

SENATE BILL NO. 42—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED DECEMBER 14, 2010

Referred to Committee on Transportation

SUMMARY—Authorizes the testing of drivers involved in fatal vehicle accidents for the presence of alcohol. (BDR 43-293)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 traffic laws; authorizing the testing of drivers involved in fatal vehicle accidents for the presence of alcohol; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that a person who drives a vehicle in this State is deemed
2 to consent to a preliminary test of his or her breath to determine the concentration
3 of alcohol in his or her breath when the test is administered at the direction of a
4 police officer at the scene of the accident or collision or where the police officer
5 stops a vehicle, if the police officer has reasonable grounds to believe that the
6 person was driving while under the influence of alcohol or a controlled substance.
7 If the person fails to submit to the test, the officer is required to seize the license of
8 the person and arrest the person to take the person to a place at which an
9 evidentiary test may be administered. The result of the preliminary test must not be
10 used in any criminal action, except to show there were reasonable grounds to make
11 an arrest. (NRS 484C.150)

12 This bill provides that a person who drives a vehicle in this State is deemed to
13 consent to a preliminary breath test for the presence of alcohol in his or her breath
14 if a police officer has reasonable grounds to believe that the person was driving a
15 vehicle involved in a fatal accident, regardless of whether or not the police officer
16 also has reasonable grounds to believe that the person was driving under the
17 influence of alcohol or a controlled substance.



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

Section 1. NRS 484C.150 is hereby amended to read as follows:

484C.150 1. Any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his or her consent to a preliminary test of his or her breath to determine the concentration of alcohol in his or her breath when the test is administered at the direction of a police officer at the scene of a vehicle accident or collision or where the police officer stops a vehicle, if the officer has reasonable grounds to believe that the person to be tested was:

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

(b) *Driving or in actual physical control of a vehicle involved in an accident resulting in the death of another person; or*

(c) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. If the person fails to submit to the test, the officer shall seize the license or permit of the person to drive as provided in NRS 484C.220 and arrest the person and take him or her to a convenient place for the administration of a reasonably available evidentiary test under NRS 484C.160.

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

