

DRIVING UNDER THE INFLUENCE OF ALCOHOL

Nevada laws on driving under the influence (DUI) of alcohol or drugs are tough. Under these laws, there are two types of penalties:

- Administrative: Action taken against a driver by the Nevada Department of Motor Vehicles regardless of the court findings
- Criminal: Action taken by the court system

Under Nevada's new Implied Consent Law, if an officer suspects you are driving under the influence, you will be asked to take blood, breath, urine, or other bodily substance tests. If you fail to submit to these tests, then your license, permit, or privilege to drive will be revoked pursuant to NRS 484C.220 and you are not eligible for a license, permit or privilege to drive for a period of one year for first offense, or three years if your driving privilege has been revoked in the prior 7 years for failure to submit to the officer-directed test.--NRS 484C.210 An officer may also direct that blood samples be drawn, even on a first offense. NRS 484C.160

Under Nevada's Illegal Per Se Law, if chemical tests show **an alcohol concentration of .08% or more** or any detectable amount of a controlled substance, **your driving privilege will be revoked.** If you are **under the age of 21** and a chemical test shows **an alcohol concentration of .02%, but less than .08%, your driving privilege will be suspended.** This is an administrative penalty and the officer can take your license immediately. NRS 484C.210; NRS 484C.220; NRS 483.461

Note: Even though an alcohol concentration of .08% is used as a guide, you can be arrested and convicted with a lower level.

Anytime you lose your license pursuant to NRS 484C.220, you can ask for an administrative hearing through the Department of Motor Vehicles. NRS 484C.230

Penalties for DUI Administrative - Illegal Per Se Action

.08% alcohol concentration or detectable amount of controlled substance in your blood Driver's license is **revoked for 185 days** — NRS 484C.210

.02% alcohol concentration for drivers under 21 years of age Driver's license is **suspended for 90 days** — NRS 483.461

Criminal Action

First DUI offense: — Driver's license revoked for 185 days. NRS 484C.400

Misdemeanor -After half the revocation period has been completed, a restricted license may be issued. — Jail sentence or residential confinement of 2 days to 6 months or 48 to 96 hours of community service — Fine of \$400 to \$1,000 — Payment of tuition for DUI school (average cost \$150)

Required installation of ignition interlock device for 185 days, at the driver's cost — May be ordered to attend a program of treatment when the concentration of alcohol in your blood or breath is .18% or more.

Second DUI offense within 7 years: — Driver's license revoked for 1 year; NRS 484C.400; NRS 483.460

Misdemeanor —not eligible for restricted license — **Jail sentence or residential confinement of 10 days to 6 months**

— **Fine of \$750 to \$1,000**

— **100 to 200 hours of community**

service — Possible vehicle registration suspension

— May be ordered to attend a program of treatment or be placed under clinical supervision of a treatment facility for up to one year — Required installation of ignition interlock device for 1 year, at the driver's expense

Subsequent DUI offense within 7 years: — Driver's license revoked for 3 years. NRS 484C.400; NRS 483.460

Category B Felony — A restricted license may be issued —

Prison sentence of 1 to 6 years Fine of \$2,000 to \$5,000

— Possible vehicle registration suspension

— May be ordered to attend a program of treatment for a minimum of 3 years

DUI causing death or serious injury: — Driver's license revoked for 3 years NRS 484C.400; NRS 483.460

— **Prison sentence of 2 to 20 years**

— **Fine of \$2,000 to \$5,000**

— **Required installation of ignition interlock device for 3 years, at the driver's expense —**

May be required to attend a treatment program

DUI Laws for Young Drivers

A licensed driver **under the age of 18** found by juvenile court to have been **driving under the influence of alcohol** or a controlled substance will have his or her **license suspended for 90 or 185 days.** NRS 62E.630; NRS 62E.640

A driver under the age of 18 who is found by juvenile court to have been driving under the influence, or a driver under the age of 21 who is convicted of a DUI, **will be required by the court to undergo evaluation for alcohol or drug abuse.** Based on the evaluation report, the judge may order alcohol or drug treatment for the offender. NRS 62E.620; NRS 484C.350

Nevada's open container law makes it **illegal to have alcoholic beverages which have been opened in the driver or passenger areas when a vehicle is being driven.** NRS 484B.150

If you are found guilty of a DUI offense and you had passengers under the age of 15 in the vehicle you were driving, the court will consider that as an aggravating factor in determining your sentence. NRS 484C.400

If you plead guilty or are found guilty of DUI (alcohol or drugs) and a chemical test was conducted, the court will impose an additional \$60 fine to cover the costs of the chemical analysis. NRS 484C.510; NRS 488.440