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Transportation and Motor Vehicles; revocation of driver's license- judicial review

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

NEV. REV. STAT. § 484.383 (amended).
AB 321 (Williams); 1987 STAT. Ch 543

Existing law provides that any person¹ who drives a vehicle² on a highway³ has given implied consent⁴ to a test⁵ to determine the presence of an intoxicating liquor or controlled substance.⁶ Existing law also provides that reasonable force may be used to obtain a blood sample when an officer has reasonable cause to believe that a person has been driving while intoxicated and has caused the death or substantial bodily harm to another.⁷ Chapter 543 also allows reasonable force to be used to obtain a blood sample from a person who is reasonably believed to have been driving while intoxicated and who has been convicted within the previous seven years of driving while intoxicated.⁸

MCK

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1. NEV. REV. STAT. § 193.0205 (definition of person).
 2. *Id.* § 484.217 (definition of vehicle).
 3. *Id.* § 484.065 (definition of highway). See NEV. REV. STAT. § 484.122 (premises to which the public has access).
 4. See *Galvan v. State*, 98 Nev. 550, 553, 665 P.2d 155, 156 (1982) (implied consent is to be construed liberally).
 5. NEV. REV. STAT. § 484.383 (amended by 1987 Nev. Stat. ch. 543, sec. 1, at ____ (of blood, urine or breath)).
 6. *Id.* (the person to be tested must be informed that failure to submit to the test will result in revocation of the privilege to drive a vehicle); *id.* 484.376 (definition of controlled substances).
 7. *Id.* § 484.383 (amended by 1987 Nev. Stat. ch. 543, sec. 1, at ____).
 8. 1987 Nev. Stat. ch. 543, sec. 1, at ____ (amending NEV. REV. STAT. § 484.383).

Transportation and Motor Vehicles; revocation of driver's license—judicial review

NEV. REV. STAT. § 484.387 (amended).
SB 195 (Committee on the Judiciary); 1987 STAT. Ch 606

Under existing law, any person not eligible for a license, permit,

or privilege to drive due to a revocation order¹ may request a hearing² by the Motor Vehicles and Public Safety Department (Department) to review the order.³ Furthermore, if the order of revocation is affirmed by the Department, the ineligible driver may file for judicial review of the revocation in district court.⁴ With the enactment of Chapter 606, the party filing for judicial review of the revocation is required to serve copies of the petition for review upon the Department and all parties of record within sixty days after the petition is filed in district court.⁵

MRS

1. Any police officer who directs that a blood alcohol test be given under section 484.382 or section 484.353 of the Nevada Revised Statutes, or who obtained the result of a test, must (1) immediately serve an order of revocation of the license, permit, or privilege to drive on a person who fails to submit to the test or has a blood alcohol content of greater than 0.10 % or more by weight, if that person is present, and (2) seize the license or permit to drive. NEV. REV. STAT. § 484.387 1.

2. Only one hearing is allowed and the hearing must be conducted within 15 days after receipt of the written request. *Id.*

3. *Id.* § 484.387 3 (the Department must issue a temporary license for a period that is sufficient to complete the administrative review).

4. *Id.* § 484.387 3 (amended by 1987 Nev. Stat. Ch. 606, sec. 1, at ____).

5. 1987 Nev. Stat. ch. 606, sec. 1, at ____ (amending NEV. REV. STAT. § 484.387 3)(must also follow the Nevada Administrative Procedure Act).

Transportation and Motor Vehicles; hazardous materials

NEV. REV. STAT. §§ 459.____, 706.____ (new); §§ 459.490, 459.500, 481.023, 481.180, 484.779, 706.011, 706.173, 706.441 (amended).
AB 352 (Schofield and Dini); 1987 STAT. Ch 725

Chapter 725 charges the highway patrol division of the Department of Motor Vehicles and Public Safety (DMV) with regulation of all motor vehicles transporting hazardous materials.¹ Chapter 725 re-

1. 1987 Nev. Stat. ch. 725, sec. 3, at ____ (enacting NEV. REV. STAT. § 459.____); *id.* sec. 22, at ____ (amending NEV. REV. STAT. § 481.023); *id.* sec. 27, at ____ (amending NEV. REV. STAT. § 706.173). See *id.* sec. 2, at ____ (enacting NEV. REV. STAT. § 459.____) (hazardous material includes waste, radioactive, and other material which poses a hazard to human health, safety, or the environment). The Department of Conservation and Natural Resources is responsible for the management and transportation of hazardous wastes. NEV. REV. STAT. § 459.435. Under existing law the health division of the Department of Human Resources and