

CHAPTER.....

AN ACT relating to statutes; ratifying certain technical corrections made to sections of NRS; correcting the effective date of certain provisions, correcting and clarifying certain provisions and repealing certain provisions of Statutes of Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill corrects errors in the amendment of NRS 391.019 and 391.031 by sections 1 and 2, respectively, of chapter 151, Statutes of Nevada 2007 (S.B. 264), at pages 501 and 503. Although sections 1 and 2 of S.B. 264 both contain amendatory provisions that are intended to expire by limitation and other amendatory provisions that are not intended to expire, section 5 of S.B. 264 would have inadvertently caused all those amendatory provisions to expire by limitation on June 30, 2011. To resolve this technical error, S.B. 264 has been revised as necessary to cause those amendments to NRS 391.019 and 391.031 that are not intended to expire by limitation to remain effective after that date.

Section 2 of this bill corrects an error in the amendment of NRS 645B.051 by section 4.8 of chapter 266, Statutes of Nevada 2007 (A.B. 375), at page 954. Section 4.8 of A.B. 375, which contains an internal reference to section 1.8 of A.B. 375, the source of NRS 645B.0138, was inadvertently made to become effective before section 1.8 of A.B. 375 became effective. Section 13 of A.B. 375, which contains the effective dates for the provisions of that bill, has therefore been revised as necessary to correct this technical error by causing sections 1.8 and 4.8 of A.B. 375 to become effective at the same time.

Section 3 of this bill corrects an error in the amendment of NRS 432B.3905, which was created by section 1 of chapter 274, Statutes of Nevada 2007 (A.B. 147), at page 1003. Although the provisions of section 1 of A.B. 147 were subsequently amended by section 6 of A.B. 147, at page 1007, section 1 of A.B. 147 was inadvertently made to expire by limitation. Section 8 of A.B. 147, which contains the effective dates for the provisions of that bill, has therefore been revised as necessary to correct this technical error.

Section 4 of this bill corrects an error in chapter 286, Statutes of Nevada 2007 (A.B. 53), at page 1050. Section 1 of A.B. 53 consisted solely of an amendment to that bill which had been withdrawn before its enactment and was not intended to take effect. Section 1 of A.B. 53 has therefore been deleted to correct this technical error.

Section 5 of this bill corrects an error in chapter 296, Statutes of Nevada 2007 (A.B. 433), at page 1122. Section 3 of A.B. 433 amended NRS 372.750 to account for various changes to the provisions of NRS 360.247, as amended by section 2 of A.B. 433, regarding the disclosure of certain information by the Nevada Tax Commission. However, A.B. 433 inadvertently failed to amend NRS 374.755, which is substantially identical to NRS 372.750, in the same manner as NRS 372.750. A.B. 433 has therefore been revised as necessary to correct this technical error.

Section 6 of this bill corrects an error in the amendment of NRS 361.106 by section 1 of chapter 354, Statutes of Nevada 2007 (A.B. 110), at page 1722. Section 1 of A.B. 110, which was intended to repeal the provisions pursuant to which NRS 361.106 would have expired by limitation, appropriately repealed a provision



pursuant to which an amendment to NRS 361.106 would have expired by limitation, but inadvertently failed to amend accordingly the provision pursuant to which the underlying provisions of NRS 361.106 would have expired by limitation. Section 1 of A.B. 110 has therefore been revised as necessary to correct this technical error by deleting the provision that would have caused the underlying provisions of NRS 361.106 to expire by limitation.

Section 7 of this bill corrects errors in chapter 413, Statutes of Nevada 2007 (S.B. 412), at page 1821. S.B. 412, which amended chapter 633 of NRS to allow the licensing of physicians' assistants by the State Board of Osteopathic Medicine, inadvertently failed to amend accordingly former NRS 633.326 (now codified as NRS 633.307) and NRS 633.706 to ensure that such licensing complies with certain federal requirements relating to the enforcement of child support. S.B. 412 has therefore been revised as necessary to correct this technical error.

Section 8 of this bill corrects an error in the amendment of NRS 392.420 by section 1 of chapter 414, Statutes of Nevada 2007 (A.B. 354), at page 1870. Although the amendments contained in section 1 of A.B. 354 were carried forward into subsequent amendments by A.B. 354, that section was inadvertently made to expire by limitation. Section 5 of A.B. 354, which contains the effective dates for the provisions of that bill, has therefore been revised as necessary to correct this technical error.

Section 9 of this bill corrects an error in the amendment of the Fort Mohave Valley Development Law (formerly codified as NRS 321.480-321.536) by sections 2-9 of chapter 427, Statutes of Nevada 2007 (S.B. 301), at pages 2002-2005. S.B. 301, which amended the former provisions of NRS 321.480-321.536 to transfer the power and responsibility to administer the Fort Mohave Valley Development Law from the Colorado River Commission of Nevada to the Board of County Commissioners of Clark County, inadvertently converted the Fort Mohave Valley Development Law into a special and local act, which thereby became inappropriate for inclusion in NRS. To correct this technical error and ratify the removal of these inappropriate provisions from NRS, S.B. 301 has been revised as necessary to provide for the enactment of sections 2-9 of S.B. 301 in the form of a special and local act and to repeal the superseded provisions of NRS 321.480-321.536.

Section 10 of this bill corrects an error in chapter 429, Statutes of Nevada 2007 (S.B. 274), at page 2013. Although sections 3 and 4 of S.B. 274, the source of NRS 533.481 and 533.482, respectively, authorize the State Engineer to take various actions to enforce all the provisions of chapter 533 of NRS, S.B. 274 inadvertently failed to amend NRS 533.430 accordingly to clarify the applicability of sections 3 and 4 of S.B. 274 to the holders of certain permits and certificates issued under that chapter. S.B. 274 has therefore been revised as necessary to correct this technical error.

Section 11 of this bill corrects errors in sections 11 and 12 of chapter 433, Statutes of Nevada 2007 (A.B. 497), at page 2051, the source of NRS 209.517 and 213.12185, respectively. Although section 11 of A.B. 497 relates solely to offenders under the supervision of the Department of Corrections and section 12 of A.B. 497 relates solely to prisoners under the supervision of the Division of Parole and Probation of the Department of Public Safety, each of these sections inadvertently included general references to "a driver." Additionally, each of these sections contained a provision that was inconsistent with subsection 1 of NRS 483.460, as amended by section 2 of A.B. 497, at page 2045. Sections 11 and 12 of A.B. 497 have therefore been revised as necessary to correct these technical errors by replacing the general references to "a driver" with the appropriate terminology and by deleting the erroneous provisions.



Section 12 of this bill corrects an error in section 40.4 of chapter 480, Statutes of Nevada 2007 (S.B. 242), at page 2637, the source of NRS 77.420. Although S.B. 242 was intended to cause the provisions of chapter 77 of NRS (the Model Registered Agents Act) to become effective on July 1, 2008, subsection 3 of section 40.4 of S.B. 242 inadvertently contained an erroneous reference to July 1, 2007. Section 40.4 of S.B. 242 has therefore been revised as necessary to correct this technical error by replacing the incorrect reference with "July 1, 2008."

Section 13 of this bill corrects errors in chapter 486, Statutes of Nevada 2007 (A.B. 584), at page 2781. In particular, this section:

1. Corrects errors in the creation of NRS 484.379778 by section 22 of A.B. 584, at page 2793, which established a new criminal offense for the operation of a commercial motor vehicle while under the influence of intoxicating liquor or a controlled or prohibited substance. Although section 25 of A.B. 584 amended NRS 484.3792 to impose the same penalties for the commission of that offense as for the commission of a similar offense under NRS 484.379, A.B. 584 inadvertently failed to add to various statutory provisions the internal references to section 22 of A.B. 584 required for consistency with the imposition of those penalties. To correct this technical error, A.B. 584 has been revised as necessary to add the appropriate internal references to NRS 483.410, paragraph (c) of subsection 1 of NRS 483.460, subsection 2 of NRS 483.460, NRS 483.461, 483.910 and 484.348, paragraph (e) of subsection 2 of NRS 484.3792, as created by section 2 of chapter 288, Statutes of Nevada 2007 (S.B. 277), at page 1060, NRS 484.37937, 484.37943, 484.37955, 488.460, 4.355, 62A.220, 62E.620, 62E.640, 178.484, 179.245, 209.392, 209.4465, 453A.300, 629.065, 690B.029 and 706.8841, and section 1 of S.B. 277, at page 1058, which created NRS 484.37941.

2. Corrects an error in the repeal of NRS 483.345 by section 48 of A.B. 584, at page 2813. Although the provisions of NRS 483.345 were intended to remain effective until their replacement by certain regulations required by section 4 of A.B. 584, which amended NRS 483.340, sections 48 and 49 of A.B. 584 would have inadvertently caused the repeal of NRS 483.345 before section 4 of A.B. 584 was made to become effective. To correct this technical error, sections 48 and 49 of A.B. 584 have been revised as necessary to cause the repeal of NRS 483.345 to become effective when the provisions of section 4 of A.B. 584 become effective.

3. Corrects an error in the amendment of sections 21 and 22 of A.B. 584, at page 2793, both of which have been included in NRS 484.379778. Although the provisions of sections 21 and 22 of A.B. 584 were subsequently amended by sections 46 and 47, respectively, of A.B. 584, at page 2812, sections 21 and 22 of A.B. 584 were inadvertently made to expire by limitation. Section 49 of A.B. 584 has therefore been revised as necessary to correct this technical error.

Section 14 of this bill corrects an error in chapter 492, Statutes of Nevada 2007 (A.B. 440), at page 2844. Before its amendment by section 1 of A.B. 440, at page 2846, NRS 598D.040 defined "home loan" for the purposes of chapter 598D of NRS as a type of transaction that was subject to certain federal laws. Although section 1 of A.B. 440 expanded this definition to include transactions that are not subject to those federal laws, A.B. 440 inadvertently failed to amend accordingly NRS 598D.130, which required the security instrument for a home loan to include a notice that the home loan was subject to those federal laws. A.B. 440 has therefore been revised as necessary to correct this technical error by requiring such a notice only for home loans that are subject to those federal laws.

Section 15 of this bill corrects errors in the amendment of NRS 287.023, 287.043 and 287.0434 by sections 2, 6 and 8, respectively, of chapter 496, Statutes of Nevada 2007 (S.B. 544), at pages 2869, 2872 and 2877, respectively. Although the amendments contained in each of these sections were carried forward into



subsequent amendments by S.B. 544, each of these sections was inadvertently made to expire by limitation. Section 16 of S.B. 544, which contains the effective dates for the provisions of that bill, has therefore been revised as necessary to correct this technical error.

Section 16 of this bill corrects an error in chapter 497, Statutes of Nevada 2007 (S.B. 498), at page 2883. Section 1 of S.B. 498, the source of NRS 309.3395, authorizes an alternative procedure for the issuance of general obligations by a local improvement district. S.B. 498 inadvertently failed to amend NRS 309.360 accordingly to clarify the authority of a local improvement district to impose ad valorem taxes for the payment of those obligations. S.B. 498 has therefore been revised as necessary to correct this technical error.

Section 17 of this bill corrects errors in the amendment of NRS 641A.231 and 641C.330, which were respectively created by sections 8 and 36 of chapter 515, Statutes of Nevada 2007 (A.B. 424), at pages 3052 and 3063. Although the provisions of sections 8 and 36 of A.B. 424 were subsequently amended by sections 99.5 and 99.7, respectively, of A.B. 424, at pages 3094 and 3095, sections 8 and 36 of A.B. 424 were inadvertently made to expire by limitation. Section 101 of A.B. 424, which contains the effective dates for the provisions of that bill, has therefore been revised as necessary to correct this technical error.

Section 18 of this bill corrects an error in section 21 of chapter 525, Statutes of Nevada 2007 (A.B. 510), at page 3196. Section 21 of A.B. 510, which contains transitory provisions regarding the applicability of various amendatory provisions of A.B. 510 regarding credits on terms of imprisonment, inadvertently failed to include a provision clarifying the prospective applicability of the amendatory provisions of section 6 of A.B. 510, which amended NRS 209.4475. Section 21 of A.B. 510 has therefore been revised as necessary to correct this technical error.

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

Section 1. 1. Chapter 151, Statutes of Nevada 2007, at page 503, is hereby amended by adding thereto a new section to be designated as section 1.5, immediately following section 1, to read as follows:

Sec. 1.5. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of such licenses.

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.



(3) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being qualified to engage in the practice of interpreting pursuant to subsection 3 of NRS 656A.100.

(6) Except as otherwise authorized by subsection 4 of NRS 656A.100, requiring teachers and other educational personnel to satisfy the qualifications set forth in subsection 3 of NRS 656A.100 if they:

(I) Provide instruction or other educational services; and

(II) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(7) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

(I) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

(II) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

(8) Requiring an applicant for a special qualifications license to:

(I) Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

(II) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the master's degree or doctoral degree held by the applicant.



(9) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the master's degree or doctoral degree held by that person.

(10) Providing for the issuance *and renewal* of a *special qualifications* license to ~~[teach to a person]~~ *an applicant* who:

(I) Holds a graduate degree from an accredited college or university in the field for which he will be providing instruction;

(II) Is not licensed to teach public school in another state;

(III) Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and

(IV) Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year of his employment as a teacher with a school district or charter school.

➔ An applicant for licensure pursuant to this subparagraph is exempt from each examination required by NRS 391.021 if the applicant successfully passed the examination in another state.

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

3. A person who is licensed pursuant to subparagraph (7) or (10) of paragraph (a) of subsection 1:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.



(c) Except as otherwise provided by specific statute, if he is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

2. Chapter 151, Statutes of Nevada 2007, at page 504, is hereby amended by adding thereto a new section to be designated as section 2.5, immediately following section 2, to read as follows:

Sec. 2.5. NRS 391.031 is hereby amended to read as follows:

391.031 There are the following kinds of licenses for teachers and other educational personnel in this State:

1. A license to teach elementary education, which authorizes the holder to teach in any elementary school in the State.

2. A license to teach middle school or junior high school education, which authorizes the holder to teach in his major or minor field of preparation or in both fields in grades 7, 8 and 9 at any middle school or junior high school. He may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

3. A license to teach secondary education, which authorizes the holder to teach in his major or minor field of preparation or in both fields in any secondary school. He may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

4. A special license, which authorizes the holder to teach or perform other educational functions in a school or program as designated in the license.

5. A special license designated as a special qualifications license, which authorizes the holder to teach only in the grades and subject areas designated in the license. A special qualifications license is valid for 3 years and may be renewed in accordance with the *applicable* regulations of the Commission adopted pursuant to subparagraph (7) *or (10)* of paragraph (a) of subsection 1 of NRS 391.019.

3. Section 5 of chapter 151, Statutes of Nevada 2007, at page 504, is hereby amended to read as follows:

Sec. 5. *1.* This *section and sections 1, 2, 3 and 4 of this* act ~~becomes~~ *become* effective on July 1, 2007 . ~~[, and expires]~~



2. Sections 1, 2, 3 and 4 of this act expire by limitation on June 30, 2011.

3. Sections 1.5 and 2.5 of this act become effective on July 1, 2011.

Sec. 2. Section 13 of chapter 266, Statutes of Nevada 2007, at page 965, is hereby amended to read as follows:

Sec. 13. 1. This section, section 1 and sections 2 to *4.4, inclusive, and 5 to* 12.4, inclusive, of this act become effective upon passage and approval for the purpose of adopting regulations and on October 1, 2007, for all other purposes.

2. Sections 1.4, 1.6, 1.8, *4.8* and 12.8 of this act become effective:

(a) Upon passage and approval for purpose of adopting regulations, administering examinations as set forth in section 1.4 of this act and approving courses of continuing education as set forth in section 1.8 of this act; and

(b) On July 1, 2008, for all other purposes.

Sec. 3. Section 8 of chapter 274, Statutes of Nevada 2007, at page 1008, is hereby amended to read as follows:

Sec. 8. 1. This section and sections 1 to 5, inclusive, and 7 of this act become effective on January 1, 2008.

2. ~~[Section 1 of this act expires by limitation on December 31, 2008.~~

~~—3.]~~ Section 6 of this act becomes effective on January 1, 2009.

Sec. 4. Section 1 of chapter 286, Statutes of Nevada 2007, at page 1050, is hereby amended to read as follows:

Section 1. (Deleted by amendment.)

Sec. 5. Chapter 296, Statutes of Nevada 2007, at page 1127, is hereby amended by adding thereto a new section to be designated as section 3.5, immediately following section 3, to read as follows:

Sec. 3.5. NRS 374.755 is hereby amended to read as follows:

374.755 1. Except as otherwise provided in this section ~~[]~~ *or NRS 360.247*, it is a misdemeanor for any member of the Nevada Tax Commission or officer, agent or employee of the Department to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth



or disclosed in any return, or to permit any return or copy thereof, or any book containing any abstract or particulars thereof to be seen or examined by any person not connected with the Department.

2. The Nevada Tax Commission may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

3. The Governor may, however, by general or special order, authorize the examination of the records maintained by the Department under this chapter by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person. The information so obtained pursuant to the order of the Governor may not be made public except to the extent and in the manner that the order may authorize that it be made public.

4. Upon written request made by a public officer of a local government, the Executive Director shall furnish from the records of the Department, the name and address of the owner of any seller or retailer who must file a return with the Department. The request must set forth the social security number of the owner of the seller or retailer about which the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. The information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Executive Director may charge a reasonable fee for the cost of providing the requested information.

5. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

6. Relevant information *that the Nevada Tax Commission has determined is not proprietary or confidential information in a hearing conducted pursuant to NRS 360.247* may be disclosed as evidence in an appeal by the taxpayer from a determination of tax due.

7. At any time after a determination, decision or order of the Executive Director or other officer of the Department



imposing upon a person a penalty for fraud or intent to evade the tax imposed by this chapter on the sale, storage, use or other consumption of any vehicle, vessel or aircraft becomes final or is affirmed by the Commission, any member of the Commission or officer, agent or employee of the Department may publicly disclose the identity of that person and the amount of tax assessed and penalties imposed against him.

Sec. 6. Section 1 of chapter 354, Statutes of Nevada 2007, at page 1722, is hereby amended to read as follows:

Section 1. 1. Section 2 of chapter 389, Statutes of Nevada 1997, at page 1367, is hereby amended to read as follows:

Sec. 2. This act becomes effective on July 1, 1997. ~~[, and expires by limitation on July 1, 2007.]~~

2. Section 58 of chapter 10, Statutes of Nevada 2001, at page 68, is hereby repealed.

Sec. 7. 1. Chapter 413, Statutes of Nevada 2007, at page 1836, is hereby amended by adding thereto new sections to be designated as sections 42.3 and 42.7, immediately following section 42, to read as follows:

Sec. 42.3. NRS 633.326 is hereby amended to read as follows:

633.326 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license ~~[to practice osteopathic medicine]~~ *pursuant to this chapter* shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license ~~[to practice osteopathic medicine]~~ *pursuant to this chapter* shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license ~~[to practice osteopathic medicine]~~ *pursuant to this chapter* may not be issued or renewed *pursuant to this chapter* by the Board if the applicant:



(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 42.7. NRS 633.326 is hereby amended to read as follows:

633.326 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license ~~{to practice osteopathic medicine}~~ *pursuant to this chapter* shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license ~~{to practice osteopathic medicine}~~ *pursuant to this chapter* may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.



4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

2. Chapter 413, Statutes of Nevada 2007, at page 1842, is hereby amended by adding thereto a new section to be designated as section 55.5, immediately following section 55, to read as follows:

Sec. 55.5. NRS 633.706 is hereby amended to read as follows:

633.706 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license ~~[to practice osteopathic medicine.]~~ *issued pursuant to this chapter*, the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license ~~[to practice osteopathic medicine]~~ *issued pursuant to this chapter* that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license was suspended pays the fee for late payment prescribed in NRS 633.501.

3. Section 121 of chapter 413, Statutes of Nevada 2007, at page 1869, is hereby amended to read as follows:

Sec. 121. 1. This ~~[act]~~ *section* becomes effective ~~[:]~~ *upon passage and approval.*



2. Sections 1 to 42.3, inclusive, and 43 to 120, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2008, for all other purposes.

~~[2.]~~ *3. The amendatory provisions of section 7 of this act expire by limitation on January 1, 2012.*

~~[3.]~~ *4. Sections 11 and 25 of this act expire by limitation on January 1, 2012.*

5. Section 42.3 of this act expires 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 for the support of one or more children,

↪ are repealed by the Congress of the United States.

6. Section 42.7 of this act becomes 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 for the support of one or more children,

↪ are repealed by the Congress of the United States.

7. Sections 42.7 and 55.5 of this act expire by limitation on the date 2 years after 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 for the support of one or more children,

are repealed by the Congress of the United States.

Sec. 8. Section 5 of chapter 414, Statutes of Nevada 2007, at page 1873, is hereby amended to read as follows:

Sec. 5. 1. This section and sections 1 and 4 of this act become effective on July 1, 2007.

2. ~~[Section 1 of this act expires by limitation on June 30, 2010.~~

~~3.]~~ Section 2 of this act becomes effective on July 1, 2010.

Sec. 9. 1. Sections 2 to 9, inclusive, of chapter 427, Statutes of Nevada 2007, at pages 2002 to 2005, inclusive, are hereby amended to read as follows:

Sec. 2. 1. This act may be cited as the Fort Mohave Valley Development Law.

2. The Legislature hereby finds and declares that:

(a) It is in the public interest to transfer to Clark County all of the right, title and interest of the State of Nevada in all land held, controlled or administered by the Colorado River Commission of Nevada on behalf of the State under the Fort Mohave Valley Development Law.

(b) The Board of County Commissioners of Clark County has a fiduciary duty to:

(1) Administer the Fort Mohave Valley Development Law exclusively for the purposes of developing the Fort Mohave Valley and any general improvement district, special district, town or city whose territory contains all or a part of the land in the Fort Mohave Valley; and

(2) Use the money in the Fort Mohave Valley Development Fund only for the purposes expressly authorized by the Fort Mohave Valley Development Law.

Sec. 3. 1. As used in this act, unless the context otherwise requires:

(a) "Board of County Commissioners" or "Board" means the Board of County Commissioners of Clark County.

(b) "Clark County" or "County" means Clark County, Nevada, as created by NRS 243.035.

(c) "Development" and "develop" include the:



(1) Preparation of a proposal, plans for a subdivision, plans for a zoning district or zoning regulations, or any other acts in conformance with chapters 278 and 278A of NRS and any local master plans, regulations and ordinances governing the improvement or use of land or the location and construction of structures;

(2) Planning, design, construction or any other act necessary to acquire, extend, alter, reconstruct, repair or make other improvements to a project; and

(3) Solicitation, consideration and approval of proposals for the use of land,

↳ in the Fort Mohave Valley and in any general improvement district, special district, town or city whose territory contains all or a part of the land in the Fort Mohave Valley.

(d) "Fort Mohave Valley Development Fund" or "Fund" means the fund created in the County Treasury pursuant to section 6 of this act.

2. As used in this section, "project" means any structure, facility, undertaking or system which a county, city, town, general improvement district or special district is authorized to acquire, improve, equip, maintain or operate, including all kinds of personal and real property, improvements and fixtures thereon, property of any nature appurtenant thereto or used in connection therewith and every estate, interest and right therein, legal or equitable, including terms for years, or any combination thereof.

Sec. 4. 1. The Board of County Commissioners may purchase or otherwise acquire from the Federal Government all or any portion of the lands described in subsection 2, at intervals during any period when a purchase or acquisition may be made as provided by the Congress of the United States, including any extension of time granted by the Secretary of the Interior of the United States, or otherwise.

2. The lands referred to in subsection 1 are described as follows:

(a) Parcel 1. All of sections 1, 12 and 13; fractional sections 24 and 25, T. 33 S., R. 65 E.

(b) Parcel 2. All of sections 6, 7 and 8; fractional sections 4, 5, 9, 10 and 15, all of section 16, fractional section 17, all of section 18, fractional sections 19, 20, 21, 30 and 31, T. 33 S., R. 66 E.



(c) Parcel 3. All of sections 9, 10, 11, 14, 15 and 16, east 1/2 section 20, all of sections 21, 22, 23, fractional sections 24, 25 and 26, all of sections 27 and 28, east 1/2 section 29, southeast 1/4 section 31, fractional sections 32, 33, 34 and 35, T. 32 S., R. 66 E.

(d) Parcel 4. Fractional sections 4 and 5, T. 34 S., R. 66 E., and any other surveyed land or any unsurveyed land lying between the lands described in parcels 2, 3 and 4 and the Arizona-Nevada state line.

➔ All references to township and range in this subsection refer to Mount Diablo base and meridian.

Sec. 5. 1. The Board of County Commissioners shall undertake such engineering, planning and developmental studies and such other action as may be necessary for the development of the Fort Mohave Valley and any general improvement district, special district, town or city whose territory contains all or a part of the land in the Fort Mohave Valley.

2. The Board shall not solicit plans for development or dispose of lands described in sections 4 and 8 of this act unless it has first determined that the proposed development or disposal:

(a) Is consistent with the master plan adopted pursuant to chapter 278 of NRS which governs the land proposed for development or disposal; or

(b) Constitutes an acceptable revision to the master plan,
➔ and is consistent with the plans and projects of any general improvement district, special district, town or city whose territory contains the land proposed for development or disposal.

3. Any such proposal for the development or disposal of land must comply with applicable local regulations and ordinances governing the development of land, the location and construction of structures or the regulation of projects.

4. The Board may adopt procedures for the development or disposal of the lands described in sections 4 and 8 of this act and may develop, dispose of and approve requests for the development or disposal of those lands only if the development or disposal:

(a) Is consistent with the master plan governing the land proposed for development or disposal; or

(b) Constitutes an acceptable revision to the master plan.



5. The Board may relinquish all rights, powers and privileges to purchase any portion, part or parcel of the lands described in section 4 of this act. Any such relinquishment must be made by written instrument, approved by the District Attorney of the County and forwarded to the Secretary of the Interior of the United States.

Sec. 6. 1. For the use of the Board of County Commissioners in carrying out the Fort Mohave Valley Development Law, the County Treasurer shall create in the County Treasury a separate fund designated as the Fort Mohave Valley Development Fund.

2. The interest and income earned on the money in the Fort Mohave Valley Development Fund, after deducting any applicable charges, must be credited to the Fund.

3. Money in the Fort Mohave Valley Development Fund must be paid out on claims against the Fund as other claims against the County are paid, after the claims have been approved by the Board.

Sec. 7. 1. The Board of County Commissioners shall administer the Fort Mohave Valley Development Law exclusively for the purposes of developing the Fort Mohave Valley and any general improvement district, special district, town or city whose territory contains all or a part of the land in the Fort Mohave Valley.

2. Any money received by the County in connection with the administration of the Fort Mohave Valley Development Law, including, without limitation, any money received from the development or disposition of any land described in section 4 or 8 of this act or any other land which the County acquires using money from the Fort Mohave Valley Development Fund, must be deposited in the County Treasury to the credit of the Fort Mohave Valley Development Fund.

Sec. 8. The Board of County Commissioners may act as the agent of Clark County in the development and disposal of lands in the Fort Mohave Valley described as being all those lands in T. 32 S., R. 66 E., M.D.B. & M., lying between the meander line of the General Land Office dependent resurvey of 1947 and the right bank of the channel of the Colorado River and all those lands in T. 33 S., R. 66 E., M.D.B. & M. and T. 34 S., R. 66 E., M.D.B. & M., lying between the meander line of the General Land Office survey of 1932 and the right bank of the channel of the Colorado River.



Sec. 9. The Board of County Commissioners may use money in the Fort Mohave Valley Development Fund only to:

1. Purchase or otherwise acquire lands described in sections 4 and 8 of this act; and

2. Administer the Fort Mohave Valley Development Law exclusively for the purposes of developing the Fort Mohave Valley and any general improvement district, special district, town or city whose territory contains all or a part of the land in the Fort Mohave Valley, including, without limitation, the planning, design and construction of capital improvements which develop the land in the Fort Mohave Valley or in any general improvement district, special district, town or city whose territory contains all or a part of the land in the Fort Mohave Valley.

2. Chapter 427, Statutes of Nevada 2007, at page 2006, is hereby amended by adding thereto a new section to be designated as section 10.5, immediately following section 10, to read as follows:

Sec. 10.5. NRS 321.480, 321.490, 321.500, 321.510, 321.520, 321.530, 321.534 and 321.536 are hereby repealed.

Sec. 10. Chapter 429, Statutes of Nevada 2007, at page 2019, is hereby amended by adding thereto a new section to be designated as section 4.95, immediately following section 4.9, to read as follows:

Sec. 4.95. NRS 533.430 is hereby amended to read as follows:

533.430 1. Every permit to appropriate water, and every certificate of appropriation granted under any permit by the State Engineer upon any stream or stream system which shall have been adjudicated under the provisions of NRS 533.090 to 533.235, inclusive, shall be, and the same is hereby declared to be, subject to existing rights and to the decree and modifications thereof entered in such adjudication proceedings, and the same shall be subject to regulation and control by the State Engineer and the water commissioners in the same manner and to the same extent as rights which have been adjudicated and decreed under the provisions of this chapter. Every such holder of a certificate or a permit shall in like manner be subject to all of the provisions of NRS 533.270 to 533.305, inclusive, 533.465, 533.475, 533.480, *sections 3 and 4 of this act, and NRS 535.050 and 536.010 to 536.030, inclusive.*

2. Upon any stream or stream system that has not been adjudicated and upon which the State Engineer has heretofore



granted and may hereafter grant a permit or permits to appropriate water therefrom, any and all such permitted rights to the use of water so granted shall be subject to regulation and control by the State Engineer to the same extent and in the same manner as adjudicated and permitted rights upon streams and stream systems heretofore adjudicated pursuant to the provisions of this chapter.

Sec. 11. Sections 11 and 12 of chapter 433, Statutes of Nevada 2007, at page 2051, are hereby amended to read as follows:

Sec. 11. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

The Director shall notify the Department of Motor Vehicles when an offender who has had his license, permit or privilege to drive revoked pursuant to NRS 483.460 has completed a period of imprisonment or is placed on residential confinement. The notification process must conform to the guidelines provided in regulation by the Department of Motor Vehicles pursuant to NRS 483.460.

Sec. 12. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

The Chief shall notify the Department of Motor Vehicles when a prisoner who has had his license, permit or privilege to drive revoked pursuant to NRS 483.460 is placed on parole. The notification process must conform to the guidelines provided in regulation by the Department of Motor Vehicles pursuant to NRS 483.460.

Sec. 12. Section 40.4 of chapter 480, Statutes of Nevada 2007, at page 2637, is hereby amended to read as follows:

Sec. 40.4. *1. If the Commissioner of Financial Institutions determines, after investigation, that a represented entity of a registered agent has failed to comply with the provisions of chapter 604A or 675 of NRS, the Commissioner may issue an order to the registered agent to cease and refrain from providing all services for the represented entity other than those services set forth in section 40 of this act.*

2. A registered agent who receives an order pursuant to subsection 1 shall immediately notify the represented entity. The represented entity shall be deemed to have received the order on the date that it is received by the registered agent.

3. Any contract between a registered agent, its subsidiary or affiliate and the represented entity entered into on or after July 1, 2008, shall be deemed to include a



provision that provides for the termination of the contract or agreement without liability to the registered agent, its subsidiary or affiliate, upon the issuance of an order issued pursuant to this section, except for any agreement for the provision of the services set forth in section 40 of this act. Any provision of a contract which conflicts with this subsection is void. Failure to include such a provision in a contract is not a defense in an action brought to enforce or terminate the contract.

4. An order issued pursuant to subsection 1 is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS. A registered agent shall comply with any such order pending judicial review.

5. If the Commissioner of Financial Institutions finds that a registered agent has failed to comply with an order issued pursuant to this section, the Commissioner may impose an administrative fine of not more than \$1,000 upon the registered agent. Any fine collected pursuant to this section must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 13. 1. Chapter 486, Statutes of Nevada 2007, at page 2787, is hereby amended by adding thereto a new section to be designated as section 5.5, immediately following section 5, to read as follows:

Sec. 5.5. NRS 483.410 is hereby amended to read as follows:

483.410 1. Except as otherwise provided in subsection 6 and NRS 483.417, for every driver's license, including a motorcycle driver's license, issued and service performed, the following fees must be charged:

An original or renewal license issued to a person 65 years of age or older.....	\$13.50
An original or renewal license issued to any person less than 65 years of age	18.50
Reinstatement of a license after suspension, revocation or cancellation, except a revocation for a violation of NRS 484.379, 484.3795 or 484.37955 [H] or section 22 of this act , or pursuant to NRS 484.384 and 484.385	40.00



Reinstatement of a license after revocation for
a violation of NRS 484.379, 484.3795 or
484.37955 ~~§~~ *or section 22 of this act*, or
pursuant to NRS 484.384 and 484.385..... \$65.00
A new photograph, change of name, change
of other information, except address, or
any combination 5.00
A duplicate license..... 14.00

2. For every motorcycle endorsement to a driver's license, a fee of \$5 must be charged.

3. If no other change is requested or required, the Department shall not charge a fee to convert the number of a license from the licensee's social security number, or a number that was formulated by using the licensee's social security number as a basis for the number, to a unique number that is not based on the licensee's social security number.

4. Except as otherwise provided in NRS 483.417, the increase in fees authorized by NRS 483.347 and the fees charged pursuant to NRS 483.415 must be paid in addition to the fees charged pursuant to subsections 1 and 2.

5. A penalty of \$10 must be paid by each person renewing his license after it has expired for a period of 30 days or more as provided in NRS 483.386 unless he is exempt pursuant to that section.

6. The Department may not charge a fee for the reinstatement of a driver's license that has been:

- (a) Voluntarily surrendered for medical reasons; or
- (b) Cancelled pursuant to NRS 483.310.

7. All fees and penalties are payable to the Administrator at the time a license or a renewal license is issued.

8. Except as otherwise provided in NRS 483.340, subsection 3 of NRS 483.3485, NRS 483.415 and 483.840, and subsection 3 of NRS 483.863, all money collected by the Department pursuant to this chapter must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

2. Section 10 of chapter 486, Statutes of Nevada 2007, at page 2787, is hereby amended to read as follows:

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

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or



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

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

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

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

(3) A violation of NRS 484.3795 or 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.

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

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

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

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

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

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

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

(6) A violation of NRS 484.348.

(c) For a period of 90 days, if the offense is a violation of NRS 484.379 *or section 22 of this act* that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.



2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 *or section 22 of this act* who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

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.



3. Chapter 486, Statutes of Nevada 2007, at page 2789, is hereby amended by adding thereto new sections to be designated as sections 10.3 and 10.7, immediately following section 10, to read as follows:

Sec. 10.3. NRS 483.461 is hereby amended to read as follows:

483.461 1. If the result of a test given pursuant to NRS 484.382 or 484.383 shows that a person less than 21 years of age had a concentration of alcohol of 0.02 or more but less than 0.08 in his blood or breath at the time of the test, his license, permit or privilege to drive must be suspended for a period of 90 days.

2. If a revocation or suspension of a person's license, permit or privilege to drive for a violation of NRS 62E.640, 484.379, 484.3795 or 484.37955 *or section 22 of this act* follows a suspension ordered pursuant to subsection 1, the Department shall:

(a) Cancel the suspension ordered pursuant to subsection 1; and

(b) Give the person credit toward the period of revocation or suspension ordered pursuant to NRS 62E.640, 484.379, 484.3795 or 484.37955 ~~§~~ *or section 22 of this act*, whichever is applicable, for any period during which the person's license, permit or privilege to drive was suspended pursuant to subsection 1.

3. This section does not preclude:

(a) The prosecution of a person for a violation of any other provision of law; or

(b) The suspension or revocation of a person's license, permit or privilege to drive pursuant to any other provision of law.

Sec. 10.7. NRS 483.461 is hereby amended to read as follows:

483.461 1. If the result of a test given pursuant to NRS 484.382 or 484.383 shows that a person less than 21 years of age had a concentration of alcohol of 0.02 or more but less than 0.10 in his blood or breath at the time of the test, his license, permit or privilege to drive must be suspended for a period of 90 days.

2. If a revocation or suspension of a person's license, permit or privilege to drive for a violation of NRS 62E.640, 484.379, 484.3795 or 484.37955 *or section 22 of this act*



follows a suspension ordered pursuant to subsection 1, the Department shall:

(a) Cancel the suspension ordered pursuant to subsection 1; and

(b) Give the person credit toward the period of revocation or suspension ordered pursuant to NRS 62E.640, 484.379, 484.3795 or 484.37955 ~~§~~ *or section 22 of this act*, whichever is applicable, for any period during which the person's license, permit or privilege to drive was suspended pursuant to subsection 1.

3. This section does not preclude:

(a) The prosecution of a person for a violation of any other provision of law; or

(b) The suspension or revocation of a person's license, permit or privilege to drive pursuant to any other provision of law.

4. Chapter 486, Statutes of Nevada 2007, at page 2792, is hereby amended by adding thereto a new section to be designated as section 16.5, immediately following section 16, to read as follows:

Sec. 16.5. NRS 483.910 is hereby amended to read as follows:

483.910 1. The Department shall charge and collect the following fees:

For an original commercial driver's license which requires the Department to administer a driving skills test.....	\$84
For an original commercial driver's license which does not require the Department to administer a driving skills test.....	54
For renewal of a commercial driver's license which requires the Department to administer a driving skills test.....	84
For renewal of a commercial driver's license which does not require the Department to administer a driving skills test.....	54
For reinstatement of a commercial driver's license after suspension or revocation of the license for a violation of NRS 484.379, 484.3795 or 484.37955 § <i>or section 22 of this act</i> , or pursuant to NRS 484.384 and 484.385, or pursuant to 49 C.F.R. § 383.51(b)(2)(i) or (ii).....	84



For reinstatement of a commercial driver's license after suspension, revocation, cancellation or disqualification of the license, except a suspension or revocation for a violation of NRS 484.379, 484.3795 or 484.37955 [H] or section 22 of this act , or pursuant to NRS 484.384 and 484.385, or pursuant to 49 C.F.R. § 383.51(b)(2)(i) or (ii).....	\$54
For the transfer of a commercial driver's license from another jurisdiction, which requires the Department to administer a driving skills test	84
For the transfer of a commercial driver's license from another jurisdiction, which does not require the Department to administer a driving skills test.....	54
For a duplicate commercial driver's license.....	19
For any change of information on a commercial driver's license.....	9
For each endorsement added after the issuance of an original commercial driver's license.....	14
For the administration of a driving skills test to change any information on, or add an endorsement to, an existing commercial driver's license.....	30

2. The Department shall charge and collect an annual fee of \$555 from each person who is authorized by the Department to administer a driving skills test pursuant to NRS 483.912.

3. An additional charge of \$3 must be charged for each knowledge test administered to a person who has twice failed the test.

4. An additional charge of \$25 must be charged for each driving skills test administered to a person who has twice failed the test.

5. The increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.

6. The Department shall charge an applicant for a hazardous materials endorsement an additional fee for the



processing of fingerprints. The Department shall establish the additional fee by regulation, except that the amount of the additional fee must not exceed the sum of the amount charged by the Central Repository for Nevada Records of Criminal History and each applicable federal agency to process the fingerprints for a background check of the applicant in accordance with Section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, 49 U.S.C. § 5103a.

5. Chapter 486, Statutes of Nevada 2007, at page 2794, is hereby amended by adding thereto a new section to be designated as section 22.5, immediately following section 22, to read as follows:

Sec. 22.5. NRS 484.348 is hereby amended to read as follows:

484.348 1. Except as otherwise provided in this section, the driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a peace officer in a readily identifiable vehicle of any police department or regulatory agency, when given a signal to bring his vehicle to a stop is guilty of a misdemeanor.

2. The signal by the peace officer described in subsection 1 must be by flashing red lamp and siren.

3. Unless the provisions of NRS 484.377 apply if, while violating the provisions of subsection 1, the driver of the motor vehicle:

(a) Is the proximate cause of damage to the property of a person other than himself; or

(b) Operates the motor vehicle in a manner which endangers or is likely to endanger any person other than himself or the property of any person other than himself,

→ the driver 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, or by a fine of not more than \$5,000, or by both fine and imprisonment.

4. If, while violating the provisions of subsection 1, the driver of the motor vehicle is the proximate cause of the death of or bodily harm to any person other than himself, the driver 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 20



years, or by a fine of not more than \$50,000, or by both fine and imprisonment.

5. If the driver of the motor vehicle is convicted of a violation of NRS 484.379 *or section 22 of this act* arising out of the same act or transaction as a violation of subsection 1, the driver is guilty of a category D felony and shall be punished as provided in NRS 193.130 for the violation of subsection 1.

6. Section 25 of chapter 486, Statutes of Nevada 2007, at page 2795, is hereby amended to read as follows:

Sec. 25. NRS 484.3792 is hereby amended to read as follows:

484.3792 1. Unless a greater penalty is provided pursuant to NRS 484.3795 or 484.37955, and except as otherwise provided in subsection 2, a person who violates the provisions of NRS 484.379 ~~H~~ *or section 22 of this act*:

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

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

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

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

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

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

(1) Sentence him to:



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

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

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

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

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

(c) Except as otherwise provided in section 1 of ~~this act,~~ *chapter 288, Statutes of Nevada 2007*, 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 who is imprisoned pursuant to the provisions of this paragraph 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;

(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); or



(e) A violation of NRS 484.379 *or section 22 of this act* that is punishable pursuant to paragraph (b) of subsection 1 of this section that was reduced from a felony pursuant to section 1 of ~~[this act,]~~ *chapter 288, Statutes of Nevada 2007,* 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 (e), 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, and a sentence imposed for violating those provisions must not be suspended except, as provided in NRS 4.373, 5.055, 484.37937 and 484.3794, and section 1 of ~~[this act,]~~ *chapter 288, Statutes of Nevada 2007,* that portion of the sentence imposed that exceeds the mandatory minimum. A prosecuting attorney shall not dismiss a charge of violating the provisions of NRS 484.379 *or section 22 of this act* in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not



supported by probable cause or cannot be proved at the time of trial.

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

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

7. If the person who violated the provisions of NRS 484.379 *or section 22 of this act* possesses a driver's license issued by a state other than the State of Nevada and does not reside in the State of Nevada, in carrying out the provisions of subparagraph (1) of paragraph (a) of subsection 1, the court shall:

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

(b) Order him to complete an educational course by correspondence on the abuse of alcohol and controlled substances approved by the Department within the time specified in the order,

➡ and the court shall notify the Department if the person fails to complete the assigned course within the specified time.

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

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



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

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

(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) "Offense" means:

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

(2) 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

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

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

7. Chapter 486, Statutes of Nevada 2007, at page 2798, is hereby amended by adding thereto a new section to be designated as section 25.5, immediately following section 25, to read as follows:

Sec. 25.5. NRS 484.37937 is hereby amended to read as follows:

484.37937 1. An offender who is found guilty of a violation of NRS 484.379 *or section 22 of this act* that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792, other than an offender who is found to have a concentration of alcohol of 0.18 or more in his blood or breath, may, at that time or any time before he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the Health Division of the Department of Health and Human Services for at least 6 months. The court shall authorize that treatment if:

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

(1) An alcohol and drug abuse counselor who is licensed or certified, or a clinical alcohol and drug abuse



counselor who is licensed, pursuant to chapter 641C of NRS, to make that diagnosis; or

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

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

(c) The offender has served or will serve a term of imprisonment in jail of 1 day, or has performed or will perform 24 hours of community service.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the question of whether the offender is eligible to undergo a program of treatment for alcoholism or drug abuse. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion. The hearing must be limited to the question of whether the offender is eligible to undergo such a program of treatment.

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

4. If the court grants an application for treatment, the court shall:

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

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

(c) Advise the offender that:

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

(2) If he is not accepted for treatment by such a facility or he fails to complete the treatment satisfactorily, he shall serve the sentence imposed by the court. Any sentence of



imprisonment must be reduced by a time equal to that which he served before beginning treatment.

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

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

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

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

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

8. Chapter 486, Statutes of Nevada 2007, at page 2799, is hereby amended by adding thereto a new section to be designated as section 26.5, immediately following section 26, to read as follows:

Sec. 26.5. NRS 484.37943 is hereby amended to read as follows:

484.37943 1. If an offender is found guilty of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 and if the concentration of alcohol in the offender's blood or breath at the time of the offense was 0.18 or more, or if an offender is found guilty of a violation of NRS 484.379 *or section 22 of this act* that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4, 5 or 6 to determine whether he is an abuser of alcohol or other drugs.

2. If an offender is convicted of a violation of NRS 484.379 *or section 22 of this act* that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 and if the offender is under 21 years of age at the time of the violation, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4, 5 or 6



to determine whether he is an abuser of alcohol or other drugs.

3. Except as otherwise provided in subsection 4, 5 or 6, the evaluation of an offender pursuant to this section must be conducted at an evaluation center by:

(a) An alcohol and drug abuse counselor who is licensed or certified, or a clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C of NRS, to make that evaluation; or

(b) A physician who is certified to make that evaluation by the Board of Medical Examiners,

↳ who shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

4. The evaluation of an offender who resides more than 30 miles from an evaluation center may be conducted outside an evaluation center by a person who has the qualifications set forth in subsection 3. The person who conducts the evaluation shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

5. The evaluation of an offender who resides in another state may, upon approval of the court, be conducted in the state where the offender resides by a physician or other person who is authorized by the appropriate governmental agency in that state to conduct such an evaluation. The offender shall ensure that the results of the evaluation and the recommendation concerning the length and type of treatment for the offender are reported to the court.

6. The evaluation of an offender who resides in this State may, upon approval of the court, be conducted in another state by a physician or other person who is authorized by the appropriate governmental agency in that state to conduct such an evaluation if the location of the physician or other person in the other state is closer to the residence of the offender than the nearest location in this State at which an evaluation may be conducted. The offender shall ensure that the results of the evaluation and the recommendation concerning the length and type of treatment for the offender are reported to the court.

7. An offender who is evaluated pursuant to this section shall pay the cost of the evaluation. An evaluation center or a



person who conducts an evaluation in this State outside an evaluation center shall not charge an offender more than \$100 for the evaluation.

9. Chapter 486, Statutes of Nevada 2007, at page 2800, is hereby amended by adding thereto new sections to be designated as sections 27.3 and 27.7, immediately following section 27, to read as follows:

Sec. 27.3. NRS 484.37955 is hereby amended to read as follows:

484.37955 1. A person commits vehicular homicide if he:

(a) Drives or is in actual physical control of a vehicle on or off the highways of this State and:

(1) Is under the influence of intoxicating liquor;

(2) Has a concentration of alcohol of 0.08 or more in his blood or breath;

(3) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his blood or breath;

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

(5) 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 vehicle; or

(6) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379;

(b) Proximately causes the death of a person other than himself while driving or in actual physical control of a vehicle on or off the highways of this State; and

(c) Has previously been convicted of at least three offenses.

2. A person who commits vehicular homicide is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or



(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

3. A person imprisoned pursuant to subsection 2 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.

4. A prosecuting attorney shall not dismiss a charge of vehicular homicide in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.08 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.

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

7. As used in this section, “offense” means:

(a) A violation of NRS 484.379 or 484.3795 ~~or~~ **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 this section or NRS 484.379 or 484.3795; 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).



Sec. 27.7. NRS 484.37955 is hereby amended to read as follows:

484.37955 1. A person commits vehicular homicide if he:

(a) Drives or is in actual physical control of a vehicle on or off the highways of this State and:

(1) Is under the influence of intoxicating liquor;

(2) Has a concentration of alcohol of 0.10 or more in his blood or breath;

(3) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.10 or more in his blood or breath;

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

(5) 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 vehicle; or

(6) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379;

(b) Proximately causes the death of a person other than himself while driving or in actual physical control of a vehicle on or off the highways of this State; and

(c) Has previously been convicted of at least three offenses.

2. A person who commits vehicular homicide is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

3. A person imprisoned pursuant to subsection 2 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.



4. A prosecuting attorney shall not dismiss a charge of vehicular homicide in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.10 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.

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

7. As used in this section, "offense" means:

(a) A violation of NRS 484.379 or 484.3795 ~~or~~ *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 this section or NRS 484.379 or 484.3795; 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).

10. Chapter 486, Statutes of Nevada 2007, at page 2810, is hereby amended by adding thereto new sections to be designated as sections 42.1 to 42.7, inclusive, immediately following section 42, to read as follows:

Sec. 42.1. NRS 488.460 is hereby amended to read as follows:

488.460 1. Except as otherwise provided in subsections 3 and 4, a person who operates or is in actual physical control of a vessel under power or sail on the waters of this State shall be deemed to have given his consent to an



evidentiary test of his blood, urine, breath or other bodily substance to determine the concentration of alcohol in his blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the direction of a peace officer having reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

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

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

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

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

(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 peace 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 operating or being in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or as a result of engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425; 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 peace 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 peace officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425,


↳ 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 alcoholic content or presence of a controlled substance or another prohibited substance in his blood.

Sec. 42.2. NRS 4.355 is hereby amended to read as follows:

4.355 1. A justice of the peace in a township whose population is 40,000 or more may appoint a referee to take testimony and recommend orders and a judgment:

(a) In any action filed pursuant to NRS 73.010;

(b) In any action filed pursuant to NRS 33.200 to 33.360, inclusive;

(c) In any action for a misdemeanor constituting a violation of chapter 484 of NRS, except NRS 484.379  *or section 22 of this act*; or



(d) In any action for a misdemeanor constituting a violation of a county traffic ordinance.

2. The referee must meet the qualifications of a justice of the peace as set forth in subsections 1 and 2 of NRS 4.010.

3. The referee:

(a) Shall take testimony;

(b) Shall make findings of fact, conclusions of law and recommendations for an order or judgment;

(c) May, subject to confirmation by the justice of the peace, enter an order or judgment; and

(d) Has any other power or duty contained in the order of reference issued by the justice of the peace.

4. The findings of fact, conclusions of law and recommendations of the referee must be furnished to each party or his attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 5 days after receipt of the findings of fact, conclusions of law and recommendations, a party may file a written objection. If no objection is filed, the court shall accept the findings, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 5-day period, the justice of the peace shall review the matter by trial de novo, except that if all of the parties so stipulate, the review must be confined to the record.

5. A referee must be paid one-half of the hourly compensation of a justice of the peace.

Sec. 42.3. NRS 62A.220 is hereby amended to read as follows:

62A.220 “Minor traffic offense” means a violation of any state or local law or ordinance governing the operation of a motor vehicle upon any highway within this State other than:

1. A violation of chapter 484 or 706 of NRS that causes the death of a person;

2. A violation of NRS 484.379 ~~§~~ *or section 22 of this act*; or

3. A violation declared to be a felony.

Sec. 42.4. NRS 62E.620 is hereby amended to read as follows:

62E.620 1. The juvenile court shall order a delinquent child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs if the child committed:

(a) An unlawful act in violation of NRS 484.379, 484.3795 or 484.37955 ~~§~~ *or section 22 of this act*;



(b) The unlawful act of using, possessing, selling or distributing a controlled substance; or

(c) The unlawful act of purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020.

2. Except as otherwise provided in subsection 3, an evaluation of the child must be conducted by:

(a) A clinical alcohol and drug abuse counselor who is licensed, an alcohol and drug abuse counselor who is licensed or certified, or an alcohol and drug abuse counselor intern or a clinical alcohol and drug abuse counselor intern who is certified, pursuant to chapter 641C of NRS, to make that classification; or

(b) A physician who is certified to make that classification by the Board of Medical Examiners.

3. If the child resides in this State but the nearest location at which an evaluation may be conducted is in another state, the court may allow the evaluation to be conducted in the other state if the person conducting the evaluation:

(a) Possesses qualifications that are substantially similar to the qualifications described in subsection 2;

(b) Holds an appropriate license, certificate or credential issued by a regulatory agency in the other state; and

(c) Is in good standing with the regulatory agency in the other state.

4. The evaluation of the child may be conducted at an evaluation center.

5. The person who conducts the evaluation of the child shall report to the juvenile court the results of the evaluation and make a recommendation to the juvenile court concerning the length and type of treatment required for the child.

6. The juvenile court shall:

(a) Order the child to undergo a program of treatment as recommended by the person who conducts the evaluation of the child.

(b) Require the treatment facility to submit monthly reports on the treatment of the child pursuant to this section.

(c) Order the child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay any charges relating to the evaluation and treatment of the child pursuant to this section. If the child or the parent or guardian



of the child, or both, do not have the financial resources to pay all those charges:

(1) The juvenile court shall, to the extent possible, arrange for the child to receive treatment from a treatment facility which receives a sufficient amount of federal or state money to offset the remainder of the costs; and

(2) The juvenile court may order the child, in lieu of paying the charges relating to his evaluation and treatment, to perform community service.

7. After a treatment facility has certified a child's successful completion of a program of treatment ordered pursuant to this section, the treatment facility is not liable for any damages to person or property caused by a child who:

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

(b) Engages in any other conduct prohibited by 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 any other jurisdiction that prohibits the same or similar conduct.

8. The provisions of this section do not prohibit the juvenile court from:

(a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Health Division of the Department of Health and Human Services. The evaluation may be conducted at an evaluation center.

(b) Ordering the child to attend a program of treatment which is administered by a private company.

9. Except as otherwise provided in section 6 of ~~this act,~~ *chapter 435, Statutes of Nevada 2007*, all information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:

- (a) The juvenile court;
- (b) The child;
- (c) The attorney for the child, if any;
- (d) The parents or guardian of the child;
- (e) The district attorney; and



(f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.

10. A record of any finding that a child has violated the provisions of NRS 484.379, 484.3795 or 484.37955 *or section 22 of this act* must be included in the driver's record of that child for 7 years after the date of the offense.

Sec. 42.5. NRS 62E.640 is hereby amended to read as follows:

62E.640 1. If a child is adjudicated delinquent for an unlawful act in violation of NRS 484.379, 484.3795 or 484.37955 *or section 22 of this act*, the juvenile court shall, if the child possesses a driver's license:

(a) Issue an order revoking the driver's license of the child for 90 days and requiring the child to surrender his driver's license to the juvenile court; and

(b) Not later than 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order and the driver's license of the child.

2. The Department of Motor Vehicles shall order the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement of the driver's license of the child.

3. If the child is adjudicated delinquent for a subsequent unlawful act in violation of NRS 484.379, 484.3795 or 484.37955 *or section 22 of this act*, the juvenile court shall order an additional period of revocation to apply consecutively with the previous order.

4. The juvenile court may authorize the Department of Motor Vehicles to issue a restricted driver's license pursuant to NRS 483.490 to a child whose driver's license is revoked pursuant to this section.

Sec. 42.6. NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail;



(b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or

(c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.

3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail; or

(b) A department of alternative sentencing directs the detention facility to admit the person to bail.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. A person arrested for a violation of NRS 484.379, 484.3795, 484.37955, 488.410, 488.420 or 488.425 *or section 22 of this act* who is under the influence of intoxicating liquor must not be admitted to bail or released on his own recognizance unless he has a concentration of alcohol of less than 0.04 in his breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his breath as a condition of admission to bail or release is not admissible as evidence against the person.

6. A person arrested for a violation of NRS 484.379, 484.3795, 484.37955, 488.410, 488.420 or 488.425 *or section 22 of this act* who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or 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 vehicle or vessel under power or sail must not be admitted to bail or released on his own recognizance sooner than 12 hours after his arrest.

7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after his arrest. If the



person is admitted to bail more than 12 hours after his arrest, without appearing personally before a magistrate, or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which he has been arrested resulted in substantial bodily harm;

(b) Five thousand dollars, if the person has:

(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which he has been arrested resulted in substantial bodily harm; or

(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which he has been arrested resulted in substantial bodily harm; or

(c) Fifteen thousand dollars, if the person has:

(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which he has been arrested resulted in substantial bodily harm; or

(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.

↪ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

8. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or



extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 must not be admitted to bail sooner than 12 hours after his arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection of the type for which he has been arrested; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in his blood or breath; or

(2) An amount of a prohibited substance in his blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379.

9. If a person is admitted to bail more than 12 hours after his arrest, pursuant to subsection 8, without appearing personally before a magistrate, or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591;

(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591; or

(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant



to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591.

➡ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

10. The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.

11. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:

(a) Requiring the person to remain in this State or a certain county within this State;

(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on his behalf;

(c) Prohibiting the person from entering a certain geographic area; or



(d) Prohibiting the person from engaging in specific conduct that may be harmful to his own health, safety or welfare, or the health, safety or welfare of another person.

➡ In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.

12. If a person fails to comply with a condition imposed pursuant to subsection 11, the court may, after providing the person with reasonable notice and an opportunity for a hearing:

(a) Deem such conduct a contempt pursuant to NRS 22.010; or

(b) Increase the amount of bail pursuant to NRS 178.499.

13. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if he has probable cause to believe that the person has violated a condition of his bail.

14. Before a person may be admitted to bail, he must sign a document stating that:

(a) He will appear at all times and places as ordered by the court releasing him and as ordered by any court before which the charge is subsequently heard;

(b) He will comply with the other conditions which have been imposed by the court and are stated in the document; and

(c) If he fails to appear when so ordered and is taken into custody outside of this State, he waives all his rights relating to extradition proceedings.

➡ The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.

15. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.

16. For the purposes of subsections 8 and 9, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.



Sec. 42.7. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 179.259 and 453.3365, a person may petition the court in which he was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 7 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor after 7 years from the date of his release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 484.379 *or section 22 of this act* other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 2 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.



3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

→ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.210.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.



(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or mentally ill person pursuant to NRS 201.560, if punishable as a felony.

(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.

11. Chapter 486, Statutes of Nevada 2007, at page 2811, is hereby amended by adding thereto a new section to be designated as section 43.5, immediately following section 43, to read as follows:

Sec. 43.5. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:



(a) Demonstrated a willingness and ability to establish a position of employment in the community;

(b) Demonstrated a willingness and ability to enroll in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime,

→ assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. If any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.130, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that he may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.130, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:

(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(b) Has not performed the duties assigned to him in a faithful and orderly manner;

(c) Has been convicted of:

(1) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim within the immediately preceding 3 years;

(2) A sexual offense that is punishable as a felony; or

(3) A category A or B felony;



(d) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484.379, 484.3795 or 484.37955 ~~§~~ *or section 22 of this act;* or

(e) Has escaped or attempted to escape from any jail or correctional institution for adults,

→ is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.

4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

→ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

6. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political



subdivisions, agencies, boards, commissions, departments, officers or employees.

12. Chapter 486, Statutes of Nevada 2007, at page 2811, is hereby amended by adding thereto new sections to be designated as sections 44.3 and 44.7, immediately following section 44, to read as follows:

Sec. 44.3. NRS 209.4465 is hereby amended to read as follows:

209.4465 1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his residential confinement or the laws of the State recorded against him, and who performs in a faithful, orderly and peaceable manner the duties assigned to him, must be allowed:

(a) For the period he is actually incarcerated pursuant to his sentence;

(b) For the period he is in residential confinement; and

(c) For the period he is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

→ a deduction of 20 days from his sentence for each month he serves.

2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate, 60 days.

(b) For earning a high school diploma, 90 days.

(c) For earning his first associate degree, 120 days.

3. The Director may, in his discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this



subsection is eligible to earn the entire 30 days of credit each month that is allowed pursuant to subsections 1 and 2.

5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

7. Except as otherwise provided in subsection 8, credits earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.

8. Credits earned pursuant to this section by an offender who has not been convicted of:

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;

(b) A sexual offense that is punishable as a felony;

(c) A violation of NRS 484.379, 484.3795 or 484.37955 *or section 22 of this act* that is punishable as a felony; or

(d) A category A or B felony,

↪ apply to eligibility for parole and must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and must be deducted from the maximum term imposed by the sentence.

Sec. 44.7. NRS 453A.300 is hereby amended to read as follows:

453A.300 1. A person who holds a registry identification card issued to him pursuant to NRS 453A.220 or 453A.250 is not exempt from state prosecution for, nor may he establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of marijuana.

(b) Engaging in any other conduct prohibited by NRS 484.379, 484.3795, 484.37955, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130 *or section 22 of this act*.



(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing marijuana in violation of NRS 453.336 or possessing drug paraphernalia in violation of NRS 453.560 or 453.566, if the possession of the marijuana or drug paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:

(1) Any public place or in any place open to the public or exposed to public view; or

(2) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders.

(e) Delivering marijuana to another person who he knows does not lawfully hold a registry identification card issued by the Department or its designee pursuant to NRS 453A.220 or 453A.250.

(f) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card issued by the Department or its designee pursuant to NRS 453A.220 or 453A.250.

2. Except as otherwise provided in NRS 453A.225 and in addition to any other penalty provided by law, if the Department determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Department or Division to carry out the provisions of this chapter, the Department may, at its own discretion, prohibit the person from obtaining or using a registry identification card for a period of up to 6 months.

13. Chapter 486, Statutes of Nevada 2007, at page 2812, is hereby amended by adding thereto new sections to be designated as sections 45.3, 45.5 and 45.7, immediately following section 45, to read as follows:

Sec. 45.3. NRS 629.065 is hereby amended to read as follows:

629.065 1. Each provider of health care shall, upon request, make available to a law enforcement agent or district attorney the health care records of a patient which relate to a test of his blood, breath or urine if:

(a) The patient is suspected of having violated 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;* and



(b) The records would aid in the related investigation.

➔ To the extent possible, the provider of health care shall limit the inspection to the portions of the records which pertain to the presence of alcohol or a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood, breath or urine of the patient.

2. The records must be made available at a place within the depository convenient for physical inspection. Inspection must be permitted at all reasonable office hours and for a reasonable length of time. The provider of health care shall also furnish a copy of the records to each law enforcement agent or district attorney described in subsection 1 who requests the copy and pays the costs of reproducing the copy.

3. Records made available pursuant to this section may be presented as evidence during a related administrative or criminal proceeding against the patient.

4. A provider of health care and his agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.

5. As used in this section, "prohibited substance" has the meaning ascribed to it in NRS 484.1245.

Sec. 45.5. NRS 690B.029 is hereby amended to read as follows:

690B.029 1. A policy of insurance against liability arising out of the ownership, maintenance or use of a motor vehicle delivered or issued for delivery in this State to a person who is 55 years of age or older must contain a provision for the reduction in the premiums for 3-year periods if the insured:

(a) Successfully completes, after attaining 55 years of age and every 3 years thereafter, a course of traffic safety approved by the Department of Motor Vehicles; and

(b) For the 3-year period before completing the course of traffic safety and each 3-year period thereafter:

(1) Is not involved in an accident involving a motor vehicle for which the insured is at fault;

(2) Maintains a driving record free of violations; and

(3) Has not been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a moving traffic violation or an offense involving:



(I) The operation of a motor vehicle while under the influence of intoxicating liquor or a controlled substance; or

(II) 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.

2. The reduction in the premiums provided for in subsection 1 must be based on the actuarial and loss experience data available to each insurer and must be approved by the Commissioner. Each reduction must be calculated based on the amount of the premium before any reduction in that premium is made pursuant to this section, and not on the amount of the premium once it has been reduced.

3. A course of traffic safety that an insured is required to complete as the result of moving traffic violations must not be used as the basis for a reduction in premiums pursuant to this section.

4. The organization that offers a course of traffic safety approved by the Department of Motor Vehicles shall issue a certificate to each person who successfully completes the course. A person must use the certificate to qualify for the reduction in the premiums pursuant to this section.

5. The Commissioner shall review and approve or disapprove a policy of insurance that offers a reduction in the premiums pursuant to subsection 1. An insurer must receive written approval from the Commissioner before delivering or issuing a policy with a provision containing such a reduction.

Sec. 45.7. NRS 706.8841 is hereby amended to read as follows:

706.8841 1. The Administrator shall issue a driver's permit to qualified persons who wish to be employed by certificate holders as taxicab drivers. Before issuing a driver's permit, the Administrator shall:

(a) Require the applicant to submit a complete set of his fingerprints which the Administrator may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and shall further investigate the applicant's background; and

(b) Require proof that the applicant:



(1) Has been a resident of the State for 30 days before his application for a permit;

(2) Can read and orally communicate in the English language; and

(3) Has a valid license issued under NRS 483.325 which authorizes him to drive a taxicab in this State.

2. The Administrator may refuse to issue a driver's permit if the applicant has been convicted of:

(a) A felony relating to the practice of taxicab drivers in this State or any other jurisdiction at any time before the date of the application;

(b) A felony involving any sexual offense in this State or any other jurisdiction at any time before the date of the application;

(c) 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 within 3 years before the date of the application; or

(d) A violation of NRS 484.37955 or a law of any other jurisdiction that prohibits the same or similar conduct.

3. The Administrator may refuse to issue a driver's permit if the Administrator, after the background investigation of the applicant, determines that the applicant is morally unfit or if the issuance of the driver's permit would be detrimental to public health, welfare or safety.

4. A taxicab driver shall pay to the Administrator, in advance, \$40 for an original driver's permit and \$10 for a renewal.

14. Chapter 486, Statutes of Nevada 2007, at page 2813, is hereby amended by adding thereto a new section to be designated as section 47.5, immediately following section 47, to read as follows:

Sec. 47.5. Section 1 of chapter 288, Statutes of Nevada 2007, at page 1058, is hereby amended to read as follows:

Section 1. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An offender who enters a plea of guilty or nolo contendere to a violation of NRS 484.379 *or section 22 of chapter 486, Statutes of Nevada 2007*, that is punishable pursuant to paragraph (c) of subsection 1 of NRS 484.3792 may, at the time he enters his plea, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the Health Division of the



Department of Health and Human Services for at least 3 years if:

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

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

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

(b) The offender agrees to pay the costs of the treatment to the extent of his financial resources.

↪ An alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor or a physician who diagnoses an offender as an alcoholic or abuser of drugs shall make a report and recommendation to the court concerning the length and type of treatment required for the offender.

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

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

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

(a) Immediately, without entering a judgment of conviction and with the consent of the offender, suspend further proceedings and place him on probation for not more than 5 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.

(b) Advise the offender that:

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for not more than 5 years and during treatment he may be confined in an institution or, at the discretion of



the treatment facility, released for treatment or supervised aftercare in the community.

(2) If he is not accepted for treatment by such a treatment facility, or if he fails to complete the treatment satisfactorily, the court will enter a judgment of conviction for a violation of paragraph (c) of subsection 1 of NRS 484.3792. Any sentence of imprisonment may be reduced by a time equal to that which he served before beginning treatment.

(3) If he completes the treatment satisfactorily, the court will enter a judgment of conviction for a violation of paragraph (b) of subsection 1 of NRS 484.3792.

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

(a) Shall not defer the sentence or set aside the conviction upon the election of treatment, except as otherwise provided in this section; and

(b) May enter a judgment of conviction and proceed as provided in paragraph (c) of subsection 1 of NRS 484.3792 for a violation of a condition ordered by the court.

6. To participate in a program of treatment, the offender must:

(a) Serve not less than 6 months of residential confinement;

(b) Install, at his own expense, a device for not less than 12 months;

(c) Not drive any vehicle unless it is equipped with a device;

(d) Agree to be subject to periodic testing for the use of alcohol or controlled substances while participating in a program of treatment; and

(e) Agree to any other conditions that the court deems necessary.

7. An offender may not apply to the court to undergo a program of treatment for alcoholism or drug abuse pursuant to this section if he has previously applied to receive treatment pursuant to this section or if he has previously been convicted of:

(a) A violation of NRS 484.3795;

(b) A violation of NRS 484.37955;



(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;

(d) A violation of paragraph (c) of subsection 1 of NRS 484.3792;

(e) A violation of subsection 2 of NRS 484.3792; or

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

8. As used is this section:

(a) “Device” has the meaning ascribed to it in NRS 484.3941.

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

15. Section 48 of chapter 486, Statutes of Nevada 2007, at page 2813, is hereby amended to read as follows:

Sec. 48. **1.** NRS 483.247, ~~[483.345,]~~ 483.670 and 483.922 are hereby repealed.

2. NRS 483.345 is hereby repealed.

16. Section 49 of chapter 486, Statutes of Nevada 2007, at page 2814, is hereby amended to read as follows:

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 , **10, 10.3, 11 to 27.3, inclusive, 28** to 41, inclusive, ~~[43, 44, 45]~~ **42.1 to 45.7, inclusive, 47.5** 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, **5.5**, 6, 7, 9 ~~[to 12, inclusive, 17]~~ , **10, 10.3, 11, 12, 16.5 to 27.3, inclusive, 28** to 39, inclusive, ~~[and 43, 44, 45]~~ **42.1 to 45.7, inclusive, 47.5** and **subsection 1 of section 48** of this act become effective on October 1, 2007; and

(b) Sections 1, 2, 4, 5, 13 to 16, inclusive, 40 , ~~[and]~~ 41 **and subsection 2 of section 48** 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]~~ **10.3 and 27.3** 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 **10.7, 27.7,** 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.

Sec. 14. Chapter 492, Statutes of Nevada 2007, at page 2846, is hereby amended by adding thereto a new section to be designated as section 2.1, immediately following section 2, to read as follows:

Sec. 2.1. NRS 598D.130 is hereby amended to read as follows:

598D.130 *If:*

1. A mortgage, deed of trust or other instrument ~~[that]~~ encumbers home property as security for repayment of a home loan ; and

2. The home loan is subject to the provisions of § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(aa), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32,

↳ the mortgage, deed of trust or other instrument must expressly indicate in writing in a size equal to at least 14-point bold type on the front page of the mortgage, deed of trust or other instrument that the home loan is a home loan as defined in NRS 598D.040 and is subject to the provisions of § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(aa), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32.

Sec. 15. Section 16 of chapter 496, Statutes of Nevada 2007, at page 2883, is hereby amended to read as follows:

Sec. 16. 1. This section and sections 1, 3, 4, 5, 7, 8, 9 and 10 to 14, inclusive, of this act become effective on July 1, 2007.

2. Section 2 of this bill becomes effective on July 1, 2007, and applies retroactively to October 1, 2003.

3. ~~[Section 8 of this act expires by limitation on June 30, 2008.~~

~~—4.]~~ Sections 6 and 8.5 of this act become effective on July 1, 2008.

~~[5.—Sections 2 and 6 of this act expire by limitation on November 29, 2008.~~

~~—6.]~~ 4. Sections 2.5, 6.5, 9.3, 9.7 and 15 of this act become effective on November 30, 2008.



Sec. 16. Chapter 497, Statutes of Nevada 2007, at page 2886, is hereby amended by adding thereto a new section to be designated as section 7.5, immediately following section 7, to read as follows:

Sec. 7.5. NRS 309.360 is hereby amended to read as follows:

309.360 1. The cost and expense of purchasing and acquiring property, and of constructing works to carry out the formulated plan or plans, or for the improvement or supplementing of existing works, except as otherwise provided herein, shall be paid out of the construction fund or general obligation bond proceeds.

2. For the purpose of defraying the organization and current expense of the district and of the care, operation, maintenance, management, repair, and necessary current improvement or replacement of existing works and property, including salaries and wages of officers and employees and other proper incidental expenditures, the board may fix rates, tolls and charges, including without limiting the foregoing, connection fees, use charges and annexation charges, and provide for the collection thereof by the district treasurer as operation and maintenance, or some like designation, or may levy assessments or general ad valorem taxes therefor, or for a portion thereof, collecting the balance as tolls or charges as aforesaid.

3. In addition to the other means for providing revenue for such districts, the board shall have power and authority to levy and collect general (ad valorem) taxes on and against all taxable real and personal property within the district, such levy and collection to be made by the board in conjunction with the county and its officers as set forth in this chapter.

4. To levy and collect general taxes, the board shall determine, in each year, the amount of money necessary to be raised by general taxation, taking into consideration other sources of revenue of the district, and shall fix a rate of levy which, when levied upon every dollar of assessed valuation of taxable property within the district, and together with other revenues, will raise the amount required by the district annually to supply funds for paying expenses of organization and the costs of acquiring, operating and maintaining the works and equipment of the district, and promptly to pay in full, when due, all interest on and principal of the general obligation bonds issued pursuant to NRS 309.332 to 309.339, inclusive ~~[]~~, *or section 1 of this act*. In the event of accruing



defaults or deficiencies, an additional levy may be made as hereinafter provided.

5. The board shall certify to the board of county commissioners, at the same time as fixed by law for certifying thereto general tax levies of incorporated cities, the rate so fixed with directions that at the time and in the manner required by law for levying general taxes for county purposes such board of county commissioners shall levy such general tax upon the assessed valuation of all taxable property within the district, in addition to such other general taxes as may be levied by such board of county commissioners at the rate so fixed and determined.

6. The board, in certifying annual levies, shall take into account such maturing general obligation bonds for the ensuing year and interest on such bonds, and deficiencies and defaults of prior years, and shall make ample provision for the payment thereof.

7. In case the moneys produced from such levies, together with other revenues of the district, are not sufficient punctually to pay the annual installments on such general obligation bonds, and interest thereon, and to pay defaults and deficiencies, the board shall make such additional levies of general taxes as may be necessary for such purposes, and, notwithstanding any limitations, such general taxes shall be made and continue to be levied until such general obligation bonds of the district shall be fully paid.

8. The body having authority to levy general taxes within each county shall levy the general taxes provided in this chapter.

9. All officials charged with the duty of collecting general taxes shall collect such general taxes at the time and in the same form and manner, and with like interest and penalties, as other general taxes are collected and when collected shall pay the same to the district ordering its levy and collection. The payment of such collections shall be made monthly to the treasurer of the district and paid into the depository thereof to the credit of the district.

10. All general taxes levied under this chapter, together with interest thereon and penalties for default in payment thereof, and all costs of collecting the same, shall constitute, until paid, a perpetual lien on and against the property taxed; and such lien shall be on a parity with the tax lien of other general taxes.



11. If the general taxes levied are not paid as provided in this chapter, the property subject to the tax lien shall be sold and the proceeds thereof shall be paid over to the district according to the provisions of the laws applicable to general tax sales and redemptions.

12. Whenever any general obligation indebtedness has been incurred by a district, it shall be lawful for the board to levy general taxes and collect revenue for the purpose of creating a reserve fund in such amount as the board may determine, which may be used to meet the general obligations of the district, for maintenance and operating charges and depreciation, and provide extension of and betterments to the improvements of the district.

Sec. 17. Section 101 of chapter 515, Statutes of Nevada 2007, at page 3096, is hereby amended to read as follows:

Sec. 101. 1. This section and sections 1 to 15, inclusive, 16, 17 to 20, inclusive, 22 to 99, inclusive, and 100 of this act become effective:

(a) Upon passage and approval for the purposes of adopting regulations to carry out the amendatory provisions of this act; and

(b) On July 1, 2007, for all other purposes.

2. Sections 15.5 and 16.5 of this act become effective on July 1, 2008.

3. Section 61.5 of this act expires by limitation on June 30, 2009.

4. ~~[Section 8 of this act expires by limitation on December 31, 2009.~~

~~—5.]~~ Section 99.5 of this act becomes effective on January 1, 2010.

~~[6. Section 36 of this act expires by limitation on June 30, 2013.~~

~~—7.]~~ 5. Section 99.7 of this act becomes effective on July 1, 2013.

~~[8.]~~ 6. Section 20 of this act expires 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 for the support of one or more children,

☞ are repealed by the Congress of the United States.

~~[9-]~~ 7. Section 21 of this act becomes 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 procedure 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 for the support of one or more children,

☞ are repealed by the Congress of the United States.

~~[10-]~~ 8. Sections 21 and 27 of this act expire by limitation on the date 2 years after 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 for the support of one or more children,

☞ are repealed by the Congress of the United States.

Sec. 18. Section 21 of chapter 525, Statutes of Nevada 2007, at page 3196, is hereby amended to read as follows:

Sec. 21. 1. For the purpose of calculating the credits earned by an offender pursuant to NRS 209.4465, the amendatory provisions of section 5 of this act must be applied:

(a) Retroactively to July 1, 2000, to reduce the minimum term of imprisonment of an offender described in subsection 8 of NRS 209.4465 who was placed in the custody of the Department of Corrections before July 1, 2007, and who remains in such custody on July 1, 2007.



(b) Retroactively to July 1, 2006, to reduce the maximum term of imprisonment of an offender who was placed on parole before July 1, 2007.

(c) In the manner set forth in NRS 209.4465 for all offenders in the custody of the Department of Corrections commencing on July 1, 2007, and for all offenders who are on parole commencing on July 1, 2007.

2. For the purpose of calculating credits earned by an offender pursuant to NRS [209.4475](#), 209.448 and 209.449, the amendatory provisions of sections [6](#), 6.2 and 6.4 of this act apply only to credits earned by an offender on or after July 1, 2007.

3. For the purpose of calculating credits earned by an offender pursuant to NRS 176A.500, the amendatory provisions of section 8.7 of this act must be applied retroactively to reduce the period of probation of such an offender commencing on July 1, 2006.

Sec. 19. This act becomes effective upon passage and approval.

