

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 or urine tests. If you fail to submit to these tests, then your license, permit or privilege to drive will be revoked pursuant to NRS484C.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permit or privilege to drive for a period of one year for first offense or three years if your driving privilege has been revoked in the prior 7 years for failure to submit to the officer directed tests. An officer may also direct that blood samples be drawn, even on a first offense.

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.

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, you can ask for an administrative hearing through the Department of Motor Vehicles.

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 90 days** —

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

Criminal Action

First DUI offense: — Driver's license revoked for 90 days.

After half the revocation period has been completed, a restricted license may be issued. — Jail sentence of 2 days to 6 months or 96 hours of community service — Fine of \$400 to \$1,000 — Payment of tuition for DUI school (average cost \$150)
— May be ordered to attend a program of treatment when the concentration of alcohol in your blood or breath is .08% or more.

Second DUI offense within 7 years: — Driver's license revoked for 1 year;

- 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

Subsequent DUI offense within 7 years: — Driver's license revoked for 3 years.

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

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

— **Fine of \$2,000 to \$5,000**

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 days**.

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.

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**.

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.

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.