

ASSEMBLY BILL NO. 497—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE DEPARTMENT OF MOTOR VEHICLES)

MARCH 22, 2007

Referred to Committee on Transportation

SUMMARY—Makes various changes to provisions governing driver's licenses and public safety. (BDR 43-642)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public safety; transferring certain duties for training peace officers from the Department of Motor Vehicles to the Department of Public Safety; revising provisions governing the revocation of driver's licenses; prohibiting a person who has a temporary driver's license from obtaining another temporary license in certain circumstances; revising provisions governing the issuance of motor vehicle insurance; revising provisions relating to the security that must be deposited when a report of certain motor vehicle accidents involving injury, death or damage to property is received by the Department of Motor Vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill transfers the duty of training peace officers in identifying and handling drivers who suffer from insulin shock or epileptic seizures from the Department of Motor Vehicles to the Department of Public Safety. (NRS 483.348)

Existing law requires the Department of Motor Vehicles to revoke the driver's license of a person who is convicted of certain felonies involving the use of a vehicle. Existing law further requires the Department to set aside the revocation during any period of imprisonment until the period of imprisonment is completed or until the person has been placed on residential confinement. (NRS 483.460)

Sections 2, 11 and 12 of this bill provide instead that the revocation will resume when the Department is notified by the Department of Corrections or the Department of Public Safety that the person has completed his period of imprisonment or has been placed on residential confinement or parole.



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Existing law requires a law enforcement officer to revoke the driver's license, permit or privilege to drive of a person who has a concentration of alcohol of 0.08 or more in his blood or breath or who is found to have a detectable amount of a prohibited substance in his blood or urine. The officer is required to advise the person of his right to administrative and judicial review of the revocation and to have a temporary license, valid for 7 days, which the officer must issue upon request. (NRS 484.385) In addition, if the person requests administrative review of the revocation, the Department of Motor Vehicles is required to issue an additional temporary license which is valid for a period sufficient to complete the administrative review. (NRS 484.387) **Sections 3-6** of this bill provide that a person driving with a temporary permit is not entitled to receive an additional temporary permit if he is found again to have driven with a prohibited amount of alcohol in his blood or breath or a prohibited substance in his blood or urine.

Existing law requires each owner of a motor vehicle to maintain a certain amount of insurance against bodily injury or death. (NRS 485.185) **Section 7** of this bill requires that such insurance must be obtained from a company that is licensed and has been approved to do business in this State.

Existing law requires the Department of Motor Vehicles to suspend the driver's license or privilege to drive and the motor vehicle registrations of each owner of a motor vehicle involved in a motor vehicle accident involving injury or death when it is determined that the required security has not been deposited and the person has not been released from liability and has not executed an agreement to pay in installments. Existing law requires notice of the suspension to be sent to the person at least 10 days before the effective date of the suspension. (NRS 485.190) **Section 8** of this bill requires the suspension to be effective immediately after the determination is made unless the person immediately deposits the security at the hearing.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 483.348 is hereby amended to read as follows:

483.348 1. Except as otherwise provided in subsection 2, the Department shall issue a driver's license with a specially colored background to any person who qualifies for a driver's license pursuant to the provisions of this chapter and delivers to the Department a signed statement from a physician that the person is an insulin dependent diabetic or an epileptic. The Department shall designate one color to be used only for a driver's license held by a diabetic and another color to be used only for a driver's license held by an epileptic.

2. In lieu of issuing a driver's license pursuant to subsection 1, the Department may issue to a person specified in that subsection a driver's license with a specially colored border around the photograph on the license.

3. The Department *of Public Safety* shall provide for the education of peace officers on the:

(a) Effects and treatment of a person suffering from insulin shock or an epileptic seizure and the similarity in appearance of a



1 person suffering from insulin shock or an epileptic seizure to a
2 person under the influence of alcohol or a controlled substance; and

3 (b) Procedures for identifying and handling situations involving
4 a person suffering from insulin shock or an epileptic seizure.

5 **Sec. 2.** NRS 483.460 is hereby amended to read as follows:

6 483.460 1. Except as otherwise provided by specific statute,
7 the Department shall revoke the license, permit or privilege of any
8 driver upon receiving a record of his conviction of any of the
9 following offenses, when that conviction has become final, and
10 the driver is not eligible for a license, permit or privilege to drive for
11 the period indicated:

12 (a) For a period of 3 years if the offense is:

13 (1) A violation of subsection 2 of NRS 484.377.

14 (2) A violation of NRS 484.379 that is punishable as a felony
15 pursuant to NRS 484.3792.

16 (3) A violation of NRS 484.3795 or a homicide resulting
17 from driving or being in actual physical control of a vehicle while
18 under the influence of intoxicating liquor or a controlled substance
19 or resulting from any other conduct prohibited by NRS 484.379,
20 484.3795 or 484.37955.

21 ➔ The period during which such a driver is not eligible for a
22 license, permit or privilege to drive must be set aside during any
23 period of imprisonment and the period of revocation must resume
24 ~~[upon completion of]~~ *when the Department is notified pursuant to*
25 *section 11 or 12 of this act that the person has completed* the
26 period of imprisonment or ~~[when]~~ *that* the person ~~[is]~~ *has been*
27 placed on residential confinement ~~[]~~ *or parole.*

28 (b) For a period of 1 year if the offense is:

29 (1) Any other manslaughter, including vehicular
30 manslaughter as described in NRS 484.3775, resulting from the
31 driving of a motor vehicle or felony in the commission of which a
32 motor vehicle is used, including the unlawful taking of a motor
33 vehicle.

34 (2) Failure to stop and render aid as required pursuant to the
35 laws of this State in the event of a motor vehicle accident resulting
36 in the death or bodily injury of another.

37 (3) Perjury or the making of a false affidavit or statement
38 under oath to the Department pursuant to NRS 483.010 to 483.630,
39 inclusive, or pursuant to any other law relating to the ownership or
40 driving of motor vehicles.

41 (4) Conviction, or forfeiture of bail not vacated, upon three
42 charges of reckless driving committed within a period of 12 months.

43 (5) A violation of NRS 484.379 that is punishable pursuant
44 to paragraph (b) of subsection 1 of NRS 484.3792 and the driver is
45 not eligible for a restricted license during any of that period.



1 (6) A violation of NRS 484.348.

2 (c) For a period of 90 days, if the offense is a violation of NRS
3 484.379 that is punishable pursuant to paragraph (a) of subsection 1
4 of NRS 484.3792.

5 2. The Department shall revoke the license, permit or privilege
6 of a driver convicted of violating NRS 484.379 who fails to
7 complete the educational course on the use of alcohol and controlled
8 substances within the time ordered by the court and shall add a
9 period of 90 days during which the driver is not eligible for a
10 license, permit or privilege to drive.

11 3. When the Department is notified by a court that a person
12 who has been convicted of a violation of NRS 484.379 that is
13 punishable pursuant to paragraph (a) of subsection 1 of NRS
14 484.3792 has been permitted to enter a program of treatment
15 pursuant to NRS 484.37937, the Department shall reduce by one-
16 half the period during which he is not eligible for a license, permit
17 or privilege to drive, but shall restore that reduction in time if
18 notified that he was not accepted for or failed to complete the
19 treatment.

20 4. The Department shall revoke the license, permit or privilege
21 to drive of a person who is required to install a device pursuant to
22 NRS 484.3943 but who operates a motor vehicle without such a
23 device:

24 (a) For 3 years, if it is his first such offense during the period of
25 required use of the device.

26 (b) For 5 years, if it is his second such offense during the period
27 of required use of the device.

28 5. A driver whose license, permit or privilege is revoked
29 pursuant to subsection 4 is not eligible for a restricted license during
30 the period set forth in paragraph (a) or (b) of that subsection,
31 whichever applies.

32 6. In addition to any other requirements set forth by specific
33 statute, if the Department is notified that a court has ordered the
34 revocation, suspension or delay in the issuance of a license pursuant
35 to title 5 of NRS, NRS 176.064 or 206.330, chapter 484 of NRS or
36 any other provision of law, the Department shall take such actions
37 as are necessary to carry out the court's order.

38 7. As used in this section, "device" has the meaning ascribed to
39 it in NRS 484.3941.

40 **Sec. 3.** NRS 484.385 is hereby amended to read as follows:

41 484.385 1. As agent for the Department, the officer who
42 obtained the result of a test given pursuant to NRS 484.382 or
43 484.383 shall immediately serve an order of revocation of the
44 license, permit or privilege to drive on a person who has a
45 concentration of alcohol of 0.08 or more in his blood or breath or



1 has a detectable amount of a prohibited substance in his blood or
2 urine, if that person is present, and shall seize his license or permit
3 to drive. The officer shall then advise him of his right to
4 administrative and judicial review of the revocation ~~[and to have a]~~
5 *pursuant to NRS 484.387 and, except as otherwise provided in this*
6 *subsection, that he has a right to request a temporary license .* ~~¶~~
7 ~~and~~ *If the person currently is driving with a temporary license*
8 *that was issued pursuant to this section or NRS 484.387, he is not*
9 *entitled to request an additional temporary license pursuant to this*
10 *section or NRS 484.387, and the order of revocation issued by the*
11 *officer must revoke the temporary license that was previously*
12 *issued. If the person is entitled to request a temporary license, the*
13 *officer* shall issue him a temporary license on a form approved by
14 the Department if he requests one, which is effective for only 7 days
15 including the date of issuance. The officer shall immediately
16 transmit the person's license or permit to the Department along with
17 the written certificate required by subsection 2.

18 2. When a police officer has served an order of revocation of a
19 driver's license, permit or privilege on a person pursuant to
20 subsection 1, or later receives the result of an evidentiary test which
21 indicates that a person, not then present, had a concentration of
22 alcohol of 0.08 or more in his blood or breath or had a detectable
23 amount of a prohibited substance in his blood or urine, the officer
24 shall immediately prepare and transmit to the Department, together
25 with the seized license or permit and a copy of the result of the test,
26 a written certificate that he had reasonable grounds to believe that
27 the person had been driving or in actual physical control of a vehicle
28 with a concentration of alcohol of 0.08 or more in his blood or
29 breath or with a detectable amount of a prohibited substance in his
30 blood or urine, as determined by a chemical test. The certificate
31 must also indicate whether the officer served an order of revocation
32 on the person and whether he issued the person a temporary license.

33 3. The Department, upon receipt of such a certificate for which
34 an order of revocation has not been served, after examining the
35 certificate and copy of the result of the chemical test, if any, and
36 finding that revocation is proper, shall issue an order revoking the
37 person's license, permit or privilege to drive by mailing the order to
38 the person at his last known address. The order must indicate the
39 grounds for the revocation and the period during which the person is
40 not eligible for a license, permit or privilege to drive and state that
41 the person has a right to administrative and judicial review of the
42 revocation and to have a temporary license. The order of revocation
43 becomes effective 5 days after mailing.

44 4. Notice of an order of revocation and notice of the
45 affirmation of a prior order of revocation or the cancellation of a



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1 temporary license provided in NRS 484.387 is sufficient if it is
2 mailed to the person's last known address as shown by any
3 application for a license. The date of mailing may be proved by the
4 certificate of any officer or employee of the Department, specifying
5 the time of mailing the notice. The notice is presumed to have been
6 received upon the expiration of 5 days after it is deposited, postage
7 prepaid, in the United States mail.

8 **Sec. 4.** NRS 484.385 is hereby amended to read as follows:

9 484.385 1. As agent for the Department, the officer who
10 obtained the result of a test given pursuant to NRS 484.382 or
11 484.383 shall immediately serve an order of revocation of the
12 license, permit or privilege to drive on a person who has a
13 concentration of alcohol of 0.10 or more in his blood or breath or
14 has a detectable amount of a prohibited substance in his blood or
15 urine, if that person is present, and shall seize his license or permit
16 to drive. The officer shall then advise him of his right to
17 administrative and judicial review of the revocation ~~[and to have a]~~
18 *pursuant to NRS 484.387 and, except as otherwise provided in this*
19 *subsection, that he has a right to request a temporary license . [*
20 *and]* *If the person currently is driving with a temporary license*
21 *that was issued pursuant to this section or NRS 484.387, he is not*
22 *entitled to request an additional temporary license pursuant to this*
23 *section or NRS 484.387, and the order of revocation issued by the*
24 *officer must revoke the temporary license that was previously*
25 *issued. If the person is entitled to request a temporary license, the*
26 *officer* shall issue him a temporary license on a form approved by
27 the Department if he requests one, which is effective for only 7 days
28 including the date of issuance. The officer shall immediately
29 transmit the person's license or permit to the Department along with
30 the written certificate required by subsection 2.

31 2. When a police officer has served an order of revocation of a
32 driver's license, permit or privilege on a person pursuant to
33 subsection 1, or later receives the result of an evidentiary test which
34 indicates that a person, not then present, had a concentration of
35 alcohol of 0.10 or more in his blood or breath or had a detectable
36 amount of a prohibited substance in his blood or urine, the officer
37 shall immediately prepare and transmit to the Department, together
38 with the seized license or permit and a copy of the result of the test,
39 a written certificate that he had reasonable grounds to believe that
40 the person had been driving or in actual physical control of a vehicle
41 with a concentration of alcohol of 0.10 or more in his blood or
42 breath or with a detectable amount of a prohibited substance in his
43 blood or urine, as determined by a chemical test. The certificate
44 must also indicate whether the officer served an order of revocation
45 on the person and whether he issued the person a temporary license.



3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at his last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484.387 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

Sec. 5. NRS 484.387 is hereby amended to read as follows:

484.387 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484.385, he may request in writing a hearing by the Department to review the order of revocation, but he is only entitled to one hearing. The hearing must be conducted within 15 days after receipt of the request, or as soon thereafter as is practicable, in the county where the requester resides unless the parties agree otherwise. The Director or his agent may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the requester. ~~[The]~~ *Unless the person is ineligible for a temporary license pursuant to NRS 484.385, the* Department shall issue an additional temporary license for a period which is sufficient to complete the administrative review.

2. The scope of the hearing must be limited to the issue of whether the person, at the time of the test, had a concentration of alcohol of 0.08 or more in his blood or breath or a detectable amount of a prohibited substance in his blood or urine. Upon an affirmative finding on this issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same



1 manner as provided by chapter 233B of NRS. The court shall notify
2 the Department upon the issuance of a stay, and the Department
3 shall issue an additional temporary license for a period which is
4 sufficient to complete the review.

5 4. If a hearing officer grants a continuance of a hearing at the
6 request of the person whose license was revoked, or a court does so
7 after issuing a stay of the revocation, the officer or court shall notify
8 the Department, and the Department shall cancel the temporary
9 license and notify the holder by mailing the order of cancellation to
10 his last known address.

11 **Sec. 6.** NRS 484.387 is hereby amended to read as follows:

12 484.387 1. At any time while a person is not eligible for a
13 license, permit or privilege to drive following an order of revocation
14 issued pursuant to NRS 484.385, he may request in writing a
15 hearing by the Department to review the order of revocation, but he
16 is only entitled to one hearing. The hearing must be conducted
17 within 15 days after receipt of the request, or as soon thereafter as is
18 practicable, in the county where the requester resides unless the
19 parties agree otherwise. The Director or his agent may issue
20 subpoenas for the attendance of witnesses and the production of
21 relevant books and papers and may require a reexamination of the
22 requester. ~~[The]~~ *Unless the person is ineligible for a temporary*
23 *license pursuant to NRS 484.385, the* Department shall issue an
24 additional temporary license for a period which is sufficient to
25 complete the administrative review.

26 2. The scope of the hearing must be limited to the issue of
27 whether the person, at the time of the test, had a concentration of
28 alcohol of 0.10 or more in his blood or breath or a detectable
29 amount of a prohibited substance in his blood or urine. Upon an
30 affirmative finding on this issue, the Department shall affirm the
31 order of revocation. Otherwise, the order of revocation must be
32 rescinded.

33 3. If, after the hearing, the order of revocation is affirmed, the
34 person whose license, privilege or permit has been revoked is
35 entitled to a review of the same issues in district court in the same
36 manner as provided by chapter 233B of NRS. The court shall notify
37 the Department upon the issuance of a stay, and the Department
38 shall issue an additional temporary license for a period which is
39 sufficient to complete the review.

40 4. If a hearing officer grants a continuance of a hearing at the
41 request of the person whose license was revoked, or a court does so
42 after issuing a stay of the revocation, the officer or court shall notify
43 the Department, and the Department shall cancel the temporary
44 license and notify the holder by mailing the order of cancellation to
45 his last known address.



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1 **Sec. 7.** NRS 485.185 is hereby amended to read as follows:

2 485.185 Every owner of a motor vehicle which is registered or
3 required to be registered in this State shall continuously provide,
4 while the motor vehicle is present or registered in this State,
5 insurance ~~[-]~~ *provided by an insurance company licensed by the*
6 *Division of Insurance of the Department of Business and Industry*
7 *and approved to do business in this State:*

8 1. In the amount of \$15,000 for bodily injury to or death of one
9 person in any one accident;

10 2. Subject to the limit for one person, in the amount of \$30,000
11 for bodily injury to or death of two or more persons in any one
12 accident; and

13 3. In the amount of \$10,000 for injury to or destruction of
14 property of others in any one accident,

15 ➔ for the payment of tort liabilities arising from the maintenance or
16 use of the motor vehicle.

17 **Sec. 8.** NRS 485.190 is hereby amended to read as follows:

18 485.190 1. If 20 days after the receipt of a report of an
19 accident involving a motor vehicle within this State which has
20 resulted in bodily injury or death, or damage to the property of any
21 one person in excess of \$750, the Department does not have on file
22 evidence satisfactory to it that the person who would otherwise be
23 required to file security under subsection 2 ~~[of this section]~~ has been
24 released from liability, has been finally adjudicated not to be liable
25 or has executed an acknowledged written agreement providing for
26 the payment of an agreed amount in installments with respect to all
27 claims for injuries or damages resulting from the accident, the
28 Department shall upon request set the matter for a hearing as
29 provided in NRS 485.191.

30 2. The Department shall ~~[-, at any time]~~ , *immediately* after a
31 determination adverse to an operator or owner *is made in a hearing*
32 pursuant to NRS 485.191, suspend the license of each operator and
33 all registrations of each owner of a motor vehicle involved in such
34 an accident, and, if the operator is a nonresident, the privilege of
35 operating a motor vehicle within this State, and, if the owner is a
36 nonresident, the privilege of the use within this State of any motor
37 vehicle owned by him, unless the operator or owner, or both,
38 *immediately* deposit security in the sum so determined by the
39 Department ~~[-. Notice of such a suspension must be sent by the~~
40 ~~Department to the operator and owner not less than 10 days before~~
41 ~~the effective date of the suspension and must state the amount~~
42 ~~required as security.]~~ *at the hearing.* If erroneous information is
43 given to the Department with respect to the matters set forth in
44 paragraph (a), (b) or (c) of subsection 1 of NRS 485.200, the



1 Department shall take appropriate action as provided in this section
2 after it receives correct information with respect to those matters.

3 **Sec. 9.** NRS 485.301 is hereby amended to read as follows:

4 485.301 1. Whenever any person fails within 60 days to
5 satisfy any judgment ~~{ }~~ *that was entered as a result of an accident*
6 *involving a motor vehicle*, the judgment creditor or his attorney may
7 forward to the Department immediately after the expiration of the
8 60 days a certified copy of the judgment.

9 2. If the defendant named in any certified copy of a judgment
10 *that was entered as a result of an accident involving a motor*
11 *vehicle and* reported to the Department is a nonresident, the
12 Department shall transmit a certified copy of the judgment to the
13 officer in charge of the issuance of licenses and registration
14 certificates of the state in which the defendant is a resident.

15 **Sec. 10.** NRS 485.3099 is hereby amended to read as follows:

16 485.3099 1. The Department shall, upon request, consent to
17 the immediate cancellation of any certificate of financial
18 responsibility or waive the requirement of filing proof of financial
19 responsibility, in ~~{any of}~~ the following events:

20 (a) ~~{At any time after 3 years after the date the proof of financial~~
21 ~~responsibility was required when, during the 3 year period~~
22 ~~preceding the request, the Department has not received a record of a~~
23 ~~conviction or a forfeiture of bail which would require or permit the~~
24 ~~suspension or revocation of the license, registration or nonresident's~~
25 ~~operating privilege of the person by or for whom the proof of~~
26 ~~financial responsibility was furnished;~~

27 ~~—(b)}~~ The death of the person on whose behalf the proof of
28 financial responsibility was filed or the permanent incapacity of the
29 person to operate a motor vehicle; or

30 ~~{(e)}~~ (b) If the person who is required to file proof of financial
31 responsibility surrenders his license and registration to the
32 Department.

33 2. If a person who surrenders his license and registration
34 pursuant to paragraph ~~{(e)}~~ (b) of subsection 1 applies for a license
35 or registration within a period of 3 years after the date proof of
36 financial responsibility was originally required, the application must
37 be refused unless the applicant reestablishes proof of financial
38 responsibility for the remainder of the 3-year period.

39 **Sec. 11.** Chapter 209 of NRS is hereby amended by adding
40 thereto a new section to read as follows:

41 *The Director shall notify the Department of Motor Vehicles*
42 *when a driver who has had his license, permit or privilege to drive*
43 *revoked pursuant to NRS 483.460 has completed a period of*
44 *imprisonment or is placed on residential confinement. The*
45 *notification process must conform to the guidelines provided in*



1 *regulation by the Department of Motor Vehicles pursuant to NRS*
2 *483.460. The period during which such a driver is not eligible for*
3 *a license, permit or privilege to drive must be set aside during any*
4 *period of imprisonment or when the person is placed on*
5 *residential confinement.*

6 **Sec. 12.** Chapter 213 of NRS is hereby amended by adding
7 thereto a new section to read as follows:

8 *The Chief shall notify the Department of Motor Vehicles when*
9 *a driver who has had his license, permit or privilege to drive*
10 *revoked pursuant to NRS 483.460 is placed on parole. The*
11 *notification process must conform to the guidelines provided in*
12 *regulation by the Department of Motor Vehicles pursuant to NRS*
13 *483.460. The period during which such a driver is not eligible for*
14 *a license, permit or privilege to drive must be set aside during any*
15 *period of imprisonment or when the person is placed on*
16 *residential confinement.*

17 **Sec. 13.** 1. This section and sections 1, 3, 5 and 7 to 10,
18 inclusive, of this act become effective on October 1, 2007.

19 2. Sections 2, 11 and 12 of this act become effective on
20 March 1, 2008.

21 3. Sections 3 and 5 of this act expire by limitation on the date
22 of the repeal of the federal law requiring each state to make it
23 unlawful for a person to operate a motor vehicle with a blood
24 alcohol concentration of 0.08 percent or greater as a condition to
25 receiving federal funding for the construction of highways in this
26 State.

27 4. Sections 4 and 6 of this act become effective on the date of
28 the repeal of the federal law requiring each state to make it unlawful
29 for a person to operate a motor vehicle with a blood alcohol
30 concentration of 0.08 percent or greater as a condition to receiving
31 federal funding for the construction of highways in this State.

