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Transportation and Motor Vehicles; hazardous materials

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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

quires that the DMV be notified of the transport of specified radioactive materials.² Any vehicle transporting a hazardous material must acquire a permit³ and display an identifying device.⁴ Furthermore, anyone who transports a hazardous material without a permit⁵ is guilty of a misdemeanor.⁶ Chapter 725 also requires a safety inspection of any motor vehicle transporting hazardous materials.⁷

Chapter 725 requires any person responsible⁸ for a hazardous material to report to the DMV, within ten days, any accident or incident involving the material.⁹ Under Chapter 725, any person responsible for a hazardous material involved in a spill or accident is liable for cleaning and decontaminating the affected area.¹⁰ If the responsible person does not clean and decontaminate the affected area, and there is an imminent and substantial hazard,¹¹ then money from a contingency fund¹² for hazardous materials may be expended for the clean-up.¹³ Any state agency accruing clean-up expenses may

the State Board of Health regulates radioactive materials. *Id.* § 459.020. *See also* 1987 Nev. Stat. ch. 725, sec. 5, at ___ (enacting NEV. REV. STAT. § 459.____) (the DMV must maintain a repository for information concerning hazardous materials in Nevada).

2. 1987 Nev. Stat. ch. 725, sec. 9, at ___ (enacting NEV. REV. STAT. § 459.____) (any person who transports controlled quantities of radioactive materials must notify the highway patrol not less than 4 hours or more than 48 hours before transportation begins while any person who transports high-level radioactive waste must notify the governor not less than 4 hours before transport).

3. *Id.* sec. 3, at ___ (enacting NEV. REV. STAT. § 459.____) (a permit to transport hazardous materials must be acquired from the Nevada Highway Patrol).

4. *Id.* sec. 4, at ___ (enacting NEV. REV. STAT. § 459.____) (an identifying device is issued to vehicles carrying hazardous materials upon completion of all applications, payment of all fees, and inspection of the vehicles).

5. *Id.* sec. 18, at ___ (enacting NEV. REV. STAT. § 459.____) (non-compliance includes not having the transport vehicle inspected by the Department of Motor Vehicles and Public Safety, failure to carry a permit, or violation of any of the terms or conditions of the permit).

6. *Id.* sec. 18, at ___ (enacting NEV. REV. STAT. § 459.____).

7. *Id.* sec. 3, at ___ (enacting NEV. REV. STAT. § 459.____) (inspection of vehicles transporting hazardous material is by the Department of Motor Vehicles and Public Safety).

8. *Id.* sec. 7, at ___ (enacting NEV. REV. STAT. § 459.____) (responsible persons include those who generate, package, transport, ship, store, or dispose of hazardous materials).

9. *Id.* sec. 7, at ___ (enacting NEV. REV. STAT. § 459.____). *See also id.* sec. 12, at ___ (enacting NEV. REV. STAT. § 459.____) (a commission created under the Superfunds Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613, shall conduct a study for the development of a statewide system of radio communication for emergency management).

10. *Id.* sec. 13, at ___ (enacting NEV. REV. STAT. § 459.____).

11. *Id.* sec. 14, at ___ (enacting NEV. REV. STAT. § 459.____) (such as a hazard to human health, public safety, any property or the environment).

12. *Id.* sec. 10, at ___ (enacting NEV. REV. STAT. § 459.____) (creation of a contingency fund for hazardous materials is authorized by the Superfunds Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613).

13. *Id.* sec. 14, at ___ (enacting NEV. REV. STAT. § 459.____).

demand reimbursement within sixty days from persons responsible for the accident.¹⁴

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14. *Id.* sec. 15, at ___ (enacting NEV. REV. STAT. § 459.____). Any reimbursement and late payment penalties recovered by the State Attorney General from persons responsible for hazardous materials involved in an accident must be deposited for credit to the Emergency Contingency Fund. *Id.* sec. 16, at ___ (enacting NEV. REV. STAT. § 459.____). Chapter 725 also permits city and county governments to authorize legal action against persons responsible for spilled hazardous materials to recover costs incurred in cleaning and decontaminating the affected area. *Id.* sec. 17, at ___ (enacting NEV. REV. STAT. § 459.____).

