

Amendment No. 588

Assembly Amendment to Assembly Bill No. 550

(BDR 43-832)

Proposed by: Committee on Judiciary**Amendment Box:** Replaces Amendment No. 408.**Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
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Amend sec. 2, page 4, by deleting line 42 and inserting:

“(a) The blood tested was withdrawn by a *person, other than an arresting officer, who:*”.

Amend sec. 2, page 5, line 6, by deleting “*jurisdiction;*” and inserting:

“*jurisdiction or a person who has completed a course of instruction described in subsection 2 of NRS 652.127;*”.

Amend sec. 3, pages 5 and 6, by deleting lines 20 through 44 on page 5 and lines 1 through 4 on page 6, and inserting:

“484.3943 1. Except as otherwise provided in ~~[subsection]~~ *subsections 2 and 5*, a court:

(a) May order a person convicted of a first *or second* violation of NRS 484.379 ~~[.]~~ *if the person is found to have had a concentration of alcohol of less than 0.18 in his blood or breath*, for a

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A.B. No. 550—Makes various changes concerning offenses involving use of intoxicating liquor and controlled substances.



period of not less than 3 months nor more than 6 months ~~[-; and]~~, *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 NRS 483.490 or as a condition of reinstatement of his driving privilege.*

(b) Shall order a person convicted of ~~[a]~~ :

(1) *A first or second violation of NRS 484.379 if the person is found to have had a concentration of alcohol of 0.18 or more in his blood or breath;*

(2) *A third or subsequent violation of NRS 484.379 ~~[or a]~~ ; or*

(3) *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 ~~[-]~~ or as a condition of reinstatement of his driving privilege.*

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.]~~ *provide for an exception to the provisions of subparagraph (1) of paragraph (b) of subsection 1 for a person who is convicted of a first violation of NRS 484.379 to avoid undue hardship to the person if the court determines that:*

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

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

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

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

(3) Transport himself or another member of his immediate family to or from school.

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

Amend sec. 3, page 6, by deleting lines 19 through 28 and inserting:

“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) of subsection 1, have the device inspected by the manufacturer of the device or its agent at least one time each 90 days, ➔ to determine whether the device is operating properly. An”.

Amend sec. 3, page 7, line 9, by deleting “**484.3745**,” and inserting “**484.3795**,”.

Amend sec. 3, page 7, line 15, after “(b)” by inserting:

““**Concentration of alcohol of less than 0.18 in his blood or breath**” means less than 0.18 gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

(c)”.

Amend sec. 4, page 7, by deleting line 25 and inserting:

“(a) The blood tested was withdrawn by a **person, other than an arresting officer, who:**”.

Amend sec. 4, page 7, line 33, by deleting “**jurisdiction;**” and inserting:

“**jurisdiction or a person who has completed a course of instruction described in subsection 2 of NRS 652.127;**”.

Amend the title of the bill, ninth line, by deleting:

“for certain periods of time”.