

ASSEMBLY BILL NO. 584—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE DEPARTMENT OF MOTOR VEHICLES)

MARCH 26, 2007

Referred to Committee on Transportation

SUMMARY—Makes various changes to provisions governing motor vehicles. (BDR 43-618)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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

AN ACT relating to motor vehicles; providing that a driver of a commercial motor vehicle who has a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath or is under the influence of a controlled or prohibited substance is subject to a criminal penalty; revising certain provisions governing the issuance and renewal of drivers' licenses and identification cards to comport with the federal REAL ID Act of 2005; repealing the Driver License Compact; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1, 2, 4, 5, 13-16 and 40-42 of this bill require the Department of Motor Vehicles to adopt certain regulations to bring Nevada into compliance with the federal REAL ID Act of 2005.

Existing law requires an applicant for a driver's license, identification card or a motorcycle driver's license to provide his name, date of birth and residential address to the Department and furnish proof, acceptable to the Department, of his name and age to the Department. (NRS 483.290, 483.850, 486.081) **Sections 2, 14, 15 and 40** of this bill provide that an applicant for a driver's license, identification card or motorcycle license must furnish his full legal name, address of principal residence and mailing address, if different from his address of principal residence, on his application. The Department is authorized to adopt regulations prescribing the documents an applicant may furnish as proof of his full legal name and age. The Department may only grant a driver's license, identification card or motorcycle



driver's license to a person who is a citizen of a foreign country for the period of his authorized stay in the United States or, if there is no definite end to the period of authorized stay, for 1 year from the date of issuance.

Existing law requires that certain information be contained on a driver's license or identification card. (NRS 483.340, 483.840) **Sections 4 and 13** of this bill remove such requirements from existing law and require the Department to adopt regulations prescribing the specific information that a driver's license or identification card must contain.

Existing law prescribes when a driver's license, identification card or motorcycle driver's license expires. (NRS 483.380, 483.875, 486.161) **Sections 5, 16 and 41** of this bill remove the expiration provisions from existing law and require the Department to adopt regulations that specify when a driver's license, identification card or motorcycle driver's license must expire.

Existing law prescribes the specific information that must be included to record a conviction on a driving record. **Section 9** of this bill deletes the requirement to record the conviction using the specific information and requires the Department to adopt regulations prescribing the information necessary to record a conviction on a driver's record. (NRS 483.450)

Existing law requires an applicant for a driver's license or motorcycle driver's license to furnish to the Department proof of his social security number, if one has been assigned to him. (NRS 483.290, 486.081) **Section 14** of this bill requires an applicant for an identification card to furnish proof of his social security number, if he has been assigned one.

Existing law makes it unlawful for the driver of a motor vehicle to be under the influence of intoxicating liquor or a controlled substance, or both, or to have a concentration of alcohol of 0.08 or more in his blood or breath. (NRS 484.379) Existing law also requires the imposition of administrative sanctions for a person who has a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath while in control of a commercial motor vehicle. (NAC 483.848) **Section 22** of this bill makes it unlawful for any driver of a commercial motor vehicle, which includes a motor vehicle used to transport certain hazardous materials, to be under the influence of intoxicating liquor or a controlled substance or to have a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath.

Section 48 of this bill repeals existing law which allows the Department to issue a driver's license to an international student or instructor who declares himself to be a resident of Nevada for the limited purpose of obtaining a driver's license. (NRS 483.247) **Section 48** also repeals the Driver License Compact that requires the Department to request a copy of a person's driving record from another state if he is applying for an instruction permit or an operator's or chauffer's license in this State. The person's former driving record becomes part of his driving record in this State. The Driver License Compact is repealed in anticipation of the Department adopting the Driver License Agreement to replace the compact. NRS 483.635 grants the Department the authority to enter into an agreement with another state to facilitate the exchange of information concerning the issuance, renewal, suspension or revocation of drivers' licenses and to ensure that each driver possesses only one license and driving record.



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

Section 1. NRS 481.052 is hereby amended to read as follows:

481.052 The Director shall, by regulation, define ~~["seasonal"]~~ :

1. *"Address of principal residence" as the term is used in chapters 483 and 486 of NRS;*

2. *"Conviction" as the term is used in NRS 483.010 to NRS 483.630, inclusive;*

3. *"Full legal name" as the term is used in chapters 483 and 486 of NRS; and*

4. *"Seasonal resident" as the term is used in chapters 482 and 483 of NRS.*

Sec. 2. NRS 483.290 is hereby amended to read as follows:

483.290 1. Every application for an instruction permit or for a driver's license must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the *full legal* name, date of birth, sex , ~~["and residence"]~~ address of *principal residence and mailing address, if different from the address of principal residence, of* the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. ~~["Except as otherwise provided in subsections 5, 6 and 7, every"]~~ Every applicant must furnish proof of his *full legal* name and age by displaying an original or certified copy of ~~["at least one of the following documents"]~~:

~~["(a) If the applicant was born in the United States, including, without limitation, the District of Columbia or any territory of the United States:~~

~~["(1) A birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States;~~

~~["(2) A driver's license issued by another state, the District of Columbia or any territory of the United States;~~

~~["(3) A passport issued by the United States Government;~~



~~—— (4) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States;~~

~~—— (5) For persons who served in any branch of the Armed Forces of the United States, a report of separation;~~

~~—— (6) A Certificate of Degree of Indian Blood issued by the United States Government; or~~

~~—— (7) Such other documentation as specified by the Department by regulation; or~~

~~—— (b) If the applicant was born outside the United States:~~

~~—— (1) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the Bureau of Citizenship and Immigration Services;~~

~~—— (2) A Consular Report of Birth Abroad issued by the Department of State;~~

~~—— (3) A driver's license issued by another state, the District of Columbia or any territory of the United States;~~

~~—— (4) A passport issued by the United States Government; or~~

~~—— (5) Any other proof acceptable to the Department other than a passport issued by a foreign government.]~~

the required documents as prescribed by regulation.

3. *The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his full legal name and age to the Department.*

4. At the time of applying for a driver's license, an applicant may, if eligible, register to vote pursuant to NRS 293.524.

~~[4.]~~ 5. Every applicant who has been assigned a social security number must furnish proof of his social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

~~[5.]~~ 6. The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.

~~[6.]~~ 7. With respect to any document ~~[described in paragraph (b) of subsection 2, the Department may:]~~ *presented by a person who was born outside of the United States to prove his full legal name and age, the Department:*



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(a) ~~¶¶~~ **May, if** the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

(b) ~~¶¶ If the document specifies a date by which the person presenting the document must depart from the United States,]~~ **Shall** issue to the person presenting the document a driver's license that ~~{expires on the date on which the person is required to depart from the United States.}~~ **is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.**

~~¶7.]~~ **8.** The Director shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of **any state, the District of Columbia, any territory of the United States or** a foreign country. The criteria **pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country** must be based upon the purpose for which that person is present within the United States.

~~¶8.]~~ **9.** Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 3. NRS 483.330 is hereby amended to read as follows:

483.330 1. The Department may require every applicant for a driver's license, including a commercial driver's license issued pursuant to NRS 483.900 to 483.940, inclusive, to submit to an examination. The examination may include:

(a) A test of the applicant's ability to understand official devices used to control traffic;

(b) A test of his knowledge of practices for safe driving and the traffic laws of this State;

(c) Except as otherwise provided in subsection 2, a test of his eyesight; and

(d) Except as otherwise provided in subsection 3, an actual demonstration of his ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicle for which he is to be licensed.

➔ The examination may also include such further physical and mental examination as the Department finds necessary to determine the applicant's fitness to drive a motor vehicle safely upon the highways.



2. The Department may provide by regulation for the acceptance of a report from an ophthalmologist, optician or optometrist in lieu of an eye test by a driver's license examiner.

3. If the Department establishes a type or classification of driver's license to operate a motor vehicle of a type which is not normally available to examine an applicant's ability to exercise ordinary and reasonable control of such a vehicle, the Department may, by regulation, provide for the acceptance of an affidavit from a:

(a) Past, present or prospective employer of the applicant; or

(b) Local joint apprenticeship committee which had jurisdiction over the training or testing, or both, of the applicant,

↪ in lieu of an actual demonstration.

4. The Department may waive an examination pursuant to subsection 1 for a person applying for a Nevada driver's license who possesses a valid driver's license of the same type or class issued by another jurisdiction unless that person:

(a) Has not attained 25 years of age;

(b) Has had his license or privilege to drive a motor vehicle suspended, revoked or cancelled or has been otherwise disqualified from driving during the immediately preceding 4 years;

(c) Has been convicted of a violation of NRS 484.37955 or, during the immediately preceding 7 years, of a violation of NRS 484.379 or 484.3795 **or section 22 of this act** or a law of any other jurisdiction that prohibits the same or similar conduct;

(d) Has restrictions to his driver's license which the Department must reevaluate to ensure the safe driving of a motor vehicle by that person;

(e) Has had three or more convictions of moving traffic violations on his driving record during the immediately preceding 4 years; or

(f) Has been convicted of any of the offenses related to the use or operation of a motor vehicle which must be reported pursuant to the provisions of Parts 1327 et seq. of Title 23 of the Code of Federal Regulations relating to the National Driver Register Problem Driver Pointer System during the immediately preceding 4 years.

Sec. 4. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive. ~~The license must bear a unique number assigned to the licensee pursuant to NRS 483.345, the licensee's social security number, if he has one, unless he requests that it not appear on the license, the name, date of birth, mailing address and a brief description of the licensee, and a~~



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~~space upon which the licensee shall write his usual signature in ink immediately upon receipt of the license. A license is not valid until it has been so signed by the licensee.]~~

2. *The Department shall adopt regulations prescribing the information that must be contained on a driver's license.*

3. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations and agents of the State Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General or the Chairman of the State Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

~~[3.]~~ 4. Information pertaining to the issuance of a driver's license pursuant to subsection ~~[2.]~~ 3 is confidential.

~~[4.]~~ 5. It is unlawful for any person to use a driver's license issued pursuant to subsection ~~[2.]~~ 3 for any purpose other than the special investigation for which it was issued.

~~[5.]~~ 6. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his driver's license that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or to refuse to make an anatomical gift of his body or part of his body.

(b) Give the holder the opportunity to have indicated whether he wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the organ donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with an organization which registers as donors persons who desire to make anatomical gifts.



(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on a driver's license pursuant to NRS 483.3485, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his driver's license.

~~[6.]~~ 7. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

~~[7.]~~ 8. The Department shall submit to the organ donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection ~~[5.]~~ 6 information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 5. NRS 483.380 is hereby amended to read as follows:

483.380 1. Except as otherwise provided in NRS ~~[483.247 and]~~ 483.283, every driver's license expires ~~[on the fourth anniversary of the licensee's birthday, measured in the case of an original license, a renewal license and a renewal of an expired license, from the birthday nearest the date of issuance or renewal. Any applicant whose date of birth was on February 29 in a leap year is, for the purposes of NRS 483.010 to 483.630, inclusive, considered to have the anniversary of his birth fall on February 28.~~
~~2. Every license is renewable at any time before its expiration upon application and payment of the required fee.~~
~~3.] as prescribed by regulation.~~

2. The Department shall adopt regulations prescribing when a driver's license expires. The Department may, by regulation, defer the expiration of the driver's license of a person who is on active duty in the Armed Forces upon such terms and conditions as it may prescribe. The Department may similarly defer the expiration of the license of the spouse or dependent son or daughter of that person if the spouse or child is residing with the person.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 483.450 is hereby amended to read as follows:

483.450 1. Whenever any person is convicted of any offense for which the provisions of NRS 483.010 to 483.630, inclusive, make mandatory the revocation of his driver's license by the Department, the court in which the person is convicted may require the surrender to it of all driver's licenses then held by the person convicted, and the court may, within 20 days after the conviction,



1 forward these licenses, together with a record of the conviction, to
2 the Department.

3 2. A record of conviction must be made in a manner approved
4 by the Department. The court shall provide sufficient information to
5 allow the Department to include accurately the information
6 regarding the conviction in the driver's record. ~~[The record of~~
7 ~~conviction from the court must include at least the name and address~~
8 ~~of the person convicted, the number of his driver's license, his social~~
9 ~~security number, the registration number of the vehicle involved, the~~
10 ~~date the citation was issued or the arrest was made, the number of~~
11 ~~the citation and the date and final disposition of the citation.]~~

12 3. *The Department shall adopt regulations prescribing the*
13 *information necessary to record the conviction in the driver's*
14 *record.*

15 4. Every court, including a juvenile court, having jurisdiction
16 over violations of the provisions of NRS 483.010 to 483.630,
17 inclusive, or any other law of this State or municipal ordinance
18 regulating the operation of motor vehicles on highways, shall
19 forward to the Department:

20 (a) If the court is other than a juvenile court, a record of the
21 conviction of any person in that court for a violation of any such
22 laws other than regulations governing standing or parking; or

23 (b) If the court is a juvenile court, a record of any finding that a
24 child has violated a traffic law or ordinance other than one
25 governing standing or parking,

26 ↪ within 20 days after the conviction or finding, and may
27 recommend the suspension of the driver's license of the person
28 convicted or child found in violation of a traffic law or ordinance.

29 ~~[4.]~~ 5. For the purposes of NRS 483.010 to 483.630, inclusive:

30 (a) "Conviction" ~~[means a final conviction, and includes a~~
31 ~~finding by a juvenile court pursuant to NRS 62E.700.]~~ *has the*
32 *meaning prescribed by regulation pursuant to NRS 481.052.*

33 (b) A forfeiture of bail or collateral deposited to secure a
34 defendant's appearance in court, if the forfeiture has not been
35 vacated, is equivalent to a conviction.

36 ~~[5.]~~ 6. The necessary expenses of mailing licenses and records
37 of conviction to the Department as required by subsections 1 and ~~[3]~~
38 4 must be paid by the court charged with the duty of forwarding
39 those licenses and records of conviction.

40 **Sec. 10.** NRS 483.460 is hereby amended to read as follows:

41 483.460 1. Except as otherwise provided by specific statute,
42 the Department shall revoke the license, permit or privilege of any
43 driver upon receiving a record of his conviction of any of the
44 following offenses, when that conviction has become final, and



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1 the driver is not eligible for a license, permit or privilege to drive for
2 the period indicated:

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

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

5 (2) A violation of NRS 484.379 *or section 22 of this act* that
6 is punishable as a felony pursuant to NRS 484.3792.

7 (3) A violation of NRS 484.3795 or a homicide resulting
8 from driving or being in actual physical control of a vehicle while
9 under the influence of intoxicating liquor or a controlled substance
10 or resulting from any other conduct prohibited by NRS 484.379,
11 484.3795 or 484.37955.

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

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

18 (1) Any other manslaughter, including vehicular
19 manslaughter as described in NRS 484.3775, resulting from the
20 driving of a motor vehicle or felony in the commission of which a
21 motor vehicle is used, including the unlawful taking of a motor
22 vehicle.

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

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

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

32 (5) A violation of NRS 484.379 *or section 22 of this act* that
33 is punishable pursuant to paragraph (b) of subsection 1 of NRS
34 484.3792 and the driver is not eligible for a restricted license during
35 any of that period.

36 (6) A violation of NRS 484.348.

37 (c) For a period of 90 days, if the offense is a violation of NRS
38 484.379 that is punishable pursuant to paragraph (a) of subsection 1
39 of NRS 484.3792.

40 2. The Department shall revoke the license, permit or privilege
41 of a driver convicted of violating NRS 484.379 who fails to
42 complete the educational course on the use of alcohol and controlled
43 substances within the time ordered by the court and shall add a
44 period of 90 days during which the driver is not eligible for a
45 license, permit or privilege to drive.



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3. When the Department is notified by a court that a person who has been convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 has been permitted to enter a program of treatment pursuant to NRS 484.37937, the Department shall reduce by one-half the period during which he is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.

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

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

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

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

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

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

Sec. 11. NRS 483.560 is hereby amended to read as follows:

483.560 1. Except as otherwise provided in subsection 2, any person who drives a motor vehicle on a highway or on premises to which the public has access at a time when his driver's license has been cancelled, revoked or suspended is guilty of a misdemeanor.

2. Except as otherwise provided in this subsection, if the license of the person was suspended, revoked or restricted because of:

(a) A violation of NRS 484.379, 484.3795 or 484.384 ~~H~~ **or section 22 of this act;**

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or



(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),
→ the person shall be punished by imprisonment in jail for not less than 30 days nor more than 6 months or by serving a term of residential confinement for not less than 60 days nor more than 6 months, and shall be further punished by a fine of not less than \$500 nor more than \$1,000. A person who is punished pursuant to this subsection may not be granted probation, and a sentence imposed for such a violation may not be suspended. A prosecutor may not dismiss a charge of such a violation in exchange for a plea of guilty or of nolo contendere to a lesser charge or for any other reason, unless in his judgment the charge is not supported by probable cause or cannot be proved at trial. The provisions of this subsection do not apply if the period of revocation has expired but the person has not reinstated his license.

3. A term of imprisonment imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the person convicted. However, the full term of imprisonment must be served within 6 months after the date of conviction, and any segment of time the person is imprisoned must not consist of less than 24 hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 484.3792, 484.37937 or 484.3794 must run consecutively.

5. If the Department receives a record of the conviction or punishment of any person pursuant to this section upon a charge of driving a vehicle while his license was:

(a) Suspended, the Department shall extend the period of the suspension for an additional like period.

(b) Revoked, the Department shall extend the period of ineligibility for a license, permit or privilege to drive for an additional 1 year.

(c) Restricted, the Department shall revoke his restricted license and extend the period of ineligibility for a license, permit or privilege to drive for an additional 1 year.

(d) Suspended or cancelled for an indefinite period, the Department shall suspend his license for an additional 6 months for the first violation and an additional 1 year for each subsequent violation.

6. Suspensions and revocations imposed pursuant to this section must run consecutively.



1 **Sec. 12.** (Deleted by amendment.)

2 **Sec. 13.** NRS 483.840 is hereby amended to read as follows:

3 483.840 1. The form of the identification cards must be
4 similar to that of drivers' licenses but distinguishable in color or
5 otherwise.

6 2. Identification cards do not authorize the operation of any
7 motor vehicles.

8 3. ~~Identification cards must include the following information~~
9 ~~concerning the holder:~~

10 ~~—(a) The name and sample signature of the holder.~~

11 ~~—(b) A unique identification number assigned to the holder that is~~
12 ~~not based on the holder's social security number.~~

13 ~~—(c) A personal description of the holder.~~

14 ~~—(d) The date of birth of the holder.~~

15 ~~—(e) The current address of the holder in this State.~~

16 ~~—(f) A colored photograph of the holder.~~

17 ~~—4. The information required to be included on the identification~~
18 ~~card pursuant to subsection 3 must be placed on the card in the~~
19 ~~manner specified in subsection 1 of NRS 483.347.~~

20 ~~—5.]~~ *The Department shall adopt regulations prescribing the*
21 *information that must be contained on an identification card.*

22 4. At the time of the issuance or renewal of the identification
23 card, the Department shall:

24 (a) Give the holder the opportunity to have indicated on his
25 identification card that he wishes to be a donor of all or part of his
26 body pursuant to NRS 451.500 to 451.590, inclusive, or to refuse to
27 make an anatomical gift of his body or part of his body.

28 (b) Give the holder the opportunity to indicate whether he
29 wishes to donate \$1 or more to the Anatomical Gift Account created
30 by NRS 460.150.

31 (c) Provide to each holder who is interested in becoming a donor
32 information relating to anatomical gifts, including the procedure for
33 registering as a donor with the organ donor registry with which the
34 Department has entered into a contract pursuant to this paragraph.
35 To carry out this paragraph, the Department shall, on such terms as
36 it deems appropriate, enter into a contract with an organization
37 which registers as donors persons who desire to make anatomical
38 gifts.

39 (d) If the Department has established a program for imprinting a
40 symbol or other indicator of a medical condition on an identification
41 card pursuant to NRS 483.863, give the holder the opportunity to
42 have a symbol or other indicator of a medical condition imprinted
43 on his identification card.



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~~16.1~~ 5. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

~~17.1~~ 6. The Department shall submit to the organ donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection ~~15.1~~ 4 information from the records of the Department relating to persons who have identification cards issued by the Department that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

~~18. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.~~

Sec. 14. NRS 483.850 is hereby amended to read as follows:
483.850 1. Every application for an identification card must be made upon a form provided by the Department and include ~~1.1~~, *without limitation:*

- (a) The applicant's *full legal* name.
- (b) ~~His social security number, if any.~~
- ~~(c)~~ His date of birth.
- ~~(d)~~ (c) His state of legal residence.
- ~~(e)~~ (d) His current address *of principal residence and mailing address, if different from his address of principal residence*, in this State, unless the applicant is on active duty in the military service of the United States.

- ~~(f)~~ (e) A statement from:
 - (1) A resident stating that he does not hold a valid driver's license or identification card from any state or jurisdiction; or
 - (2) A seasonal resident stating that he does not hold a valid Nevada driver's license.

2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths.

3. *An applicant who has been issued a social security number must provide to the Department for inspection:*

- (a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or*
- (b) Other proof acceptable to the Department bearing the social security number of the applicant, including, without limitation, records of employment or federal income tax returns.*

4. At the time of applying for an identification card, an applicant may, if eligible, register to vote pursuant to NRS 293.524.



~~[4.]~~ 5. A person who possesses a driver's license or identification card issued by another state or jurisdiction who wishes to apply for an identification card pursuant to this section shall surrender to the Department the driver's license or identification card issued by the other state or jurisdiction at the time he applies for an identification card pursuant to this section.

Sec. 15. NRS 483.860 is hereby amended to read as follows:

483.860 1. ~~{Except as otherwise provided in subsection 3, every}~~ Every applicant for an identification card must furnish proof of his **full legal** name and age by presenting ~~{a birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States, or other proof of the applicant's date of birth, including, but not limited to, a driver's license or identification card issued by another state, the District of Columbia or any territory of the United States, or such other corroboration of the matters stated in his application as are required of applicants for a driver's license pursuant to NRS 483.290.~~

~~—2.— Every applicant who has been assigned a social security number must furnish proof of his social security number by displaying:~~

~~—(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or~~

~~—(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.~~

~~—3.— The Department may refuse to accept a driver's license or identification card issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license or identification card.~~

~~—4.— With respect to any document described in subsection 1, the Department may, if the document has expired, refuse to accept the document or refuse to issue an identification card to the person presenting the document, or both.~~

~~—5.]~~ **an original or certified copy of the required documents as prescribed by regulation.**

2. The Director shall adopt regulations ~~{setting}~~ :

(a) **Prescribing the documents an applicant may use to furnish proof of his full legal name and age to the Department; and**

(b) **Setting forth criteria pursuant to which the Department will issue or refuse to issue an identification card in accordance with this section to a person who is a citizen of a state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or**



* A B 5 8 4 R 1 *

1 *refuse to issue an identification card to a citizen of a foreign*
2 *country* must be based upon the purpose for which that person is
3 present within the United States.

4 ~~[6.]~~ 3. Notwithstanding any other provision of this section, the
5 Department shall not accept a consular identification card as proof
6 of the age or identity of an applicant for an identification card. As
7 used in this subsection, "consular identification card" has the
8 meaning ascribed to it in NRS 232.006.

9 **Sec. 16.** NRS 483.875 is hereby amended to read as follows:

10 483.875 1. Except as otherwise provided in NRS 483.861
11 and 483.870, an identification card and a renewal of an
12 identification card issued pursuant to NRS 483.810 to 483.890,
13 inclusive, expires ~~on the fourth anniversary of the birthday of the~~
14 ~~holder of the identification card, measured from the birthday nearest~~
15 ~~the date of issuance or renewal. Any applicant whose date of birth~~
16 ~~was on February 29 in a leap year is, for the purposes of NRS~~
17 ~~483.810 to 483.890, inclusive, considered to have the anniversary of~~
18 ~~his birth fall on February 28.] as prescribed by regulation.~~

19 2. *The Department shall adopt regulations prescribing when*
20 *an identification card expires.*

21 3. An identification card is renewable at any time before its
22 expiration upon application and payment of the required fee.

23 4. *The Department shall issue an identification card that is*
24 *valid only during the time the applicant is authorized to stay in the*
25 *United States, or if there is no definite end to the time the*
26 *applicant is authorized to stay, the identification card is valid for 1*
27 *year beginning on the date of issuance.*

28 **Sec. 17.** (Deleted by amendment.)

29 **Sec. 18.** Chapter 484 of NRS is hereby amended by adding
30 thereto the provisions set forth as sections 19 to 22, inclusive, of this
31 act.

32 **Sec. 19.** *As used in NRS 484.379 to 484.3947, inclusive, and*
33 *section 19 to 22, inclusive, of this act, unless the context otherwise*
34 *requires, the words and terms defined in sections 20 and 21 of this*
35 *act have the meanings ascribed to them in those sections.*

36 **Sec. 20.** *"Commercial motor vehicle" means a motor vehicle*
37 *or combination of motor vehicles used in commerce to transport*
38 *passengers or property if the motor vehicle:*

39 1. *Has a gross combination weight rating of 26,001 or more*
40 *pounds which includes a towed unit with a gross vehicle weight*
41 *rating of more than 10,000 pounds;*

42 2. *Has a gross vehicle weight rating of 26,001 or more*
43 *pounds;*



* A B 5 8 4 R 1 *

3. Is designed to transport 16 or more passengers, including the driver; or

4. Regardless of size, is used in the transportation of materials which are considered to be hazardous for the purposes of the federal Hazardous Materials Transportation Act, 49 U.S.C. §§ 5101 et. seq., and for which the display of identifying placards is required pursuant to 49 C.F.R. Part 172, Subpart F.

Sec. 21. The phrase "concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath" means 0.04 gram or more but less than 0.08 gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

Sec. 22. 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a commercial motor vehicle to have a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath,

↳ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a commercial motor vehicle,

↳ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access with an amount of a prohibited substance in his blood or urine that is equal to or greater than:



* A B 5 8 4 R 1 *

	<i>Urine</i>	<i>Blood</i>
	<i>Nanograms</i>	<i>Nanograms</i>
<i>Prohibited substance</i>	<i>per milliliter</i>	<i>per milliliter</i>
(a) <i>Amphetamine</i>	500	100
(b) <i>Cocaine</i>	150	50
(c) <i>Cocaine metabolite</i>	150	50
(d) <i>Heroin</i>	2,000	50
(e) <i>Heroin metabolite:</i>		
(1) <i>Morphine</i>	2,000	50
(2) <i>6-monoacetyl morphine</i>	10	10
(f) <i>Lysergic acid diethylamide</i>	25	10
(g) <i>Marijuana</i>	10	2
(h) <i>Marijuana metabolite</i>	15	5
(i) <i>Methamphetamine</i>	500	100
(j) <i>Phencyclidine</i>	25	10

4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the commercial motor vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.04 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

5. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484.3667.

Sec. 23. NRS 484.3667 is hereby amended to read as follows:

484.3667 1. Except as otherwise provided in subsection 2, a person who is convicted of a violation of a speed limit, or of NRS 484.254, 484.278, 484.289, 484.2895, 484.291 to 484.301, inclusive, 484.305, 484.309, 484.311, 484.335, 484.337, 484.361, 484.363, 484.3765, 484.377, 484.3775, 484.379, 484.448, 484.453 or 484.479, **or section 22 of this act** that occurred:

(a) In an area designated as a temporary traffic control zone in which construction, maintenance or repair of a highway is conducted; and

(b) At a time when the workers who are performing the construction, maintenance or repair of the highway are present, or when the effects of the act may be aggravated because of the condition of the highway caused by construction, maintenance or repair, including, without limitation, reduction in lane width,



1 reduction in the number of lanes, shifting of lanes from the
2 designated alignment and uneven or temporary surfaces, including,
3 without limitation, modifications to road beds, cement-treated bases,
4 chip seals and other similar conditions,

5 ➤ shall be punished by imprisonment or by a fine, or both, for a
6 term or an amount equal to and in addition to the term of
7 imprisonment or amount of the fine, or both, that the court imposes
8 for the primary offense. Any term of imprisonment imposed
9 pursuant to this subsection runs consecutively with the sentence
10 prescribed by the court for the crime. This subsection does not
11 create a separate offense, but provides an additional penalty for the
12 primary offense, whose imposition is contingent upon the finding of
13 the prescribed fact.

14 2. The additional penalty imposed pursuant to subsection 1
15 must not exceed a total of \$1,000, 6 months of imprisonment or 120
16 hours of community service.

17 3. A governmental entity that designates an area as a temporary
18 traffic control zone in which construction, maintenance or repair of
19 a highway is conducted, or the person with whom the governmental
20 entity contracts to provide such service, shall cause to be erected:

21 (a) A sign located before the beginning of such an area stating
22 "DOUBLE PENALTIES IN WORK ZONES" to indicate a double
23 penalty may be imposed pursuant to this section;

24 (b) A sign to mark the beginning of the temporary traffic control
25 zone; and

26 (c) A sign to mark the end of the temporary traffic control zone.

27 4. A person who otherwise would be subject to an additional
28 penalty pursuant to this section is not relieved of any criminal
29 liability because signs are not erected as required by subsection 3 if
30 the violation results in injury to any person performing highway
31 construction or maintenance in the temporary traffic control zone or
32 in damage to property in an amount equal to \$1,000 or more.

33 **Sec. 24.** NRS 484.3791 is hereby amended to read as follows:

34 484.3791 1. In addition to any other penalty provided by law,
35 a person convicted of a violation of NRS 484.379 **or section 22 of**
36 **this act** is liable to the State for a civil penalty of \$35, payable to the
37 Department.

38 2. The Department shall not issue any license to drive a motor
39 vehicle to a person convicted of a violation of NRS 484.379 **or**
40 **section 22 of this act** until the civil penalty is paid.

41 3. Any money received by the Department pursuant to
42 subsection 1 must be deposited with the State Treasurer for credit to
43 the Fund for the Compensation of Victims of Crime.



1 **Sec. 25.** NRS 484.3792 is hereby amended to read as follows:
2 484.3792 1. Unless a greater penalty is provided pursuant to
3 NRS 484.3795 or 484.37955, and except as otherwise provided in
4 subsection 2, a person who violates the provisions of NRS 484.379
5 ~~1~~ **or section 22 of this act:**

6 (a) For the first offense within 7 years, is guilty of a
7 misdemeanor. Unless he is allowed to undergo treatment as
8 provided in NRS 484.37937, the court shall:

9 (1) Except as otherwise provided in subparagraph (4) or
10 subsection 7, order him to pay tuition for an educational course on
11 the abuse of alcohol and controlled substances approved by the
12 Department and complete the course within the time specified in the
13 order, and the court shall notify the Department if he fails to
14 complete the course within the specified time;

15 (2) Unless the sentence is reduced pursuant to NRS
16 484.37937, sentence him to imprisonment for not less than 2 days
17 nor more than 6 months in jail, or to perform not less than 48 hours,
18 but not more than 96 hours, of community service while dressed in
19 distinctive garb that identifies him as having violated the provisions
20 of NRS 484.379 ~~1~~ **or section 22 of this act;**

21 (3) Fine him not less than \$400 nor more than \$1,000; and

22 (4) If he is found to have a concentration of alcohol of 0.18
23 or more in his blood or breath, order him to attend a program of
24 treatment for the abuse of alcohol or drugs pursuant to the
25 provisions of NRS 484.37945.

26 (b) For a second offense within 7 years, is guilty of a
27 misdemeanor. Unless the sentence is reduced pursuant to NRS
28 484.3794, the court shall:

29 (1) Sentence him to:

30 (I) Imprisonment for not less than 10 days nor more than
31 6 months in jail; or

32 (II) Residential confinement for not less than 10 days nor
33 more than 6 months, in the manner provided in NRS 4.376 to
34 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

35 (2) Fine him not less than \$750 nor more than \$1,000, or
36 order him to perform an equivalent number of hours of community
37 service while dressed in distinctive garb that identifies him as
38 having violated the provisions of NRS 484.379 ~~1~~ **or section 22 of**
39 **this act;** and

40 (3) Order him to attend a program of treatment for the abuse
41 of alcohol or drugs pursuant to the provisions of NRS 484.37945.

42 ➤ A person who willfully fails or refuses to complete successfully a
43 term of residential confinement or a program of treatment ordered
44 pursuant to this paragraph is guilty of a misdemeanor.



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

2. Unless a greater penalty is provided in NRS 484.37955, a person who has previously been convicted of:

(a) A violation of NRS 484.379 **or section 22 of this act** that is punishable as a felony pursuant to paragraph (c) of subsection 1;

(b) A violation of NRS 484.3795;

(c) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

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

➤ and who violates the provisions of NRS 484.379 **or section 22 of this act** is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than \$2,000 nor more than \$5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

3. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. An offense which is listed in paragraphs (a) to (d), inclusive, of subsection 2 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard for the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

4. A person convicted of violating the provisions of NRS 484.379 **or section 22 of this act** must not be released on probation,



* A B 5 8 4 R 1 *

1 and a sentence imposed for violating those provisions must not be
2 suspended except, as provided in NRS 4.373, 5.055, 484.37937 and
3 484.3794, that portion of the sentence imposed that exceeds the
4 mandatory minimum. A prosecuting attorney shall not dismiss a
5 charge of violating the provisions of NRS 484.379 **or section 22 of**
6 **this act** in exchange for a plea of guilty or nolo contendere to a
7 lesser charge or for any other reason unless he knows or it is
8 obvious that the charge is not supported by probable cause or cannot
9 be proved at the time of trial.

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

23 6. Jail sentences simultaneously imposed pursuant to this
24 section and NRS 482.456, 483.560 or 485.330 must run
25 consecutively.

26 7. If the person who violated the provisions of NRS 484.379 **or**
27 **section 22 of this act** possesses a driver's license issued by a state
28 other than the State of Nevada and does not reside in the State of
29 Nevada, in carrying out the provisions of subparagraph (1) of
30 paragraph (a) 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
33 controlled substances approved by a governmental agency of the
34 state of his residence within the time specified in the order; or

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

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

44 9. For the purpose of determining whether one offense occurs
45 within 7 years of another offense, any period of time between the



* A B 5 8 4 R 1 *

1 two offenses during which, for any such offense, the offender is
2 imprisoned, serving a term of residential confinement, confined in a
3 treatment facility, on parole or on probation must be excluded.

4 10. As used in this section, unless the context otherwise
5 requires:

6 (a) "Concentration of alcohol of 0.18 or more in his blood or
7 breath" means 0.18 gram or more of alcohol per 100 milliliters of
8 the blood of a person or per 210 liters of his breath.

9 (b) "Offense" means:

10 (1) A violation of NRS 484.379 or 484.3795 ~~H~~ or section 22
11 of this act;

12 (2) A homicide resulting from driving or being in actual
13 physical control of a vehicle while under the influence of
14 intoxicating liquor or a controlled substance or resulting from any
15 other conduct prohibited by NRS 484.379, 484.3795 or 484.37955;
16 or

17 (3) A violation of a law of any other jurisdiction that
18 prohibits the same or similar conduct as set forth in subparagraph
19 (1) or (2).

20 (c) "Treatment facility" has the meaning ascribed to it in
21 NRS 484.3793.

22 **Sec. 26.** NRS 484.3794 is hereby amended to read as follows:

23 484.3794 1. An offender who is found guilty of a violation of
24 NRS 484.379 or section 22 of this act that is punishable pursuant to
25 paragraph (b) of subsection 1 of NRS 484.3792 may, at that time or
26 any time before he is sentenced, apply to the court to undergo a
27 program of treatment for alcoholism or drug abuse which is certified
28 by the Health Division of the Department of Health and Human
29 Services for at least 1 year if:

30 (a) The offender is diagnosed as an alcoholic or abuser of drugs
31 by:

32 (1) An alcohol and drug abuse counselor who is licensed or
33 certified pursuant to chapter 641C of NRS to make that diagnosis; or

34 (2) A physician who is certified to make that diagnosis by the
35 Board of Medical Examiners;

36 (b) The offender agrees to pay the costs of the treatment to the
37 extent of his financial resources; and

38 (c) The offender has served or will serve a term of imprisonment
39 in jail of 5 days and, if required pursuant to NRS 484.3792, has
40 performed or will perform not less than one-half of the hours of
41 community service.

42 2. A prosecuting attorney may, within 10 days after receiving
43 notice of an application for treatment pursuant to this section,
44 request a hearing on the matter. The court shall order a hearing on



* A B 5 8 4 R 1 *

1 the application upon the request of the prosecuting attorney or may
2 order a hearing on its own motion.

3 3. At the hearing on the application for treatment, the
4 prosecuting attorney may present the court with any relevant
5 evidence on the matter. If a hearing is not held, the court shall
6 decide the matter upon affidavits and other information before the
7 court.

8 4. If the court determines that an application for treatment
9 should be granted, the court shall:

10 (a) Immediately sentence the offender and enter judgment
11 accordingly.

12 (b) Suspend the sentence of the offender for not more than 3
13 years upon the condition that the offender be accepted for treatment
14 by a treatment facility, that he complete the treatment satisfactorily
15 and that he comply with any other condition ordered by the court.

16 (c) Advise the offender that:

17 (1) If he is accepted for treatment by such a facility, he may
18 be placed under the supervision of the facility for a period not to
19 exceed 3 years and during treatment he may be confined in an
20 institution or, at the discretion of the facility, released for treatment
21 or supervised aftercare in the community.

22 (2) If he is not accepted for treatment by such a facility or he
23 fails to complete the treatment satisfactorily, he shall serve the
24 sentence imposed by the court. Any sentence of imprisonment must
25 be reduced by a time equal to that which he served before beginning
26 treatment.

27 (3) If he completes the treatment satisfactorily, his sentence
28 will be reduced to a term of imprisonment which is no longer than
29 that provided for the offense in paragraph (c) of subsection 1 and a
30 fine of not more than the minimum provided for the offense in NRS
31 484.3792, but the conviction must remain on his record of criminal
32 history.

33 5. The court shall administer the program of treatment pursuant
34 to the procedures provided in NRS 458.320 and 458.330, except that
35 the court:

36 (a) Shall not defer the sentence, set aside the conviction or
37 impose conditions upon the election of treatment except as
38 otherwise provided in this section.

39 (b) May immediately revoke the suspension of sentence for a
40 violation of a condition of the suspension.

41 6. The court shall notify the Department, on a form approved
42 by the Department, upon granting the application of the offender for
43 treatment and his failure to be accepted for or complete treatment.



1 **Sec. 27.** NRS 484.37945 is hereby amended to read as
2 follows:

3 484.37945 1. When a program of treatment is ordered
4 pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792,
5 the court shall place the offender under the clinical supervision of a
6 treatment facility for treatment for a period not to exceed 1 year, in
7 accordance with the report submitted to the court pursuant to
8 subsection 3, 4, 5 or 6 of NRS 484.37943. The court shall:

9 (a) Order the offender confined in a treatment facility, then
10 release the offender for supervised aftercare in the community; or

11 (b) Release the offender for treatment in the community,
12 ➤ for the period of supervision ordered by the court.

13 2. The court shall:

14 (a) Require the treatment facility to submit monthly progress
15 reports on the treatment of an offender pursuant to this section; and

16 (b) Order the offender, to the extent of his financial resources, to
17 pay any charges for his treatment pursuant to this section. If the
18 offender does not have the financial resources to pay all those
19 charges, the court shall, to the extent possible, arrange for the
20 offender to obtain his treatment from a treatment facility that
21 receives a sufficient amount of federal or state money to offset the
22 remainder of the charges.

23 3. A treatment facility is not liable for any damages to person
24 or property caused by a person who:

25 (a) Drives, operates or is in actual physical control of a vehicle
26 or a vessel under power or sail while under the influence of
27 intoxicating liquor or a controlled substance; or

28 (b) Engages in any other conduct prohibited by NRS 484.379,
29 484.3795, 484.37955, subsection 2 of NRS 488.400, NRS 488.410,
30 488.420 or 488.425 **or section 22 of this act** or a law of any other
31 jurisdiction that prohibits the same or similar conduct,

32 ➤ after the treatment facility has certified to his successful
33 completion of a program of treatment ordered pursuant to paragraph
34 (a) or (b) of subsection 1 of NRS 484.3792.

35 **Sec. 28.** NRS 484.3796 is hereby amended to read as follows:

36 484.3796 1. Before sentencing an offender for a violation of
37 NRS 484.379 **or section 22 of this act** that is punishable as a felony
38 pursuant to NRS 484.3792 or a violation of NRS 484.3795 or
39 484.37955, the court shall require that the offender be evaluated to
40 determine whether he is an abuser of alcohol or drugs and whether
41 he can be treated successfully for his condition.

42 2. The evaluation must be conducted by:

43 (a) An alcohol and drug abuse counselor who is licensed or
44 certified pursuant to chapter 641C of NRS to make such an
45 evaluation;



(b) A physician who is certified to make such an evaluation by the Board of Medical Examiners; or

(c) A psychologist who is certified to make such an evaluation by the Board of Psychological Examiners.

3. The alcohol and drug abuse counselor, physician or psychologist who conducts the evaluation shall immediately forward the results of the evaluation to the Director of the Department of Corrections.

Sec. 29. NRS 484.3797 is hereby amended to read as follows:

484.3797 1. The judge or judges in each judicial district shall cause the preparation and maintenance of a list of the panels of persons who:

(a) Have been injured or had members of their families or close friends injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 *or section 22 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct; and

(b) Have, by contacting the judge or judges in the district, expressed their willingness to discuss collectively the personal effect of those crimes.

➤ The list must include the name and telephone number of the person to be contacted regarding each such panel and a schedule of times and locations of the meetings of each such panel. The judge or judges shall establish, in cooperation with representatives of the members of the panels, a fee, if any, to be paid by defendants who are ordered to attend a meeting of the panel. The amount of the fee, if any, must be reasonable. The panel may not be operated for profit.

2. Except as otherwise provided in this subsection, if a defendant pleads guilty to or is found guilty of any violation of NRS 484.379, 484.3795 or 484.37955, *or section 22 of this act*, the court shall, in addition to imposing any other penalties provided by law, order the defendant to:

(a) Attend, at the defendant's expense, a meeting of a panel of persons who have been injured or had members of their families or close friends injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 *or section 22 of this act*, or a law of any other jurisdiction that prohibits the same or similar conduct, in order to have the defendant understand the effect such a crime has on other persons; and



(b) Pay the fee, if any, established by the court pursuant to subsection 1.

➡ The court may, but is not required to, order the defendant to attend such a meeting if one is not available within 60 miles of the defendant's residence.

3. A person ordered to attend a meeting pursuant to subsection 2 shall, after attending the meeting, present evidence or other documentation satisfactory to the court that he attended the meeting and remained for its entirety.

Sec. 30. NRS 484.37975 is hereby amended to read as follows:

484.37975 1. If a person is convicted of a second or subsequent violation of NRS 484.379 or 484.3795 **or section 22 of this act** within 7 years or a violation of NRS 484.37955, the court shall issue an order directing the Department to suspend the registration of each motor vehicle that is registered to or owned by the person for 5 days.

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

3. A court shall provide for limited exceptions to the provisions of subsection 1 on an individual basis to avoid undue hardship to a person other than the person to whom that provision applies. Such an exception must be provided if the court determines that:

(a) A member of the immediate family of the person whose registration is suspended needs to use the motor vehicle:

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

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

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

(b) An alternative means of transportation is not available to a member of the immediate family of the person whose registration is suspended.

Sec. 31. NRS 484.3798 is hereby amended to read as follows:

484.3798 1. If a defendant pleads guilty to or is found guilty of any violation of NRS 484.379, 484.3795 or 484.37955 **or section 22 of this act** and a chemical analysis of his blood, urine, breath or



* A B 5 8 4 R 1 *

1 other bodily substance was conducted, the court shall, in addition to
2 any penalty provided by law, order the defendant to pay the sum of
3 \$60 as a fee for the chemical analysis. Except as otherwise provided
4 in this subsection, any money collected for the chemical analysis
5 must not be deducted from, and is in addition to, any fine otherwise
6 imposed by the court and must be:

7 (a) Collected from the defendant before or at the same time that
8 the fine is collected.

9 (b) Stated separately in the judgment of the court or on the
10 court's docket.

11 2. All money collected pursuant to subsection 1 must be paid
12 by the clerk of the court to the county or city treasurer, as
13 appropriate, on or before the fifth day of each month for the
14 preceding month.

15 3. The treasurer shall deposit all money received by him
16 pursuant to subsection 2 in the county or city treasury, as
17 appropriate, for credit to the fund for forensic services created
18 pursuant to NRS 453.575. The money must be accounted for
19 separately within the fund.

20 4. Except as otherwise provided in subsection 5, each month
21 the treasurer shall, from the money credited to the fund pursuant to
22 subsection 3, pay any amount owed for forensic services and deposit
23 any remaining money in the county or city general fund, as
24 appropriate.

25 5. In counties that do not receive forensic services under a
26 contract with the State, the money credited to the fund pursuant to
27 subsection 3:

28 (a) Except as otherwise provided in paragraph (b), must be:

29 (1) Expended to pay for the chemical analyses performed
30 within the county;

31 (2) Expended to purchase and maintain equipment to conduct
32 such analyses;

33 (3) Expended for the training and continuing education of the
34 employees who conduct such analyses; and

35 (4) Paid to law enforcement agencies which conduct such
36 analyses to be used by those agencies in the manner provided in this
37 subsection.

38 (b) May only be expended to cover the costs of chemical
39 analyses conducted by, equipment used by, or training for
40 employees of an analytical laboratory that is approved by the
41 Committee on Testing for Intoxication created in NRS 484.388.

42 **Sec. 32.** NRS 484.382 is hereby amended to read as follows:

43 484.382 1. Any person who drives or is in actual physical
44 control of a vehicle on a highway or on premises to which the public
45 has access shall be deemed to have given his consent to a



* A B 5 8 4 R 1 *

1 preliminary test of his breath to determine the concentration of
2 alcohol in his breath when the test is administered at the direction of
3 a police officer at the scene of a vehicle accident or collision or
4 where he stops a vehicle, if the officer has reasonable grounds to
5 believe that the person to be tested was:

6 (a) Driving or in actual physical control of a vehicle while under
7 the influence of intoxicating liquor or a controlled substance; or

8 (b) Engaging in any other conduct prohibited by NRS 484.379,
9 484.3795 or 484.37955 **H or section 22 of this act.**

10 2. If the person fails to submit to the test, the officer shall seize
11 his license or permit to drive as provided in NRS 484.385 and arrest
12 him and take him to a convenient place for the administration of a
13 reasonably available evidentiary test under NRS 484.383.

14 3. The result of the preliminary test must not be used in any
15 criminal action, except to show there were reasonable grounds to
16 make an arrest.

17 **Sec. 33.** NRS 484.383 is hereby amended to read as follows:

18 484.383 1. Except as otherwise provided in subsections 3 and
19 4, any person who drives or is in actual physical control of a vehicle
20 on a highway or on premises to which the public has access shall be
21 deemed to have given his consent to an evidentiary test of his blood,
22 urine, breath or other bodily substance to determine the
23 concentration of alcohol in of his blood or breath or to determine
24 whether a controlled substance, chemical, poison, organic solvent or
25 another prohibited substance is present, if such a test is administered
26 at the direction of a police officer having reasonable grounds to
27 believe that the person to be tested was:

28 (a) Driving or in actual physical control of a vehicle while under
29 the influence of intoxicating liquor or a controlled substance; or

30 (b) Engaging in any other conduct prohibited by NRS 484.379,
31 484.3795 or 484.37955 **H or section 22 of this act.**

32 2. If the person to be tested pursuant to subsection 1 is dead or
33 unconscious, the officer shall direct that samples of blood from the
34 person be tested.

35 3. Any person who is afflicted with hemophilia or with a heart
36 condition requiring the use of an anticoagulant as determined by a
37 physician is exempt from any blood test which may be required
38 pursuant to this section but must, when appropriate pursuant to the
39 provisions of this section, be required to submit to a breath or urine
40 test.

41 4. If the concentration of alcohol in the blood or breath of the
42 person to be tested is in issue:

43 (a) Except as otherwise provided in this section, the person may
44 refuse to submit to a blood test if means are reasonably available to
45 perform a breath test.



* A B 5 8 4 R 1 *

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, he must pay for the cost of the blood test, including the fees and expenses of witnesses in court.

(c) A police officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:

(1) Caused death or substantial bodily harm to another person as a result of driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or as a result of engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(2) Has been convicted within the previous 7 years of:

(I) A violation of NRS 484.379, 484.3795, 484.37955, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 **or section 22 of this act** or a law of another jurisdiction that prohibits the same or similar conduct; or

(II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).

5. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may direct him to submit to a blood or urine test, or both, in addition to the breath test.

6. Except as otherwise provided in subsections 3 and 5, a police officer shall not direct a person to submit to a urine test.

7. If a person to be tested fails to submit to a required test as directed by a police officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955, **or section 22 of this act,**

→ the officer may direct that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the concentration of alcohol or presence of a controlled substance or another prohibited substance in his blood.

8. If a person who is less than 18 years of age is directed to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.



* A B 5 8 4 R 1 *

Sec. 34. NRS 484.389 is hereby amended to read as follows:

484.389 1. If a person refuses to submit to a required chemical test provided for in NRS 484.382 or 484.383, evidence of that refusal is admissible in any criminal or administrative action arising out of acts alleged to have been committed while the person was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 **or section 22 of this act.**

2. Except as otherwise provided in subsection 3 of NRS 484.382, a court or hearing officer may not exclude evidence of a required test or failure to submit to such a test if the police officer or other person substantially complied with the provisions of NRS 484.382 to 484.393, inclusive.

3. If a person submits to a chemical test provided for in NRS 484.382 or 484.383, full information concerning that test must be made available, upon his request, to him or his attorney.

4. Evidence of a required test is not admissible in a criminal or administrative proceeding unless it is shown by documentary or other evidence that the law enforcement agency calibrated the breath-testing device and otherwise maintained it as required by the regulations of the Committee on Testing for Intoxication.

Sec. 35. NRS 484.391 is hereby amended to read as follows:

484.391 1. A person who is arrested for driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or for engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 **or section 22 of this act** must be permitted, upon his request and at his expense, reasonable opportunity to have a qualified person of his own choosing administer a chemical test or tests to determine:

(a) The concentration of alcohol in his blood or breath; or

(b) Whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present in his blood or urine.

2. The failure or inability to obtain such a test or tests by such a person does not preclude the admission of evidence relating to the refusal to submit to a test or relating to a test taken upon the request of a police officer.

3. A test obtained under the provisions of this section may not be substituted for or stand in lieu of the test required by NRS 484.383.

Sec. 36. NRS 484.393 is hereby amended to read as follows:

484.393 1. The results of any blood test administered under the provisions of NRS 484.383 or 484.391 are not admissible in any



* A B 5 8 4 R 1 *

1 hearing or criminal action arising out of acts alleged to have been
2 committed by a person who was driving or in actual physical control
3 of a vehicle while under the influence of intoxicating liquor or a
4 controlled substance or who was engaging in any other conduct
5 prohibited by NRS 484.379, 484.3795 or 484.37955 **or section 22 of**
6 **this act** unless:

7 (a) The blood tested was withdrawn by a person, other than an
8 arresting officer, who:

9 (1) Is a physician, physician assistant, registered nurse,
10 licensed practical nurse, emergency medical technician or a
11 phlebotomist, technician, technologist or assistant employed in a
12 medical laboratory; or

13 (2) Has special knowledge, skill, experience, training and
14 education in withdrawing blood in a medically acceptable manner,
15 including, without limitation, a person qualified as an expert on that
16 subject in a court of competent jurisdiction or a person who has
17 completed a course of instruction described in subsection 2 of NRS
18 652.127; and

19 (b) The test was performed on whole blood, except if the sample
20 was clotted when it was received by the laboratory, the test may be
21 performed on blood serum or plasma.

22 2. The limitation contained in paragraph (a) of subsection 1
23 does not apply to the taking of a chemical test of the urine, breath or
24 other bodily substance.

25 3. No person listed in paragraph (a) of subsection 1 incurs any
26 civil or criminal liability as a result of the administering of a blood
27 test when requested by a police officer or the person to be tested to
28 administer the test.

29 **Sec. 37.** NRS 484.3943 is hereby amended to read as follows:

30 484.3943 1. Except as otherwise provided in subsections 2
31 and 5, a court:

32 (a) May order a person convicted of a violation of NRS 484.379
33 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of
34 NRS 484.3792, if the person is found to have had a concentration of
35 alcohol of less than 0.18 in his blood or breath, for a period of not
36 less than 3 months nor more than 6 months, to install at his own
37 expense a device in any motor vehicle which he owns or operates as
38 a condition to obtaining a restricted license pursuant to NRS
39 483.490 or as a condition of reinstatement of his driving privilege.

40 (b) Shall order a person convicted of:

41 (1) A violation of NRS 484.379 that is punishable pursuant
42 to paragraph (a) or (b) of subsection 1 of NRS 484.3792, if the
43 person is found to have had a concentration of alcohol of 0.18 or
44 more in his blood or breath;



* A B 5 8 4 R 1 *

(2) A violation of NRS 484.379 *or section 22 of this act* that is punishable as a felony pursuant to NRS 484.3792; or

(3) A violation of NRS 484.3795 or 484.37955, 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 NRS 483.490 or as a condition of reinstatement of his driving privilege.

2. A court may provide for an exception to the provisions of subparagraph (1) of paragraph (b) of subsection 1 for a person who is convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792, 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:

(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) 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 inspection required pursuant to this subsection must be conducted in accordance with regulations adopted pursuant to NRS 484.3888. The manufacturer or its agent shall submit a report to the Director indicating whether the device is operating properly and whether it has been tampered with. If the device has been tampered with, the Director shall notify the court that ordered the installation of the device.

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

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

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

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

6. The running of the period during which a person is required to have a device installed pursuant to this section commences when the Department issues a restricted license to him or reinstates his driving privilege and is tolled whenever and for as long as the person is, with regard to a violation of NRS 484.379, 484.3795 or 484.37955, **or section 22 of this act**, imprisoned, serving a term of residential confinement, confined in a treatment facility, on parole or on probation.

7. As used in this section:

(a) "Concentration of alcohol of 0.18 or more in his blood or breath" means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

(b) "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) "Treatment facility" has the meaning ascribed to it in NRS 484.3793.

Sec. 38. NRS 484.791 is hereby amended to read as follows:

484.791 1. Any peace officer may, without a warrant, arrest a person if the officer has reasonable cause for believing that the person has committed any of the following offenses:

(a) Homicide by vehicle;

(b) A violation of NRS 484.379 **or section 22 of this act**;



- 1 (c) A violation of NRS 484.3795;
- 2 (d) A violation of NRS 484.37955;
- 3 (e) Failure to stop, give information or render reasonable
- 4 assistance in the event of an accident resulting in death or personal
- 5 injuries in violation of NRS 484.219 or 484.223;
- 6 (f) Failure to stop or give information in the event of an accident
- 7 resulting in damage to a vehicle or to other property legally upon or
- 8 adjacent to a highway in violation of NRS 484.221 or 484.225;
- 9 (g) Reckless driving;
- 10 (h) Driving a motor vehicle on a highway or on premises to
- 11 which the public has access at a time when his driver's license has
- 12 been cancelled, revoked or suspended; or
- 13 (i) Driving a motor vehicle in any manner in violation of the
- 14 restrictions imposed in a restricted license issued to him pursuant to
- 15 NRS 483.490.

16 2. Whenever any person is arrested as authorized in this
17 section, he must be taken without unnecessary delay before the
18 proper magistrate as specified in NRS 484.803, except that in the
19 case of either of the offenses designated in paragraphs (f) and (g) of
20 subsection 1, a peace officer has the same discretion as is provided
21 in other cases in NRS 484.795.

22 **Sec. 39.** NRS 484.795 is hereby amended to read as follows:

23 484.795 Whenever any person is halted by a peace officer for
24 any violation of this chapter and is not required to be taken before a
25 magistrate, the person may, in the discretion of the peace officer,
26 either be given a traffic citation, or be taken without unnecessary
27 delay before the proper magistrate. He must be taken before the
28 magistrate in any of the following cases:

29 1. When the person does not furnish satisfactory evidence of
30 identity or when the peace officer has reasonable and probable
31 grounds to believe the person will disregard a written promise to
32 appear in court;

33 2. When the person is charged with a violation of NRS
34 484.701, relating to the refusal of a driver of a vehicle to submit the
35 vehicle to an inspection and test;

36 3. When the person is charged with a violation of NRS
37 484.755, relating to the failure or refusal of a driver of a vehicle to
38 submit the vehicle and load to a weighing or to remove excess
39 weight therefrom; or

40 4. When the person is charged with a violation of NRS 484.379
41 **or section 22 of this act**, unless he is incapacitated and is being
42 treated for injuries at the time the peace officer would otherwise be
43 taking him before the magistrate.



* A B 5 8 4 R 1 *

Sec. 40. NRS 486.081 is hereby amended to read as follows:

486.081 1. Every application for a motorcycle driver's license must be made upon a form furnished by the Department and must be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

2. Every application must:

(a) State the full **legal** name, date of birth, sex, ~~and residence~~ address of ~~the applicant;~~ **principal residence and mailing address, if different from the address of principal residence;**

(b) Briefly describe the applicant;

(c) State whether the applicant has previously been licensed as a driver, and, if so, when and by what state or country;

(d) State whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal; and

(e) Give such other information as the Department requires to determine the competency and eligibility of the applicant.

3. ~~Except as otherwise provided in subsections 5, 6 and 7, every~~ **Every** applicant shall furnish proof of his **full legal** name and age by displaying an original or certified copy of ~~at least one of the following documents:~~

~~—(a) If he was born in the United States, including, without limitation, the District of Columbia or any territory of the United States;~~

~~—(1) A birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States;~~

~~—(2) A driver's license issued by another state, the District of Columbia or any territory of the United States;~~

~~—(3) A passport issued by the United States Government;~~

~~—(4) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States;~~

~~—(5) For persons who served in any branch of the Armed Forces of the United States, a report of separation;~~

~~—(6) A Certificate of Degree of Indian Blood issued by the United States Government; or~~

~~—(7) Such other documentation as specified by the Department by regulation; or~~

~~—(b) If he was born outside the United States:~~

~~—(1) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the Bureau of Citizenship and Immigration Services;~~



~~—— (2) A Consular Report of Birth Abroad issued by the Department of State;~~

~~—— (3) A driver's license issued by another state, the District of Columbia or any territory of the United States;~~

~~—— (4) A passport issued by the United States Government; or~~

~~—— (5) Any other proof acceptable to the Department other than a passport issued by a foreign government.]~~ ***the required documents as prescribed by regulation.***

4. The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his full legal name and age to the Department.

5. Every applicant who has been assigned a social security number must furnish proof of his social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

~~[5.]~~ ***6.*** The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.

~~[6.]~~ ***7.*** With respect to any document ~~[described in paragraph (b) of subsection 3, the Department may:~~

~~—— (a) If the document] that~~ has expired ~~[:] :~~

(a) The Department may refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

(b) If the document ~~[specifies a date by which the person presenting the document must depart from]~~ ***indicates that the person is authorized to stay in*** the United States, ***the Department shall*** issue to the person presenting the document a driver's license that ~~[expires on the date on which the person is required to depart from the United States.]~~ ***is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.***

~~[7.]~~ ***8.*** The Director shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of ***a state, the District of Columbia, any territory of the United States or*** a foreign country. The criteria ***pursuant to which***



1 *the Department shall issue or refuse to issue a driver's license to a*
2 *citizen of a foreign country* must be based upon the purpose for
3 which that person is present within the United States.

4 ~~[8-] 9.~~ Notwithstanding any other provision of this section, the
5 Department shall not accept a consular identification card as proof
6 of the age or identity of an applicant for a motorcycle driver's
7 license. As used in this subsection, "consular identification card"
8 has the meaning ascribed to it in NRS 232.006.

9 **Sec. 41.** NRS 486.161 is hereby amended to read as follows:

10 486.161 1. Except as otherwise provided in subsection ~~[4-] 5,~~
11 every motorcycle driver's license expires ~~[on the fourth anniversary~~
12 ~~of the licensee's birthday, measured in the case of an original~~
13 ~~license, a renewal license or a license renewing an expired license,~~
14 ~~from the birthday nearest the date of issuance or renewal. Any~~
15 ~~applicant whose date of birth is February 29 is, for the purposes of~~
16 ~~NRS 486.011 to 486.381, inclusive, considered to have the~~
17 ~~anniversary of his birth fall on February 28.] as prescribed by~~
18 *regulation.*

19 2. *The Department shall adopt regulations prescribing when*
20 *a motorcycle driver's license expires.*

21 3. Every license is renewable at any time before its expiration
22 upon application, submission of the statement required pursuant to
23 NRS 486.084 and payment of the required fee. Every motorcycle
24 endorsement to a driver's license issued on or after January 1, 1972,
25 expires simultaneously with the expiration of the driver's license.

26 ~~[3-] 4.~~ Except as otherwise provided in subsection 1 of NRS
27 483.384, each applicant for renewal must appear before an examiner
28 for a driver's license and successfully pass a test of his eyesight.

29 ~~[4-] 5.~~ Any person who has been issued a driver's license
30 without having the authority to drive a motorcycle endorsed thereon
31 must, before driving a motorcycle, successfully pass:

32 (a) A driving test conducted by the Department; or

33 (b) A course of motorcycle safety approved by the Department,

34 ➔ and have the authority endorsed upon his license.

35 **Sec. 42.** NRS 486.161 is hereby amended to read as follows:

36 486.161 1. Except as otherwise provided in subsection ~~[4-] 5,~~
37 every motorcycle driver's license expires ~~[on the fourth anniversary~~
38 ~~of the licensee's birthday, measured in the case of an original~~
39 ~~license, a renewal license or a license renewing an expired license,~~
40 ~~from the birthday nearest the date of issuance or renewal. Any~~
41 ~~applicant whose date of birth is February 29 is, for the purposes of~~
42 ~~NRS 486.011 to 486.381, inclusive, considered to have the~~
43 ~~anniversary of his birth fall on February 28.] as prescribed by~~
44 *regulation.*



2. *The Department shall adopt regulations prescribing when a motorcycle driver's license expires.*

3. Every license is renewable at any time before its expiration upon application and payment of the required fee. Every motorcycle endorsement to a driver's license issued on or after January 1, 1972, expires simultaneously with the expiration of the driver's license.

~~3.1~~ 4. Except as otherwise provided in subsection 1 of NRS 483.384, each applicant for renewal must appear before an examiner for a driver's license and successfully pass a test of his eyesight.

~~4.1~~ 5. Any person who has been issued a driver's license without having the authority to drive a motorcycle endorsed thereon must, before driving a motorcycle, successfully pass:

(a) A driving test conducted by the Department; or

(b) A course of motorcycle safety approved by the Department, and have the authority endorsed upon his license.

Sec. 43. NRS 179A.070 is hereby amended to read as follows:

179A.070 1. "Record of criminal history" means information contained in records collected and maintained by agencies of criminal justice, the subject of which is a natural person, consisting of descriptions which identify the subject and notations of summons in a criminal action, warrants, arrests, citations for misdemeanors issued pursuant to NRS 171.1773, citations issued for violations of NRS 484.379, 484.3795 and 484.37955, *and section 22 of this act*, detentions, decisions of a district attorney or the Attorney General not to prosecute the subject, indictments, informations or other formal criminal charges and dispositions of charges, including, without limitation, dismissals, acquittals, convictions, sentences, information set forth in NRS 209.353 concerning an offender in prison, any postconviction relief, correctional supervision occurring in Nevada, information concerning the status of an offender on parole or probation, and information concerning a convicted person who has registered as such pursuant to chapter 179C of NRS. The term includes only information contained in a record, maintained in written or electronic form, of a formal transaction between a person and an agency of criminal justice in this State, including, without limitation, the fingerprints of a person who is arrested and taken into custody and of a person who is placed on parole or probation and supervised by the Division of Parole and Probation of the Department.

2. "Record of criminal history" does not include:

(a) Investigative or intelligence information, reports of crime or other information concerning specific persons collected in the course of the enforcement of criminal laws;

(b) Information concerning juveniles;



(c) Posters, announcements or lists intended to identify fugitives or wanted persons and aid in their apprehension;

(d) Original records of entry maintained by agencies of criminal justice if the records are chronological and not cross-indexed;

(e) Records of application for and issuance, suspension, revocation or renewal of occupational licenses, including, without limitation, permits to work in the gaming industry;

(f) Except as otherwise provided in subsection 1, court indexes and records of public judicial proceedings, court decisions and opinions, and information disclosed during public judicial proceedings;

(g) Except as otherwise provided in subsection 1, records of traffic violations constituting misdemeanors;

(h) Records of traffic offenses maintained by the Department to regulate the issuance, suspension, revocation or renewal of drivers' or other operators' licenses;

(i) Announcements of actions by the State Board of Pardons Commissioners and the State Board of Parole Commissioners, except information concerning the status of an offender on parole or probation; or

(j) Records which originated in an agency other than an agency of criminal justice in this State.

Sec. 44. NRS 209.425 is hereby amended to read as follows:

209.425 1. The Director shall, with the approval of the Board, establish a program for the treatment of an abuser of alcohol or drugs who is imprisoned for a violation of NRS 484.379 or **section 22 of this act** that is punishable as a felony pursuant to NRS 484.3792 or a violation of NRS 484.3795 or 484.37955. The program must include an initial period of intensive mental and physical rehabilitation in a facility of the Department, followed by regular sessions of education, counseling and any other necessary or desirable treatment.

2. The Director may, upon the request of the offender after the initial period of rehabilitation, allow the offender to earn wages under any other program established by the Department if the offender assigns to the Department any wages he earns under such a program. The Director may deduct from the wages of the offender an amount determined by the Director, with the approval of the Board, to:

(a) Offset the costs, as reflected in the budget of the Department, to maintain the offender in a facility or institution of the Department and in the program of treatment established pursuant to this section; and

(b) Meet any existing obligation of the offender for the support of his family or restitution to any victim of his crime.



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Sec. 45. NRS 458.300 is hereby amended to read as follows:

458.300 Subject to the provisions of NRS 458.290 to 458.350, inclusive, an alcoholic or a drug addict who has been convicted of a crime is eligible to elect to be assigned by the court to a program of treatment for the abuse of alcohol or drugs pursuant to NRS 453.580 before he is sentenced unless:

1. The crime is:

(a) A crime against the person punishable as a felony or gross misdemeanor as provided in chapter 200 of NRS;

(b) A crime against a child as defined in NRS 179D.210;

(c) A sexual offense as defined in NRS 179D.410; or

(d) An act which constitutes domestic violence as set forth in NRS 33.018;

2. The crime is that of trafficking of a controlled substance;

3. The crime is a violation of NRS 484.379, 484.3795 or 484.37955 ~~§~~ **or section 22 of this act;**

4. The alcoholic or drug addict has a record of two or more convictions of a crime described in subsection 1 or 2, a similar crime in violation of the laws of another state, or of three or more convictions of any felony;

5. Other criminal proceedings alleging commission of a felony are pending against the alcoholic or drug addict;

6. The alcoholic or drug addict is on probation or parole and the appropriate parole or probation authority does not consent to the election; or

7. The alcoholic or drug addict elected and was admitted, pursuant to NRS 458.290 to 458.350, inclusive, to a program of treatment not more than twice within the preceding 5 years.

Sec. 46. Section 21 of this act is hereby amended to read as follows:

Sec. 21. The phrase "concentration of alcohol of 0.04 or more but less than ~~0.08~~ **0.10** in his blood or breath" means 0.04 gram or more but less than ~~0.08~~ **0.10** gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

Sec. 47. Section 22 of this act is hereby amended to read as follows:

Sec. 22. 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.04 or more but less than ~~0.08~~ **0.10** in his blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a commercial motor vehicle to have a concentration of alcohol of 0.04 or more but less than ~~0.08~~ **0.10** in his blood or breath,



↳ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a commercial motor vehicle,

↳ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access with an amount of a prohibited substance in his blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2
(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(j) Phencyclidine	25	10

4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical



control of the commercial motor vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.04 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

5. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484.3667.

Sec. 48. NRS 483.247, 483.345, 483.670 and 483.922 are hereby repealed.

Sec. 48.5. 1. The regulations adopted by the Department of Motor Vehicles or the Director of the Department pursuant to:

(a) Subsections 1 and 3 of NRS 481.052, as amended by section 1 of this act;

(b) Subsection 3 of NRS 483.290, as amended by section 2 of this act;

(c) Subsection 2 of NRS 483.340, as amended by section 4 of this act;

(d) Subsection 2 of NRS 483.380, as amended by section 5 of this act;

(e) Subsection 3 of NRS 483.840, as amended by section 13 of this act;

(f) Subsection 2 of NRS 483.860, as amended by section 15 of this act;

(g) Subsection 2 of NRS 483.875, as amended by section 16 of this act;

(h) Subsections 4 and 8 of NRS 486.081, as amended by section 40 of this act; and

(i) Subsection 2 of NRS 486.161, as amended by section 41 of this act,

must be consistent with the regulations issued by the Secretary of Homeland Security to implement the provisions of the Real ID Act of 2005, Public Law 109-13, Division B, Title II, 119 Stat. 311, 49 U.S.C. § 30301.

2. The regulations of the Department of Motor Vehicles or the Director of the Department specified in subsection 1 must not become effective until the later of:

(a) May 11, 2008;

(b) The effective date of the regulations issued by the Secretary of Homeland Security to implement the provisions of the Real ID Act of 2005; or



(c) The expiration of any extension of time granted to this State by the Secretary of Homeland Security to comply with the provisions of the Real ID Act of 2005.

Sec. 49. 1. This section and section 48.5 of this act become effective upon passage and approval.

2. Sections 1 to 7, inclusive, 9 to 41, inclusive, 43, 44, 45 and 48 of this act become effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act. For all other purposes:

(a) Sections 3, 6, 7, 9 to 12, inclusive, 17 to 39, inclusive, and 43, 44, 45 and 48 of this act become effective on October 1, 2007; and

(b) Sections 1, 2, 4, 5, 13 to 16, inclusive, 40 and 41 of this act become effective upon the later of:

(1) May 11, 2008;

(2) The effective date of the regulations issued by the Secretary of Homeland Security to implement the provisions of the Real ID Act of 2005; or

(3) The expiration of any extension of time granted to this State by the Secretary of Homeland Security to comply with the provisions of the Real ID Act of 2005.

3. Sections 7 and 41 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment of the support of one or more children,

are repealed by the Congress of the United States.

4. Sections 8 and 42 of this act become effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment of the support of one or more children,

are repealed by the Congress of the United States.



5. Sections 21 and 22 of this act expire by limitation on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

6. Sections 46 and 47 of this act become effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

TEXT OF REPEALED SECTIONS

483.247 License for international student or instructor: Application; issuance; expiration; renewal.

1. The Department may issue a Nevada driver's license to an international student or instructor who declares himself to be a resident of this State for the limited purpose of obtaining a driver's license.

2. An application for a driver's license pursuant to this section must be made on a form provided by the Department.

3. A driver's license issued pursuant to this section:

(a) Expires on the first anniversary date of the licensee's birthday, measured in the case of an original license, a renewal license and a renewal of an expired license, from the birthday nearest the date of issuance or renewal. The license may be extended for an additional year, not to exceed 3 additional years:

(1) If the licensee submits such proof as may be required by the Department that he is an international student or instructor; and

(2) Upon the payment of a fee for the extension that is established by the Department in an amount necessary to cover the administrative expense of extending the license.

(b) Must be renewed on the fourth anniversary date of the licensee's birthday, measured in the case of an original license, a renewal license and a renewal of an expired license, from the birthday nearest the date of issuance or renewal.

4. No license may be issued pursuant to this section until the Department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.



483.345 Number of license issued or renewed after January 1, 1998, not to be based on social security number; Department to convert number based on social security number upon request.

1. The number of any driver's license issued or renewed by the Department on or after January 1, 1998, must be a unique number that is not based on the social security number of the licensee.

2. If the number of a driver's license issued by the Department is the licensee's social security number or was formulated by using the licensee's social security number as a basis for the number, the Department shall, upon the request of the licensee:

(a) Convert the number of the license to a unique number that is not based on the licensee's social security number; and

(b) Upon surrender of the outstanding license, issue a license that contains the new number.

483.670 Application from person previously licensed in another state; copy of record from other state becomes part of record in Nevada; Department to furnish records to other states.

1. Whenever an application for an instruction permit or for an operator's or chauffeur's license is received from a person previously licensed in another state, the Department shall request a copy of the operator's record from the other state. When received, the operator's record becomes part of his record in this State with the same effect as though entered on his record in this State in the original instance.

2. Whenever the Department receives a request for an operator's record from another licensing state the record must be forwarded without charge.

483.922 Tests to determine concentration of alcohol or presence of controlled or prohibited substance: Implied consent to and grounds for administration.

1. Except as otherwise provided in NRS 484.383, a person who drives, operates or is in actual physical control of a commercial motor vehicle within this State shall be deemed to have given consent to an evidentiary test of his blood, urine, breath or other bodily substance for the purpose of determining the concentration of alcohol in his blood or breath or to detect the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance.

2. The tests must be administered pursuant to NRS 484.383 at the direction of a police officer who, after stopping or detaining such a person, has reasonable grounds to believe that the person was:



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(a) Driving, operation or in actual physical control of a commercial motor vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955.

3. As used in this section, “prohibited substance” has the meaning ascribed to it in NRS 484.1245.

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