

SENATE BILL NO. 50—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE DEPARTMENT OF MOTOR VEHICLES)

PREFILED DECEMBER 15, 2010

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to the suspension and revocation of drivers' licenses. (BDR 43-493)

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

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

AN ACT relating to motor vehicles; revising certain provisions relating to the suspension of drivers' licenses; providing that a period in which a driver's license is revoked for certain offenses is not reduced while the former holder of the license is imprisoned; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that if a defendant fails to pay certain fines, assessments, fees
2 or restitution, a court may order the suspension of the driver's license of the
3 defendant and, if so ordered, the Department of Motor Vehicles is required to
4 immediately suspend the license. (NRS 176.064, 483.443) **Section 1** of this bill
5 gives the Department a 30-day period within which to suspend the license and
6 further provides that a driver whose license is suspended for failure to pay certain
7 fines, assessments, fees or restitution is not exempted from submitting to any tests
8 and other requirements which are imposed as a condition of the reinstatement of the
9 license. **Section 2** of this bill clarifies that, with respect to certain serious traffic
10 offenses, a period in which a driver is imprisoned for such an offense must not
11 reduce the period in which the driver's license is revoked for such an offense.

12 Existing law provides for the mandatory suspension of a Nevada driver's
13 license if the person who holds the license violates a written promise to appear for a
14 violation of a traffic law or ordinance occurring within the State of Nevada other
15 than one governing standing or parking. (NRS 483.465) **Section 3** of this bill:
16 (1) expands the provision to apply also with respect to delinquent fines,
17 assessments, fees and restitution; (2) expands the provision to apply to violations of
18 motor vehicle laws as well as traffic laws; and (3) provides that if a driver has been
19 allowed to make an arrangement for the satisfaction of a judgment of conviction,



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the Department of Motor Vehicles will stop the suspension from going into effect, but the suspension will not be removed from the driver's record.

Under existing law, the Department of Motor Vehicles is prohibited from charging an additional fee or requiring an additional examination for the reinstatement of a revoked or suspended driver's license if the additional fee or examination arises out of the same offense for which the license has already been revoked or suspended and the driver has previously reinstated the license after that offense. (NRS 483.480) **Section 4** of this bill eliminates that prohibition.

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

Section 1. NRS 483.443 is hereby amended to read as follows:

483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:

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

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

➔ send a written notice to that person that his or her driver's license is subject to suspension.

2. The notice must include:

(a) The reason for the suspension of the license;

(b) The information set forth in subsections 3, 5 and 6; and

(c) Any other information the Department deems necessary.

3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after receiving the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall suspend the license without providing the person with an opportunity for a hearing.

4. The Department shall , *within 30 days after the date on which it receives a copy of the order*, suspend ~~immediately~~ the license of a defendant if so ordered pursuant to NRS 176.064.

5. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:

(a) A notice from the district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section or from a district judge that a delinquency for which the suspension was ordered pursuant to NRS 176.064 has been discharged; and



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(b) Payment of the fee for reinstatement of a suspended license prescribed in NRS 483.410.

6. ~~[The]~~ *Except as otherwise provided in this subsection, the* Department shall not require a person whose driver's license was suspended pursuant to this section 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 the reinstatement of the license. *The provisions of this subsection do not apply with respect to the suspension of a driver's license as described in subsection 4.*

Sec. 2. 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 or her 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 484B.653.

(2) A third or subsequent violation within 7 years of NRS 484C.110 or 484C.120.

(3) A violation of NRS 484C.110 or 484C.120 resulting in a felony conviction pursuant to NRS 484C.400 or 484C.410.

(4) A violation of NRS 484C.430 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 484C.110, 484C.130 or 484C.430.

➔ ~~[The period during which such a]~~ A driver is not eligible for a license, permit or privilege to drive ~~[must be set aside]~~ during any period of imprisonment *that is imposed for such a violation, the period of revocation must not be reduced by any period during which the driver is so imprisoned,* and the period of revocation must resume when the Department is notified pursuant to NRS 209.517 or 213.12185 that the person has completed the period of imprisonment or that the person has been placed on residential confinement or parole.

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

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484B.657, 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 second violation within 7 years of NRS 484C.110 or 484C.120 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484B.550.

(c) For a period of 90 days, if the offense is a first violation within 7 years of NRS 484C.110 or 484C.120.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484C.110 or 484C.120 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 484C.110 has been permitted to enter a program of treatment pursuant to NRS 484C.320, the Department shall reduce by one-half the period during which the person is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that the person 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 484C.460 but who operates a motor vehicle without such a device:

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

(b) For 5 years, if it is his or her 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, chapters 484A to 484E,



1 inclusive, of NRS or any other provision of law, the Department
2 shall take such actions as are necessary to carry out the court's
3 order.

4 7. As used in this section, "device" has the meaning ascribed to
5 it in NRS 484C.450.

6 **Sec. 3.** NRS 483.465 is hereby amended to read as follows:

7 483.465 1. If a driver who holds a Nevada driver's license
8 violates a written promise to appear pursuant to a citation that was
9 prepared manually or electronically for a violation of a *motor*
10 *vehicle or* traffic law or ordinance occurring within this State other
11 than one governing standing or parking, the clerk of the court shall
12 immediately notify the Department on a form approved by the
13 Department.

14 2. Upon receipt of notice from a court in this State of a *driver's*
15 failure to appear ~~{}~~ *or a driver's delinquency with respect to the*
16 *payment of a fine, administrative assessment, fee or restitution,* the
17 Department shall notify the driver by mail that his or her ~~{privilege~~
18 ~~to drive}~~ *driver's license* is subject to suspension and allow 30 days
19 after the date of mailing the notice to:

20 (a) Appear in court and obtain a dismissal of the citation or
21 complaint as provided by law;

22 (b) Appear in court and, if permitted by the court, make an
23 arrangement acceptable to the court to satisfy a judgment of
24 conviction; ~~{or}~~

25 (c) *Pay the delinquent fine, administrative assessment, fee or*
26 *restitution; or*

27 (d) Make a written request to the Department for a hearing.

28 3. If notified by a court, within 30 days after the notice of a
29 failure to appear, that a driver has been allowed to make an
30 arrangement for the satisfaction of a judgment of conviction, the
31 Department shall ~~{remove}~~ *stop* the suspension ~~{from the driver's~~
32 ~~record.}~~ *of the driver's license from going into effect.* If the driver
33 subsequently defaults on the arrangement with the court, the court
34 shall notify the Department which shall immediately suspend the
35 driver's license until the court notifies the Department that the
36 ~~{suspension may be removed.}~~ *license is eligible for reinstatement.*

37 4. The Department shall suspend the *driver's* license of a
38 driver 31 days after it mails the notice provided for in subsection 2
39 to the driver, unless within that time it has received a written request
40 for a hearing from the driver or notice from the court on a form
41 approved by the Department that the driver has appeared or the
42 citation or complaint has been dismissed. A license so suspended
43 remains suspended until ~~{further notice is received from}~~ the court
44 *notifies the Department* that *the license is eligible for*
45 *reinstatement and* the driver has ~~{appeared or that the case has been~~



~~otherwise disposed of as provided by law.]~~ *satisfied the applicable requirements of NRS 483.330 and 483.410.*

5. With respect to a person who does not hold a Nevada driver's license, if the Department receives a copy of an order issued by a court pursuant to paragraph (b) of subsection 3 of NRS 176.064 delaying the ability of the person to apply for a driver's license, the Department shall refuse to issue a driver's license to the person until such time as the court notifies the Department that the person is eligible to apply for a driver's license.

Sec. 4. NRS 483.480 is hereby amended to read as follows:

483.480 ~~1-1~~ The Department, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, may upon written notice of at least 5 days to the licensee require the licensee to submit to an examination. Upon the conclusion of the examination, the Department shall take action as may be appropriate and may suspend or revoke the license of the person or permit the person to retain the license, or may issue a license subject to restrictions as permitted under NRS 483.360 or restrictions as to the type or class of vehicles that may be driven. Refusal or neglect of the licensee to submit to the examination is grounds for suspension or revocation of the license.

~~[2. Except for the suspension of a driver's license pursuant to subsection 3 of NRS 483.465, the Department shall not charge an additional fee or require an additional examination for the reinstatement of a revoked or suspended license if the additional fee or examination arises out of the same offense for which the license was previously revoked or suspended and the driver has previously reinstated the license after that offense.]~~

Sec. 5. 1. This act becomes effective on July 1, 2011.

2. Section 1 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 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.

