

## LEGISLATIVE BILL 679

Approved by the Governor March, 21, 1974

Introduced by Barnett, 26

AN ACT to amend sections 39-727.07, 39-727.15, and 39-727.17, Revised Statutes Supplement, 1972, relating to the implied consent law; to provide for tests by qualified technicians; to reduce the period of revocation for refusing to submit to the test; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 39-727.07, Revised Statutes Supplement, 1972, be amended to read as follows:

39-727.07. No physician, registered nurse, or ~~registered-laboratory-technologist~~ qualified technician shall be held liable, in damages or otherwise, for any act done or omitted in performing the act of withdrawing blood at the request of a law enforcement officer pursuant to section 39-727.03.

Sec. 2. That section 39-727.15, Revised Statutes Supplement, 1972, be amended to read as follows:

39-727.15. Any person arrested for any offense involving the operation or actual physical control of a motor vehicle while under the influence of alcoholic liquor shall be required to submit to a chemical test of his blood, breath, or urine as provided in section 39-727.03 without the preliminary breath test if the arresting officer does not have available the necessary equipment for administering a breath test or if the person is unconscious or is otherwise in a condition rendering him incapable of testing by a preliminary breath test. Only a physician, registered nurse, or ~~registered-laboratory-technologist~~ qualified technician acting at the request of a law enforcement officer may withdraw blood for the purpose of determining the alcoholic content therein, but this limitation shall not apply to the taking of a urine or breath specimen.

Sec. 3. That section 39-727.17, Revised Statutes Supplement, 1972, be amended to read as follows:

39-727.17. Upon receipt of the officer's report of such refusal, the Director of Motor Vehicles shall notify such person of a date for hearing before him as to the reasonableness of the refusal to submit to the test.

The notice of hearing shall be served by the director by mailing it to such person by certified or registered mail to the last-known residence address of such person, or, if such address is unknown, to the last-known business address of such person at least ten days before the hearing. After granting the person an opportunity to be heard on such issue, if it is not shown to the director that such refusal to submit to such chemical test was reasonable, the director shall summarily revoke the motor vehicle operator's license or nonresident operating privilege of such person for a period of one--year six months from the date of such order. For the purpose of such hearing, the director may appoint an examiner who shall have power to preside at such hearing, to administer oaths, examine witnesses and take testimony, and thereafter report the same to the director.

Sec. 4. That original sections 39-727.07, 39-727.15, and 39-727.17, Revised Statutes Supplement, 1972, are repealed.