby amended to read as follows:
2 484.3943 1. Except as otherwise provided in subsection 5, a court:
3 (a) May order a person convicted of a first violation of NRS 484.379 ~~to~~
4 ***within 7 years***, for a period of not less than 3 months nor more than 6
5 months;
6 (b) ~~Shall~~ ***May*** order a person convicted of a second violation of NRS
7 484.379 ~~to~~ ***within 7 years***, for a period of not less than ~~6~~ ***3*** months nor
8 more than 12 months; and
9 (c) Shall order a person convicted of a third or subsequent violation of
10 NRS 484.379 ***within 7 years*** or a violation of NRS 484.3795, for a period
11 of not less than 12 months nor more than 36 months,
12 to install at his own expense a device in any motor vehicle which he owns
13 or operates as a condition to obtaining a restricted license pursuant to
14 subsection 3 of NRS 483.490.

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

5 3. If the court orders a person to install a device pursuant to subsection
6 1 or 2:

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

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

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

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

23 (b) If he was ordered to install a device pursuant to paragraph (b) or (c)
24 of subsection 1, have the device inspected by the manufacturer of the
25 device or its agent at least one time each 90 days,
26 to determine whether the device is operating properly. An inspection
27 required pursuant to this subsection must be conducted in accordance with
28 regulations adopted pursuant to NRS 484.3888. The manufacturer or its
29 agent shall submit a report to the director indicating whether the device is
30 operating properly and whether it has been tampered with. If the device has
31 been tampered with, the director shall notify the court that ordered the
32 installation of the device.

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

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

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

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

4 **Sec. 2.** This act becomes effective on July 1, 1999.

~