SENATE BILL NO. 416–COMMITTEE ON GROWTH AND INFRASTRUCTURE

(ON BEHALF OF THE JOINT INTERIM STANDING COMMITTEE ON GROWTH AND INFRASTRUCTURE)

MARCH 20, 2025

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to the statewide sobriety and drug monitoring program. (BDR 43-423)

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 public safety; authorizing the Department of Motor Vehicles to issue a 24/7 privilege to certain persons assigned to the statewide sobriety and drug monitoring program; eliminating the authority of the Department to issue a restricted driver's license to such persons; clarifying certain requirements relating to the testing of persons assigned to the program; providing that a person assigned to the program may be subject to increased monitoring, supervision, treatment or testing under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law enacts the Nevada 24/7 Sobriety and Drug Monitoring Program Act, which establishes a statewide sobriety and drug monitoring program that provides for the frequent testing of persons assigned to the program to determine the presence of alcohol or a prohibited substance in their system. (NRS 484C.372-484C.397) Among other requirements, existing law requires a person assigned to the program to submit to testing to determine the presence of alcohol in his or her system: (1) at a designated testing location at least twice each day; or (2) using any other method approved under federal regulations. (NRS 484C.392) **Section 4** of this bill makes a technical correction to provide that the applicable definition of "testing" includes other approved methods set forth in the federal definition. **Section 6** of this bill likewise makes a technical correction to provide that a designated law enforcement agency is not required to establish testing locations if

the testing method specified in the guidelines of a political subdivision do not require testing at a physical location.

Existing law makes a person assigned to the program eligible for a restricted driver's license, which: (1) is valid while the person is a participant in the program; and (2) permits the person to drive to and from a testing location, work, court appearances and certain other locations. (NRS 483.490, 484C.392) **Section 5** of this bill instead makes a person assigned to the program eligible for a 24/7 privilege while the person is participating in and complying with the requirements of the program. **Section 1** of this bill requires the Department of Motor Vehicles to issue a 24/7 privilege to a person assigned to the program upon receiving certain notice from the court. A 24/7 privilege issued by the Department pursuant to **section 1** permits a person to drive while the person is participating in and complying with the requirements of the program without the same limitations as were previously imposed under a restricted driver's license. A 24/7 privilege thereby permits a person to drive freely to any destination of their choosing, provided the person continues to participate in and comply with the requirements of the program. **Sections 2 and 3** of this bill define the term "24/7 privilege" for the purpose of the Act. **Sections 1, 5, 7 and 8** of this bill make conforming changes by replacing the term "restricted driver's license" with the term "24/7 privilege."

Existing law requires a person assigned to the program to be subject to sanctions for: (1) using alcohol or a prohibited substance while assigned to the program; or (2) failing or refusing to undergo required testing. Under existing law, such sanctions include, without limitation, incarceration. (NRS 484C.392) **Section 5** expands the list of authorized sanctions to include increased monitoring, supervision, treatment or testing.

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

Section 1. 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 and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension or revocation prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

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

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.

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

2. ~~[If the driver's license of a person assigned to a program established pursuant to NRS 484C.392 is suspended or revoked, the~~

~~Department may issue a restricted driver's license to an applicant that is valid while he or she is participating in and complying with the requirements of the program and that permits the applicant to drive a motor vehicle:~~

~~(a) To and from a testing location established by a designated law enforcement agency pursuant to NRS 484C.393;~~

~~(b) If applicable, to and from work or in the course of his or her work, or both;~~

~~(c) To and from court appearances;~~

~~(d) To and from counseling; or~~

~~(e) To receive regularly scheduled medical care for himself or herself.~~

~~3.]~~ Except as otherwise provided in NRS 62E.630, after a driver's license has been revoked or suspended pursuant to title 5 of NRS or NRS 392.148, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

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

(b) If applicable, to and from school.

~~[4.]~~ ***3.*** After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

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

(b) To receive regularly scheduled medical care for himself, herself or a member of his or her immediate family; or

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

~~[5.]~~ ***4.*** A driver who violates a condition of a restricted license issued pursuant to subsection 1 or 2 is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484C.110, 484C.210 or 484C.430;

(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 NRS 484C.110, 484C.130 or 484C.430; 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),

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

~~[6.]~~ ***5.*** The periods of suspensions and revocations required pursuant to this chapter and NRS 484C.210 must run consecutively,

except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

~~[7.]~~ ***6.*** Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

~~[8.]~~ ***7.*** Any person for whom a court provides an exception relating to the installation of an ignition interlock device pursuant to subsection 4 of NRS 484C.210 or subsection 2 of NRS 484C.460 is eligible for a ~~[restricted driver's license]~~ ***24/7 privilege*** under this section while the person is participating in and complying with the requirements of a program established pursuant to NRS 484C.392.

~~[9.]~~ ***8.*** If the Department receives a copy of an order requiring a person to install an ignition interlock device in a motor vehicle pursuant to NRS 484C.460, the Department shall issue an ignition interlock privilege to the person after he or she submits proof of compliance with the order. A person who is required to install an ignition interlock device pursuant to NRS 484C.210 or 484C.460 shall install the device not later than 14 days after the date on which the order was issued. A driver who violates any condition of an ignition interlock privilege issued pursuant to this subsection is guilty of a misdemeanor and shall be punished in the same manner provided in subsection 2 of NRS 483.560 for driving a vehicle while a driver's license is cancelled, revoked or suspended.

9. Upon receiving notice that a person is eligible for a 24/7 privilege pursuant to subsection 6 of NRS 484C.394, the Department shall, in accordance with any regulations adopted by the Department pursuant to subsection 7 of NRS 484C.394, issue a 24/7 privilege to the person. A 24/7 privilege is valid while the person is participating in and complying with the requirements of a program established pursuant to NRS 484C.392.

Sec. 2. Chapter 484C of NRS is hereby amended by adding thereto a new section to read as follows:

"24/7 privilege" means a license issued by the Department pursuant to subsection 9 of NRS 483.490 which authorizes the holder to operate a motor vehicle while assigned to the program.

Sec. 3. NRS 484C.374 is hereby amended to read as follows:

484C.374 As used in NRS 484C.372 to 484C.397, inclusive, ***and section 2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 484C.376 to 484C.390, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 4. NRS 484C.388 is hereby amended to read as follows:

484C.388 "Testing" means any ~~[procedure]~~ ***:***

1. Procedure approved by the Committee on Testing for Intoxication for determining the concentration of alcohol or the amount of a prohibited substance in a person's system that is provided for in the applicable guidelines adopted pursuant to NRS 484C.396 ~~[.]~~ ***; or***

2. Other approved method for determining the concentration of alcohol or the amount of a prohibited substance in a person's system set forth in the federal definition of "24-7 sobriety program" in 23 C.F.R. § 1300.23(b).

Sec. 5. NRS 484C.392 is hereby amended to read as follows:

484C.392 1. There is hereby established a statewide sobriety and drug monitoring program in which any political subdivision in this State may elect to participate.

2. The program established pursuant to subsection 1 must meet the federal definition of "24-7 sobriety program" in 23 C.F.R. § 1300.23(b).

3. Any person who is assigned to the program:

(a) Must abstain from alcohol and prohibited substances while assigned to the program.

(b) Must be subject to:

(1) Testing to determine the presence of alcohol in his or her system:

(I) At least twice each day at a testing location established by a designated law enforcement agency pursuant to NRS 484C.393; or

(II) By using any other approved method set forth in the federal definition of "24-7 sobriety program" in 23 C.F.R. § 1300.23(b).

(2) If appropriate, random testing to determine the presence of a prohibited substance in his or her system at least two times each week, using any approved method set forth in the federal definition of "24-7 sobriety program" in 23 C.F.R. § 1300.23(b).

(c) Must be subject to lawful and consistent sanctions for using alcohol or a prohibited substance while assigned to the program or for failing or refusing to undergo required testing, including, without limitation, ***increased monitoring, supervision, treatment or testing and*** incarceration. Any such sanction must be an immediate sanction or, if the approved testing method being used pursuant to paragraph (b) does not allow for the imposition of an immediate sanction, a timely sanction.

(d) Is eligible for a ~~[restricted driver's license]~~ ***24/7 privilege issued*** pursuant to subsection ~~[2]~~ ***9*** of NRS 483.490 while participating in and complying with the requirements of the program if the driver's license of the person is suspended or revoked.

Sec. 6. NRS 484C.393 is hereby amended to read as follows:

484C.393 If a political subdivision elects to participate in the program:

1. The Department of Public Safety may assist the political subdivision in the establishment and administration of the program in the manner provided in NRS 484C.372 to 484C.397, inclusive, ***and section 2 of this act*** and in determining alternatives to incarceration.

2. The political subdivision shall designate a law enforcement agency to enforce the program.

3. A designated law enforcement agency ~~[:~~

~~(a) May]~~ ***may*** designate an entity to provide testing services or to take any other action required or authorized to be provided by the law enforcement agency pursuant to NRS 484C.372 to 484C.397, inclusive, ***and section 2 of this act,*** but such a designated entity may not determine whether to participate in the program.

~~[(b) Shall]~~

4. If the testing method specified in the guidelines adopted by the political subdivision under NRS 484C.396 requires testing at a testing location established by the designated law enforcement agency, the designated law enforcement agency must establish one or more testing locations ***.*** ~~[that]~~ ***Any such location must*** provide at least two available testing times each day. If only two testing times are made available, the testing times must be approximately 12 hours apart.

Sec. 7. NRS 484C.394 is hereby amended to read as follows:

484C.394 1. A court may, as a condition of pretrial release, a sentence, a suspension of sentence or probation, assign an offender who is arrested for or found guilty of, as applicable, a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (a), (b) or (c) of subsection 1 of NRS 484C.400 to the program established pursuant to NRS 484C.392.

2. If the court assigns an offender to the program who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, the court:

(a) Shall immediately sentence the offender in accordance with NRS 484C.400 and enter judgment accordingly.

(b) Shall suspend the sentence of the offender upon the condition that the offender participate in the program for not less than 90 days.

(c) Shall advise the offender that:

(1) If the offender fails to participate in the program for the period determined by the court or fails to comply with the requirements of the program, the court will require the offender to

serve the sentence imposed by the court. The sentence of imprisonment must be reduced by a time equal to that which the offender served before participating in the program.

(2) If the offender participates in the program for the period determined by the court and complies with the requirements of the program, the sentencing conditions, including, without limitation, the mandatory period of imprisonment or community service, will be reduced, but the conviction must remain on the record of criminal history of the offender for the period prescribed by law.

(3) The offender is eligible for a ~~[restricted driver's license]~~ ***24/7 privilege issued*** pursuant to subsection ~~[2]~~ ***9*** of NRS 483.490 while participating in and complying with the requirements of the program.

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

3. If the court assigns an offender to the program who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484C.400, the court:

(a) Shall immediately sentence the offender in accordance with NRS 484C.400 and enter judgment accordingly.

(b) Shall suspend the sentence of the offender upon the condition that the offender participate in the program for not less than 1 year and require that the offender ~~[receive]~~ ***:***

(1) Receive an assessment of whether the offender has ***a mental illness or*** an alcohol or other substance use disorder ***;*** and

(2) Complete any appropriate treatment.

(c) Shall advise the offender that:

(1) If the offender fails to participate in the program for the period determined by the court or fails to comply with the requirements of the program, the court will require the offender to serve the sentence imposed by the court. The sentence of imprisonment must be reduced by a time equal to that which the offender served before participating in the program.

(2) Except as otherwise provided in subparagraph (2) of paragraph (c) of subsection 4, if the offender participates in the program for the period determined by the court and complies with the requirements of the program, the offender's sentence will be reduced, but the minimum mandatory term of imprisonment must not be less than 5 days, and the conviction must remain on the record of criminal history of the offender for the period prescribed by law.

(3) The offender is eligible for a ~~[restricted driver's license]~~ ***24/7 privilege issued*** pursuant to subsection ~~[2]~~ ***9*** of NRS 483.490

while participating in and complying with the requirements of the program.

(d) Shall not defer the sentence, set aside the conviction or impose conditions upon participation in the program except as otherwise provided in this section.

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

4. If the court assigns an offender to the program who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (c) of subsection 1 of NRS 484C.400, the court:

(a) Shall immediately, without entering a judgment of conviction and with the consent of the offender, suspend further proceedings and place the offender on probation.

(b) Shall order the offender to participate in the program for not less than 18 months and require that the offender ~~[receive]~~ ***:***

(1) Receive an assessment of whether the offender has ***a mental illness or*** an alcohol or other substance use disorder ***;*** and

(2) Complete any appropriate treatment.

(c) Shall advise the offender that:

(1) The court will enter a judgment of conviction for a violation of paragraph (c) of subsection 1 of NRS 484C.400 if the offender fails to participate in the program for the period determined by the court or fails to comply with the requirements of the program. Any sentence of imprisonment may be reduced by a time equal to that which the offender served before participating in the program.

(2) If the offender participates in the program for the period determined by the court and complies with the requirements of the program, the court will enter a judgment of conviction for a violation of paragraph (b) of subsection 1 of NRS 484C.400 and sentence the offender accordingly, but the minimum mandatory term of imprisonment must not be less than ~~[10]~~ ***5*** days, and the conviction must remain on the record of criminal history of the offender for the period prescribed by law.

(3) The provisions of NRS 483.460 requiring the revocation of the license, permit or privilege of the offender to drive do not apply and the offender is eligible for a ~~[restricted driver's license]~~ ***24/7 privilege issued*** pursuant to subsection ~~[2]~~ ***9*** of NRS 483.490 while participating in and complying with the requirements of the program.

(d) Shall not defer the sentence or set aside the conviction upon participation in the program, except as otherwise provided in this section.

(e) May enter a judgment of conviction and proceed as provided in paragraph (c) of subsection 1 of NRS 484C.400 for a violation of a condition ordered by the court.

5. If the court assigns an offender to the program as a condition of pretrial release after his or her arrest for a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to ~~[paragraph (a) of subsection 1 of]~~ NRS 484C.400, the court shall advise the offender that:

(a) If the offender fails to participate in the program, the court may remand the offender to custody and require bond or other conditions.

(b) The offender is eligible for a ~~[restricted driver's license]~~ ***24/7 privilege issued*** pursuant to subsection ~~[2]~~ ***9*** of NRS 483.490 while participating in and complying with the requirements of the program.

6. If a court assigns a person to the program pursuant to this section, the court shall notify the Department of Motor Vehicles that as a participant in the program, the person is eligible for a ~~[restricted driver's license]~~ ***24/7 privilege issued*** pursuant to subsection ~~[2]~~ ***9*** of NRS 483.490. If the person fails to comply with the requirements of the program, the court ~~[may]~~ ***shall*** notify the Department of Motor Vehicles of the person's noncompliance and direct the Department of Motor Vehicles to revoke the ~~[restricted license.]~~ ***24/7 privilege.***

7. The Department of Motor Vehicles may adopt any regulations necessary to provide for the issuance of a ~~[restricted driver's license]~~ ***24/7 privilege*** to a person assigned to the program.

8. As used in this section, "imprisonment" means confinement in jail or an inpatient rehabilitation or treatment center or other facility or under house arrest with electronic monitoring, provided the person under confinement or house arrest is in fact being detained.

Sec. 8. 1. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, substitute appropriately the term "24/7 privilege" for the term "restricted license" or "restricted driver's license" as previously used in reference to the type of license the Department of Motor Vehicles is authorized to issue to a person assigned to the program.

2. As used in this section, "program" has the meaning ascribed to it in NRS 484C.385.

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