
SENATE BILL NO. 41—COMMITTEE ON TRANSPORTATION
AND HOMELAND SECURITY

(ON BEHALF OF THE NEVADA JUDGES ASSOCIATION)

PREFILED JANUARY 26, 2007

Referred to Committee on Transportation and Homeland Security

SUMMARY—Revises provisions governing an ignition interlock device upon conviction for driving under the influence of intoxicating liquor or a controlled substance. (BDR 43-267)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; revising provisions governing the installation of an ignition interlock device upon conviction of driving under the influence of intoxicating liquor or a controlled substance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 This bill makes it discretionary rather than mandatory for a court to order the
 - 2 installation of an ignition interlock device on the vehicle of a person who is
 - 3 convicted of driving under the influence of intoxicating liquor or a controlled
 - 4 substance when the offense is punishable as a misdemeanor and the person is found
 - 5 to have had a concentration of alcohol of 0.18 or more in his blood or breath.
 - 6 (NRS 484.3943)
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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 484.3943 is hereby amended to read as follows:

484.3943 1. Except as otherwise provided in ~~subsections 2 and 5,~~ **subsection 4,** a court:

(a) May order a person convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792, if the person is found to have had a concentration of alcohol of less than 0.18 in his blood or breath, for a period of not less than 3 months nor more than 6 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.

(b) ~~{Shall}~~ **May** order a person convicted of ~~—(1) A~~ **a** violation of NRS 484.379 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792, if the person is found to have had a concentration of alcohol of 0.18 or more in his blood or breath ~~—~~

~~—(2) , 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.~~

(c) Shall order a person convicted of:

(1) A violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792; or

~~{(3)}~~ **(2)** 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.~~

~~3.1~~ 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.

~~4.1~~ 3. 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) or (c) 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.

~~5.1~~ 4. 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.



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

4 ~~16-1~~ 5. The running of the period during which a person is
5 required to have a device installed pursuant to this section
6 commences when the Department issues a restricted license to him
7 or reinstates his driving privilege and is tolled whenever and for as
8 long as the person is, with regard to a violation of NRS 484.379,
9 484.3795 or 484.37955, imprisoned, serving a term of residential
10 confinement, confined in a treatment facility, on parole or on
11 probation.

12 ~~17-1~~ 6. As used in this section:

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

16 (b) "Concentration of alcohol of less than 0.18 in his blood or
17 breath" means less than 0.18 gram of alcohol per 100 milliliters of
18 the blood of a person or per 210 liters of his breath.

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

