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Transportation and Motor Vehicles; driving while under the influence-watercraft

University of the Pacific, McGeorge School of Law

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been suspended, or the return of the registration and license plates if the vehicle registration is suspended.²

Chapter 145 requires a peace officer to check each vehicle's registration at the scene of a motor vehicle accident.³ If the registration of a vehicle involved in an accident is suspended,⁴ the officer must determine if the license plates and registration have been surrendered.⁵ If the license plates and registration have not been surrendered, Chapter 145 mandates that the officer must issue a citation and impound the vehicle.⁶

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2. NEV. REV. STAT. § 485.320 (amended by 1987 Nev. Stat. ch. 145, sec. 2, at ____ (if a person fails to return the license, certificate of registration, or the vehicle license plates, the Department must direct a peace officer to secure and return the item to the Department)).

3. 1987 Nev. Stat. ch. 145, sec. 1, at ____ (enacting NEV. REV. STAT. § 484.____).

4. *Id.* (suspended due to failure to have security or proof of financial responsibility).

5. *Id.* See NEV. REV. STAT. § 485.320 (amended by 1987 Nev. Stat. ch. 145, sec. 2, at ____ (provides for surrender of license plates and registration)).

6. 1987 Nev. Stat. ch. 145, sec. 1, at ____ (enacting NEV. REV. STAT. § 484.____). A warrant to take possession of the vehicle is not necessary. *Id.* The owner may reclaim the vehicle by presenting proof that the registration has been reinstated and proof of payment for the costs of towing and impounding the vehicle. *Id.* Neither the peace officer nor the employing governmental agency is civilly liable for damage to the vehicle that occurs after seizure but before towing. *Id.*

Transportation and Motor Vehicles; driving while under the influence—watercraft

NEV. REV. STAT. § 488.____ (new).

AB 196 (Committee on Natural Resources, Agriculture, and Mining);
1987 STAT. Ch 292

With the enactment of Chapter 292, any person¹ operating² a vessel³ on State waters while under the influence of an intoxicating

1. NEV. REV. STAT. § 193.0205 (definition of person).

2. 1987 Nev. Stat. ch. 292, sec. 2, at ____ (includes exercising actual physical control).

3. NEV. REV. STAT. § 488.035 (7) (definition of vessel); 1987 Nev. Stat. ch. 292, sec. 2, at ____ (enacting NEV. REV. STAT. § 488.____) (under power or sail).

liquor⁴ or a controlled substance⁵ is in violation of the law.⁶ Any person who operates a vessel is deemed to have consented to a test of blood, urine, breath, or other bodily substance.⁷ To determine if a person is operating a vessel while under the influence of intoxicating liquor, Chapter 292 provides for chemical analysis of the operator's blood,⁸ breath, or urine.⁹ The test must be administered at the direction of a peace officer who reasonably believes the person was operating a vessel under the influence of intoxicating liquor or a controlled substance.¹⁰ Furthermore, the test results must be made available to the tested person upon request.¹¹

If a person refuses to submit to a test,¹² the refusal is admissible as evidence in a criminal action to determine whether the person was under the influence of intoxicating liquor or a controlled substance.¹³ Evidence of a required test is not admissible in a criminal proceeding unless the testing device is certified, calibrated, maintained, and operated according to regulations.¹⁴ A person arrested for operating

4. NEV. REV. STAT. § 598.353 (definition of intoxicating liquor).

5. *Id.* § 639.0055 (definition of controlled substance); 1987 Nev. Stat. ch. 292, sec. 2, at ____ (enacting NEV. REV. STAT. § 488.____) (applies to a combination of intoxicating liquor and controlled substance, a blood alcohol level of 0.10% by weight, inhalation, ingestion, application, or other use of a chemical, poison, or organic compound to a degree which renders that person incapable of safely operating a vessel).

6. 1987 Nev. Stat. ch. 292, sec. 2, at ____ (enacting NEV. REV. STAT. § 488.____).

7. *Id.* sec. 4, at ____.

8. *Id.* (any person who is afflicted with hemophilia or a heart condition requiring the use of an anticoagulant is exempt from any blood test but may be required to submit to a breath or urine test).

9. *Id.* sec. 3, at ____.

Chemical analysis of blood, breath, or urine gives rise to the following presumptions: (1) If there was 0.05% or less (by weight) of alcohol in the person's blood at the time of the alleged violation the defendant was not under the influence of intoxicating liquor; (2) if there was 0.10% or more alcohol in the person's blood at the time of the alleged violation then the person was under the influence of intoxicating liquor; and, (3) if there was more than 0.05% but less than 0.10% alcohol in the person's blood, no presumption may be made, but this fact may be considered with other competent evidence. *Id.*

10. *Id.* sec. 4, at ____.

11. *Id.* sec. 5, at ____.

12. *Id.* sec. 4, at ____ (as directed by a peace officer).

13. *Id.* The person to be tested must be informed that the refusal to submit to the test is admissible. *Id.* Any person who is dead, unconscious, or otherwise in a condition rendering that person incapable of refusal, however, must be deemed to have consented to any test. *Id.* See *id.* sec. 5, at ____ (a court may not exclude evidence of failure to submit to a test if the peace officer or other person substantially complied with the provisions of Chapter 292).

14. *Id.* sec. 5, at ____.

This section does not preclude the admission of evidence of a breath, blood, or urine test where the information was obtained through the use of a device certified by the Committee on Testing for Intoxication, or of a test performed by a person other than one certified by the director of the Department of Motor Vehicles and Public Safety. *Id.* The testing device must be certified, calibrated, maintained, and operated as provided by the regulations of the Committee on Testing for Intoxication. *Id.*

a vessel under the influence of intoxicating liquor or a controlled substance must be given an opportunity upon request to have an additional test taken.¹⁵ Finally, where death occurs as a result of an accident involving a vessel on the waters of the State, Chapter 292 requires the coroner¹⁶ to withdraw a blood sample from each decedent.¹⁷

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15. *Id.* sec. 6, at ____ (enacting NEV. REV. STAT. § 488.____). The results of the blood test are inadmissible unless the blood tested was withdrawn by a physician, registered nurse, licensed practical nurse, emergency medical technician, or a technician, technologist, or assistant employed in a medical laboratory. The failure to obtain such a test does not preclude the admission of evidence relating to the refusal to submit to a test or relating to a test taken upon the request of a peace officer. *Id.*

16. *Id.* § 244.163 (the Board of County Commissioners in their respective counties may create, by ordinance, the office of county coroner); 1987 Nev. Stat. ch. 292, sec. 9, at ____ (enacting NEV. REV. STAT. § 488.____) (any public official acting as coroner).

17. 1987 Nev. Stat. ch. 292, sec. 9, at ____ (enacting NEV. REV. STAT. § 488.____). A blood sample must be withdrawn from each decedent within eight hours after the accident and be analyzed for presence and amount of alcohol. Analyses of the blood alcohol are acceptable only if made by laboratories licensed to perform this function. *Id.*

Transportation and Motor Vehicles; watercraft regulations

NEV. REV. STAT. §§ 488.171, 488.187, 488.235 (amended).

AB 531 (Committee on Natural Resources) 1987 STAT. Ch 329

Prior law prohibited the alteration, defacing, or mutilation of motorboat hull numbers.¹ Chapter 329 prohibits the intentional defacing, destroying, removing, or altering of a hull number without proper authorization,² or the placing³ of any unauthorized⁴ number upon a vessel.⁵ Chapter 329 does not prohibit the authorized resto-

1. 1971 Nev. Stat. ch. 611, sec. 19, at 1378. See NEV. REV. STAT. § 488.035 3 (amended by 1987 Nev. Stat. ch. 329, sec. 1, at ____) (definition of motorboat).

2. *Id.* § 488.171 (amended by 1987 Nev. Stat. ch. 329, sec. 1(a), at ____) (written authorization from the Department of Wildlife is required).

3. *Id.* (allows stamping).

4. *Id.* (numbers must be assigned by the Department of Wildlife).

5. *Id.* § 488.171 1 (amended by 1987 Nev. Stat. ch. 329, sec. 1, at ____). See *id.* § 488.035 7 (definition of vessel). See *id.* § 488.171 4 (violation of Chapter 329 is punishable as a gross misdemeanor).