

**Carson City  
Request for Board Action**

**Date Submitted:** January 22, 2015

**Agenda Date Requested:** February 5, 2015

**Time Requested:** 5 Minutes

**To:** Mayor and Supervisors

**From:** District Attorney's Office

**Subject Title:** For Possible Action: To introduce, on first reading, an ordinance amending the Carson City Municipal Code, Title 10, Vehicles and Traffic, Chapter 10.25, Special Responsibilities of Vehicle Drivers and Owners, Section 10.25.060, Driving While License Canceled, Suspended or Revoked – Suspended Sentences and Plea Bargaining Prohibited – Penalties, correcting references to driving under the influence statutes made at Subsections 2 and 4, and other matters properly relating thereto. (*Adriana Fralick*)

**Staff Summary:** CCMC Section 10.25.060 references certain driving under the influence statutes. By this proposed ordinance, the CCMC will accurately refer to the current and correct statutory citations. According to Chapter 134, Statutes of Nevada, 2009, Chapter 484 of the NRS was reorganized into several chapters, organized by topic, for ease of use and understanding. Chapter 484C of the NRS currently contains Nevada's driving under the influence statutes. Subsection 2 of CCMC Section 10.25.060 refers to the following: 1. Former NRS 484.379, which has been replaced in revision by NRS 484C.110; 2. Former NRS 484.4795, which has been replaced in revision by NRS 484C.430, and; 3. Former NRS 484.384, which has been replaced in revision by NRS 484C.210. Subsection 4 of CCMC Section 10.25.060 refers to NRS 484.3792, which has been replaced in revision by of NRS 484C.030, NRS 484C.400, NRS 484C.410 and NRS 484C.420.

**Type of Action Requested:** (check one)

Resolution                       Ordinance – First Reading  
 Formal Action/Motion     Other (Specify)

**Does This Action Require A Business Impact Statement:**  Yes  No

**Recommended Board Action:** I move to introduce on first reading Bill No. \_\_\_\_\_, an ordinance amending the Carson City Municipal Code, Title 10, Vehicles and Traffic, Chapter 10.25, Special Responsibilities of Vehicle Drivers and Owners, Section 10.25.060, Driving While License Canceled, Suspended or Revoked – Suspended Sentences and Plea Bargaining Prohibited – Penalties, correcting references to driving under the influence statutes made at Subsections 2 and 4, and other matters properly relating thereto.

**Explanation for Recommended Board Action:** Taking this action will update and correct the statutory references in CCMC Section 10.25.060 to the current pertinent statutes.

**Applicable Statute, Code, Policy, Rule or Regulation:** CCMC Section 10.25.060 and former Chapter 484 of the NRS as replaced in revision by Chapter 484C of the NRS.

**Fiscal Impact:** None

**Explanation of Impact:** N/A

**Funding Source:** N/A

**Alternatives:** Refer the matter back or deny Bill No. \_\_\_\_ .

**Prepared By:** Adriana Fralick, Chief Civil Deputy DA

**Reviewed By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(Justice Court) Luchole/Munano Date: 1/27/15

(City Manager) Joseph L. Wang Date: 1/27/15

(District Attorney) Michael P. ... Date: 1/27/15

(Finance Director)

**Board Action Taken:**

Motion: \_\_\_\_\_ 1) \_\_\_\_\_ Aye/Nay

2) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

Ordinance No. 2015-\_\_\_\_\_

Bill No. \_\_\_\_\_

AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 10, VEHICLES AND TRAFFIC, CHAPTER 10.25, SPECIAL RESPONSIBILITIES OF VEHICLE DRIVERS AND OWNERS, SECTION 10.25.060, DRIVING WHILE LICENSE CANCELED, SUSPENDED OR REVOKED – SUSPENDED SENTENCES AND PLEA BARGAINING PROHIBITED – PENALTIES, CORRECTING REFERENCES TO DRIVING UNDER THE INFLUENCE STATUTES MADE AT SUBSECTIONS 2 AND 4, AND OTHER MATTERS PROPERLY RELATING THERETO.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF CARSON CITY DOES ORDAIN:

**Section 1:** Title 10, Chapter 10.25, Subsections 2 and 4 of Section 10.25.060 of the Carson City Municipal Code is hereby amended by correcting the references to Nevada's driving under the influence statutes contained therein. **Bolded** underlined text is added and [~~bracketed-stricken~~] text is deleted. The amendment is as follows:

**Chapter 10.25 SPECIAL RESPONSIBILITIES OF VEHICLE DRIVERS AND OWNERS**  
**Sections:**

...

10.25.060 Driving while license canceled, suspended or revoked – Suspended sentences and plea bargaining prohibited – Penalties.

1. Except as provided in subsection 2, any person who drives a motor vehicle on a highway or on premises to which the public has access at a time when his driver's license has been canceled, revoked or suspended is guilty of a misdemeanor.
2. If the license was suspended, revoked or restricted because of a violation of [~~NRS 484.379, 484.4795, 484.384~~] **NRS 484C.110, NRS 484C.430 and NRS 484C.210** or homicide resulting from driving a vehicle while under the influence of intoxicating liquor or a controlled substance, or the violation of a law or ordinance of any other jurisdiction which prohibits the same or similar conduct, he shall be punished by imprisonment in jail for not less than thirty (30) days nor more than six (6) months, and by a fine of not less than five hundred (500) nor more than one thousand (1,000). No person who is punished under this subsection may be granted probation and no sentence imposed for such a violation may be suspended. No prosecutor may dismiss a charge of such a violation in exchange for a plea of guilty or of nolo contendere to a lesser charge or for any other reason unless, in his judgment the charge is not supported by probable cause or cannot be proved at trial.



Robert L. Crowell, Mayor

ATTEST:

Susan Merriwether  
CLERK/RECORDER.

This ordinance shall be in force and effect from and after the \_\_\_ day of the month of \_\_\_\_\_ of the year, 2015.