

SENATE BILL NO. 100—COMMITTEE ON JUDICIARY
(ON BEHALF OF THE DEPARTMENT OF MOTOR VEHICLES)

PREFILED DECEMBER 15, 2008

Referred to Committee on Judiciary

SUMMARY—Revises the provisions governing the period of revocation of a driver's license upon conviction of certain offenses involving driving under the influence. (BDR 43-342)

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

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

AN ACT relating to driving under the influence; revising the provisions governing the period of revocation of a driver's license upon conviction of certain offenses involving driving under the influence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the driver's license of a person convicted of driving under
2 the influence is revoked for a certain period depending upon whether the violation
3 is punishable as a first, second or third or subsequent violation that occurs within a
4 period of 7 years. (NRS 483.460) This bill provides that the period of revocation of
5 the driver's license of such a person must be based upon the total number of
6 previous violations within a period of 7 years, regardless of how the violation is
7 treated for sentencing purposes.

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

1 **Section 1.** NRS 483.460 is hereby amended to read as follows:
2 483.460 1. Except as otherwise provided by specific statute,
3 the Department shall revoke the license, permit or privilege of any
4 driver upon receiving a record of his conviction of any of the
5 following offenses, when that conviction has become final, and the



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

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

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

5 (2) A **third or subsequent** violation **within 7 years** of NRS
6 484.379 or 484.379778 . ~~{that is punishable as}~~

7 **(3) A violation of NRS 484.379 or 484.379778 resulting in a**
8 felony **conviction** pursuant to NRS 484.3792.

9 ~~{(3)}~~ (4) A violation of NRS 484.3795 or a homicide
10 resulting from driving or being in actual physical control of a
11 vehicle while under the influence of intoxicating liquor or a
12 controlled substance or resulting from any other conduct prohibited
13 by NRS 484.379, 484.3795 or 484.37955.

14 ➤ The period during which such a driver is not eligible for a
15 license, permit or privilege to drive must be set aside during any
16 period of imprisonment and the period of revocation must resume
17 when the Department is notified pursuant to NRS 209.517 or
18 213.12185 that the person has completed the period of
19 imprisonment or that the person has been placed on residential
20 confinement or parole.

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

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

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

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

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

36 (5) A **second** violation **within 7 years** of NRS 484.379 or
37 484.379778 ~~{that is punishable pursuant to paragraph (b) of~~
38 ~~subsection 1 of NRS 484.3792}~~ and the driver is not eligible for a
39 restricted license during any of that period.

40 (6) A violation of NRS 484.348.



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(c) For a period of 90 days, if the offense is a **first** violation **within 7 years** of NRS 484.379 or 484.379778 . ~~[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 484.379778 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 **first** violation **within 7 years** of NRS 484.379 ~~[that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792]~~ has been permitted to enter a program of treatment pursuant to NRS 484.37937, the Department shall reduce by one-half the period during which he is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.

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

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

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

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

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

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

Sec. 2. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense



1 other than a **second** violation **within 7 years** of NRS 484.379, ~~that~~
2 ~~is punishable pursuant to paragraph (b) of subsection 1 of NRS~~
3 ~~484.3792,]~~ and one-half of the period during which the driver is not
4 eligible for a license has expired, the Department may, unless the
5 statute authorizing the suspension prohibits the issuance of a
6 restricted license, issue a restricted driver's license to an applicant
7 permitting the applicant to drive a motor vehicle:

8 (a) To and from work or in the course of his work, or both; or

9 (b) To acquire supplies of medicine or food or receive regularly
10 scheduled medical care for himself or a member of his immediate
11 family.

12 ➔ Before a restricted license may be issued, the applicant must
13 submit sufficient documentary evidence to satisfy the Department
14 that a severe hardship exists because the applicant has no alternative
15 means of transportation and that the severe hardship outweighs the
16 risk to the public if he is issued a restricted license.

17 2. A person who has been ordered to install a device in a motor
18 vehicle pursuant to NRS 484.3943:

19 (a) Shall install the device not later than 21 days after the date
20 on which the order was issued; and

21 (b) May not receive a restricted license pursuant to this section
22 until:

23 (1) After at least 1 year of the period during which he is not
24 eligible for a license, if he was convicted of:

25 (I) A violation of NRS 484.3795 or a homicide resulting
26 from driving or being in actual physical control of a vehicle while
27 under the influence of intoxicating liquor or a controlled substance
28 or resulting from any other conduct prohibited by NRS 484.379,
29 484.3795 or 484.37955; or

30 (II) A violation of NRS 484.379 that is punishable as a
31 felony pursuant to NRS 484.3792;

32 (2) After at least 180 days of the period during which he is
33 not eligible for a license, if he was convicted of a violation of
34 subsection 5 of NRS 484.377; or

35 (3) After at least 45 days of the period during which he is not
36 eligible for a license, if he was convicted of a **first** violation **within 7**
37 **years** of NRS 484.379. ~~[that is punishable pursuant to paragraph (a)~~
38 ~~of subsection 1 of NRS 484.3792.]~~

39 3. If the Department has received a copy of an order requiring a
40 person to install a device in a motor vehicle pursuant to NRS
41 484.3943, the Department shall not issue a restricted driver's license



1 to such a person pursuant to this section unless the applicant has
2 submitted proof of compliance with the order and subsection 2.

3 4. After a driver's license has been revoked or suspended
4 pursuant to title 5 of NRS, the Department may issue a restricted
5 driver's license to an applicant permitting the applicant to drive a
6 motor vehicle:

7 (a) If applicable, to and from work or in the course of his work,
8 or both; or

9 (b) If applicable, to and from school.

10 5. After a driver's license has been suspended pursuant to NRS
11 483.443, the Department may issue a restricted driver's license to an
12 applicant permitting the applicant to drive a motor vehicle:

13 (a) If applicable, to and from work or in the course of his work,
14 or both;

15 (b) To receive regularly scheduled medical care for himself or a
16 member of his immediate family; or

17 (c) If applicable, as necessary to exercise a court-ordered right to
18 visit a child.

19 6. A driver who violates a condition of a restricted license
20 issued pursuant to subsection 1 or by another jurisdiction is guilty of
21 a misdemeanor and, if the license of the driver was suspended or
22 revoked for:

23 (a) A violation of NRS 484.379, 484.3795 or 484.384;

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

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

31 ➡ the driver shall be punished in the manner provided pursuant to
32 subsection 2 of NRS 483.560.

33 7. The periods of suspensions and revocations required
34 pursuant to this chapter and NRS 484.384 must run consecutively,
35 except as otherwise provided in NRS 483.465 and 483.475, when
36 the suspensions must run concurrently.

37 8. Whenever the Department suspends or revokes a license, the
38 period of suspension, or of ineligibility for a license after the
39 revocation, begins upon the effective date of the revocation or
40 suspension as contained in the notice thereof.



- 1 **Sec. 3.** In determining the number of violations committed by
2 a person for the purposes of NRS 483.460 and 483.490, as amended
3 by this act, the amendatory provisions of this act apply to offenses
4 committed before, on or after the effective date of this act.
5 **Sec. 4.** This act becomes effective upon passage and approval.

