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Criminal Procedure; drunk drivers—vehicle ignition

NEV. REV. STAT. § 484.____ (new); § 483.460 (amended).
AB 56 (Gaston); 1989 STAT. Ch. 742

Chapter 742 allows a court to require a device to be installed on a convicted drunk driver's¹ vehicle² which will prevent the vehicle from starting if the driver's breath indicates a blood alcohol level of .05 percent or greater.³ If the driver operates a vehicle without the device, the drivers's license must be revoked.⁴

Additionally, Chapter 742 requires the Committee on Testing for Intoxication to regulate certification of the devices, prescribe the standards for evaluating and calibrating the devices, and specify how often a driver must have the device calibrated.⁵

TFT

1. See 1989 Nev. Stat. ch. 742, sec. 4, at 1737 (enacting NEV. REV. STAT. § 484.____) (the court may order the device for a person convicted of driving while under the influence of alcohol in violation of Nevada Revised Statutes sections 484.379 or 484.3795, and who has served the imposed term, or has had the sentence suspended).

2. See NEV. REV. STAT. § 484.081 (1987) (a motor vehicle is any self-propelled vehicle that is not operated on rails).

3. 1989 Nev. Stat. ch. 742, sec. 4, at 1737 (enacting NEV. REV. STAT. § 484.____). The device is to be installed, at the driver's expense, on any motor vehicle that the driver owns or operates. *Id.* The court may order this installation as a condition for suspension of the driver's sentence, reinstatement of the driver's right to drive, or both. *Id.* However, if the motor vehicle is owned by the driver's employer, no device is needed if the the employer is notified of the employee's restricted driving privilege, and proof of this notification is in the employee's possession or in the motor vehicle. *Id.*

4. *Id.* sec. 1, at 1736 (amending NEV. REV. STAT. § 483.460) (the Department of Motor Vehicles must revoke the driver's license for one year upon the first offense, and for five years upon the second offense). The same penalty is imposed if the driver tampers with the device. *Id.* sec. 5, at 1738 (enacting NEV. REV. STAT. § 484.____). Further, if the device is a condition for suspension of the driver's sentence, the court may order the driver to begin serving the sentence. *Id.* See *id.*, sec. 4, at 1737 (enacting NEV. REV. STAT. § 484.____) (procedures relating to court orders requiring the device). The court must send a copy of the order to the Department of Motor Vehicles to be placed on the driver's record. *Id.* The driver must prove compliance with the order before being allowed to drive. *Id.* The driver must report on the operation of the device as often as the court orders. *Id.*

5. *Id.* sec. 6, at 1738 (enacting NEV. REV. STAT. § 484.____).