

AMENDMENTS TO LB 736

Introduced by Judiciary.

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 60-480, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 60-480 Operators' licenses issued by the Department of
6 Motor Vehicles pursuant to the Motor Vehicle Operator's License Act
7 shall be classified as follows:

8 (1) Class O license. The operator's license which
9 authorizes the person to whom it is issued to operate on highways
10 any motor vehicle except a commercial motor vehicle or motorcycle;

11 (2) Class M license. The operator's license or
12 endorsement on a Class O license, provisional operator's permit,
13 learner's permit, school permit, or commercial driver's license
14 which authorizes the person to whom it is issued to operate a
15 motorcycle on highways;

16 (3) CDL-commercial driver's license. The operator's
17 license which authorizes the person to whom it is issued to operate
18 a class of commercial motor vehicles or any motor vehicle, except
19 a motorcycle, on highways;

20 (4) RCDL-restricted commercial driver's license. The
21 class of commercial driver's license which, when held with an
22 annual seasonal permit, authorizes a seasonal commercial motor
23 vehicle operator as defined in section 60-4,146.01 to operate any

1 Class B Heavy Straight Vehicle or Class C Small Vehicle commercial
2 motor vehicle for purposes of a farm-related or ranch-related
3 service industry as defined in such section within one hundred
4 fifty miles of the employer's place of business or the farm or
5 ranch currently being served as provided in such section or any
6 other motor vehicle, except a motorcycle, on highways;

7 (5) POP-provisional operator's permit. A motor vehicle
8 operating permit with restrictions issued pursuant to section
9 60-4,120.01 to a person who is at least sixteen years of age but
10 less than eighteen years of age which authorizes the person to
11 operate any motor vehicle except a commercial motor vehicle or
12 motorcycle;

13 (6) SCP-school permit. A permit issued to a student
14 between fourteen years and two months of age and sixteen years of
15 age for the purpose of driving in accordance with the requirements
16 of section 60-4,124;

17 (7) FMP-farm permit. A permit issued to a person for
18 purposes of operating farm tractors and other motorized implements
19 of farm husbandry on highways in accordance with the requirements
20 of section 60-4,126;

21 (8) LPC-learner's permit. A permit which when held in
22 conjunction with a Class O license or commercial driver's license
23 authorizes a person to operate a commercial motor vehicle for
24 learning purposes when accompanied by a person who is at least
25 twenty-one years of age;

26 (9) LPD-learner's permit. A permit issued in accordance
27 with the requirements of section 60-4,123 to a person at least

1 fifteen years of age which authorizes the person to operate a motor
2 vehicle, except a commercial motor vehicle, for learning purposes
3 when accompanied by a licensed operator who is at least twenty-one
4 years of age and who possesses a valid operator's license issued by
5 this state or another state;

6 (10) LPE-learner's permit. A permit issued to a person at
7 least fourteen years of age which authorizes the person to operate
8 a motor vehicle, except a commercial motor vehicle, while learning
9 to drive in preparation for application for a school permit;

10 (11) EDP-employment driving permit. A permit issued to
11 a person which authorizes the person to operate a motor vehicle,
12 except a commercial motor vehicle, pursuant to the requirements of
13 sections 60-4,129 and 60-4,130;

14 (12) IIP-ignition interlock permit. A permit issued to
15 a person which authorizes the person to operate a motor vehicle,
16 except a commercial motor vehicle, which is equipped with an
17 ignition interlock device;

18 ~~(12)~~ (13) SEP-seasonal permit. A permit issued to
19 a person who holds a restricted commercial driver's license
20 authorizing the person to operate a commercial motor vehicle, as
21 prescribed by section 60-4,146.01, for no more than one hundred
22 eighty consecutive days in any twelve-month period. The seasonal
23 permit shall be valid and run from the date of original issuance of
24 the permit for one hundred eighty days and from the date of annual
25 revalidation of the permit; and

26 ~~(13)~~ (14) MHP-medical hardship driving permit. A permit
27 issued to a person which authorizes the person to operate a

1 motor vehicle, except a commercial motor vehicle, pursuant to the
2 requirements of sections 60-4,130.01 and 60-4,130.02.

3 Sec. 2. Section 60-497.01, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 60-497.01 (1) An abstract of the court record of every
6 case in which a person is convicted of violating any provision of
7 the Motor Vehicle Operator's License Act, the Motor Vehicle Safety
8 Responsibility Act, or the Nebraska Rules of the Road, as from time
9 to time amended by the Legislature, or any traffic regulations in
10 city or village ordinances shall be transmitted within thirty days
11 of sentencing or other disposition by the court to the director.
12 Any abstract received by the director more than thirty days after
13 the date of sentencing or other disposition shall be reported by
14 the director to the State Court Administrator.

15 (2) Any person violating section 28-306, 60-696, 60-697,
16 60-6,196, 60-6,197, 60-6,213, or 60-6,214 who is placed on
17 probation shall be assessed the same points under section 60-4,182
18 as if such person were not placed on probation unless a court
19 has ordered the installation of that such person must obtain an
20 ignition interlock permit in order to operate a motor vehicle with
21 an ignition interlock device pursuant to section 60-6,211.05 and
22 sufficient evidence is presented to the department that such a
23 device is installed. For any other violation, the director shall
24 not assess such person with any points under section 60-4,182 for
25 such violation when the person is placed on probation until the
26 director is advised by the court that such person previously
27 placed on probation has violated the terms of his or her

1 probation and such probation has been revoked. Upon receiving
2 notice of revocation of probation, the director shall assess to
3 such person the points which such person would have been assessed
4 had the person not been placed on probation. When a person fails
5 to successfully complete probation, the court shall notify the
6 director immediately.

7 Sec. 3. Section 60-498.02, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 60-498.02 (1) At the expiration of thirty days after the
10 date of arrest as described in subsection (2) of section 60-6,197
11 or if after a hearing pursuant to section 60-498.01 the ~~Director of~~
12 ~~Motor Vehicles~~ director finds that the operator's license should be
13 revoked, the director shall (a) revoke the operator's license of a
14 person arrested for refusal to submit to a chemical test of blood,
15 breath, or urine as required by section 60-6,197 for a period of
16 one year and (b) revoke the operator's license of a person who
17 submits to a chemical test pursuant to such section which discloses
18 the presence of a concentration of alcohol specified in section
19 60-6,196 for a period of ninety days unless the person's driving
20 record abstract maintained in the department's computerized records
21 shows one or more prior administrative license revocations on which
22 final orders have been issued during the immediately preceding
23 twelve-year period at the time the order of revocation is issued,
24 in which case the period of revocation shall be one year. Except
25 as otherwise provided in section 60-6,211.05, a new operator's
26 license shall not be issued to such person until the period of
27 revocation has elapsed. If the person subject to the revocation is

1 a nonresident of this state, the director shall revoke only the
2 nonresident's operating privilege as defined in section 60-474 of
3 such person and shall immediately forward the operator's license
4 and a statement of the order of revocation to the person's state
5 of residence.

6 (2) At the expiration of thirty days after an order
7 of revocation is entered under subsection (1) of this section,
8 ~~(a) any person whose operator's license has been administratively~~
9 ~~revoked for a period of ninety days for submitting to a chemical~~
10 ~~test pursuant to section 60-6,197 which disclosed the presence of~~
11 ~~a concentration of alcohol in violation of section 60-6,196 may~~
12 ~~make application to the director for issuance of an employment~~
13 ~~driving permit pursuant to section 60-4,130_ and (b) any person~~
14 ~~who submitted to a chemical test pursuant to section 60-6,197~~
15 ~~and has his or her operator's license revoked for ninety days~~
16 ~~pursuant to subsection (1) of this section is eligible for an order~~
17 ~~pursuant to section 60-6,211.05 to operate a motor vehicle equipped~~
18 ~~with an ignition interlock device upon presentation of sufficient~~
19 ~~evidence to the Department of Motor Vehicles that such a device is~~
20 ~~installed.~~

21 (3) (a) At the expiration of thirty days after an order
22 of administrative license revocation for ninety days is entered
23 under subsection (1) of this section, any person who submitted to
24 a chemical test pursuant to section 60-6,197 which disclosed the
25 presence of a concentration of alcohol in violation of section
26 60-6,196 is eligible for an order to allow application for an
27 ignition interlock permit to operate a motor vehicle equipped with

1 an ignition interlock device pursuant to section 60-6,211.05 upon
2 presentation of sufficient evidence to the Department of Motor
3 Vehicles that such a device is installed.

4 (b) At the expiration of sixty days after an order of
5 administrative license revocation for one year is entered under
6 subsection (1) of this section, any person who submitted to
7 a chemical test pursuant to section 60-6,197 which disclosed
8 the presence of a concentration of alcohol in violation of
9 section 60-6,196 is eligible for an order to allow application
10 for an ignition interlock permit in order to operate a motor
11 vehicle equipped with an ignition interlock device pursuant to
12 section 60-6,211.05 upon presentation of sufficient evidence to the
13 Department of Motor Vehicles that such a device is installed.

14 (c) A person operating a motor vehicle pursuant to this
15 subsection shall only operate the motor vehicle from his or her
16 residence to his or her place of employment, school, or alcohol
17 treatment program or an ignition interlock service facility. Such
18 permit shall indicate for which purposes the permit may be used.
19 All permits issued pursuant to this subsection shall indicate that
20 the permit is not valid for the operation of any commercial motor
21 vehicle.

22 (4) No This subsection shall not apply to nor shall any
23 person shall be eligible for the benefit of this subsection an
24 employment driving permit or an ignition interlock permit during
25 any period of time during which his or her operator's license
26 is subject to an administrative revocation order for refusal to
27 submit to a chemical test of blood, breath, or urine as required

1 by section 60-6,197, ~~or is subject to a one-year revocation under~~
2 ~~subdivision (1)(b) of this section.~~

3 ~~(3)~~ (5) A person may have his or her eligibility for a
4 license reinstated upon payment of a reinstatement fee as required
5 by section 60-694.01.

6 ~~(4)(a)~~ (6)(a) A person whose operator's license is
7 subject to revocation pursuant to subsection (3) of section
8 60-498.01 shall have all proceedings dismissed or his or her
9 operator's license immediately reinstated without payment of the
10 reinstatement fee upon receipt of suitable evidence by the director
11 that:

12 (i) Within the thirty-day period following the date
13 of arrest, the prosecuting attorney responsible for the matter
14 declined to file a complaint alleging a violation of section
15 60-6,196 and notified the director by first-class mail or facsimile
16 transmission of such decision and the director received such notice
17 within such period or the notice was postmarked within such period;
18 or

19 (ii) The defendant, after trial, was found not guilty
20 of violating section 60-6,196 or such charge was dismissed on the
21 merits by the court.

22 (b) The director shall adopt and promulgate rules and
23 regulations establishing standards for the presentation of suitable
24 evidence of compliance with subdivision (a) of this subsection.

25 (c) If a charge is filed for a violation of section
26 60-6,196 pursuant to an arrest for which all proceedings were
27 dismissed under this subsection, the prosecuting attorney shall

1 notify the director by first-class mail or facsimile transmission
2 of the filing of such charge and the director may reinstate an
3 administrative license revocation under this section as of the
4 date that the director receives notification of the filing of the
5 charge, except that a revocation shall not be reinstated if it was
6 dismissed pursuant to section 60-498.01.

7 Sec. 4. Section 60-4,115, Revised Statutes Cumulative
8 Supplement, 2006, is amended to read:

9 60-4,115 (1) Fees for operators' licenses and state
10 identification cards shall be collected and distributed according
11 to the table in subsection (2) of this section. County officials
12 shall remit the county portion of the fees collected to the county
13 treasurer for placement in the county general fund. All other fees
14 collected shall be remitted to the State Treasurer for credit to
15 the appropriate fund. The State Treasurer shall transfer an amount
16 equal to three dollars and fifty cents times the number of original
17 or renewal Class M licenses issued pursuant to section 60-4,127
18 during the previous year from the Department of Motor Vehicles Cash
19 Fund to the Motorcycle Safety Education Fund.

20 (2) The fees provided in this subsection in the
21 following dollar amounts apply for operators' licenses and state
22 identification cards.

Document	Department			
	Total	General	Vehicles	General
	Fee	Fund	Cash	Fund

27 State identification card:

1	Valid for 1 year or less	4.75	2.75	1.00	1.00
2	Valid for more than 1 year				
3	but not more than 2 years	9.50	2.75	3.50	3.25
4	Valid for more than 2 years				
5	but not more than 3 years	14.25	2.75	5.50	6.00
6	Valid for more than 3 years				
7	but not more than 4 years	19.00	2.75	8.00	8.25
8	Valid for more than 4 years				
9	for person under 21	23.75	2.75	10.00	11.00
10	Valid for 5 years	23.75	3.50	10.00	10.25
11	Duplicate or replacement	11.25	2.75	6.25	2.25
12	Class O or M operator's license:				
13	Valid for 1 year or less	4.75	2.75	1.00	1.00
14	Valid for more than 1 year				
15	but not more than 2 years	9.50	2.75	3.50	3.25
16	Valid for more than 2 years				
17	but not more than 3 years	14.25	2.75	5.50	6.00
18	Valid for more than 3 years				
19	but not more than 4 years	19.00	2.75	8.00	8.25
20	Valid for 5 years	23.75	3.50	10.00	10.25
21	Biopic or telescopic lens				
22	restriction:				
23	Valid for 1 year or less	4.75	0	4.75	0
24	Valid for more than 1 year				
25	but not more than 2 years	9.50	2.75	3.50	3.25
26	Duplicate or replacement	11.25	2.75	6.25	2.25
27	Change of class or restriction	5.00	0	5.00	0

1	Provisional operator's permit:				
2	Original	15.00	2.75	12.25	0
3	Bioptic or telescopic lens				
4	restriction:				
5	Valid for 1 year or less	4.75	0	4.75	0
6	Valid for more than 1 year				
7	but not more than 2 years	15.00	2.75	12.25	0
8	Duplicate or replacement	11.25	2.75	6.25	2.25
9	LPD-learner's permit:				
10	Original	8.00	.25	5.00	2.75
11	Duplicate or replacement	11.25	2.75	6.25	2.25
12	LPE-learner's permit:				
13	Original	8.00	.25	5.00	2.75
14	Duplicate or replacement	11.25	2.75	6.25	2.25
15	School permit:				
16	Original	8.00	.25	5.00	2.75
17	Duplicate	11.25	2.75	6.25	2.25
18	Farm permit:				
19	Original or renewal	5.00	.25	0	4.75
20	Duplicate	5.00	.25	0	4.75
21	Temporary	5.00	.25	0	4.75
22	Driving permits:				
23	Employment	45.00	0	5.00	40.00
24	<u>Ignition interlock</u>	<u>45.00</u>	<u>0</u>	<u>5.00</u>	<u>40.00</u>
25	Medical hardship	45.00	0	5.00	40.00
26	<u>Duplicate or replacement</u>	<u>10.00</u>	<u>.25</u>	<u>5.00</u>	<u>4.75</u>
27	<u>Add, change, or remove class,</u>				

1	<u>endorsement, or restriction</u>	<u>5.00</u>	<u>0</u>	<u>5.00</u>	<u>0</u>
2	Commercial driver's license:				
3	Valid for 1 year or less	11.00	1.75	5.00	4.25
4	Valid for more than 1 year				
5	but not more than 2 years	22.00	1.75	5.00	15.25
6	Valid for more than 2 years				
7	but not more than 3 years	33.00	1.75	5.00	26.25
8	Valid for more than 3 years				
9	but not more than 4 years	44.00	1.75	5.00	37.25
10	Valid for 5 years	55.00	1.75	5.00	48.25
11	Bioptic or telescopic lens				
12	restriction:				
13	Valid for one year or less	11.00	1.75	5.00	4.25
14	Valid for more than 1 year				
15	but not more than 2 years	22.00	1.75	5.00	15.25
16	Duplicate or replacement	11.25	2.75	6.25	2.25
17	Change of class, endorsement,				
18	or restriction	10.00	1.75	5.00	3.25
19	LPC-learner's permit:				
20	Original or renewal	10.00	.25	5.00	4.75
21	Duplicate or replacement	10.00	.25	5.00	4.75
22	Change of class, endorsement,				
23	or restriction	10.00	.25	5.00	4.75
24	Seasonal permit:				
25	Original or renewal	10.00	.25	5.00	4.75
26	Duplicate or replacement	10.00	.25	5.00	4.75
27	Change of class, endorsement,				

1 or restriction 10.00 .25 5.00 4.75

2 (3) If the Department of Motor Vehicles issues an
3 operator's license or a state identification card, the department
4 shall remit the county portion of the fees to the State Treasurer
5 for credit to the Department of Motor Vehicles Cash Fund.

6 Sec. 5. Section 60-4,118.06, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 60-4,118.06 (1) Upon receipt by the director of (a)
9 a certified copy of a court order issued pursuant to section
10 60-6,211.05, a certified copy of an order for installation of an
11 ignition interlock device and issuance of an ignition interlock
12 permit pursuant to subdivision (1) or (2) of section 60-6,197.03,
13 or a copy of an order from the Board of Pardons pursuant
14 to section 83-1,127.02, (b) sufficient evidence that the person
15 has surrendered his or her operator's license to the Department
16 of Motor Vehicles and installed an approved ignition interlock
17 device in accordance with such ~~court~~ order, and (c) payment of
18 the fee provided in section 60-4,115, such person may apply
19 for ~~reinstatement of his or her eligibility for an operator's~~
20 ~~license following the passage of thirty days of the ninety-day~~
21 ~~revocation period~~ an ignition interlock permit. A person subject
22 to administrative license revocation under section 60-498.02 and
23 ~~the~~ shall be eligible for an ignition interlock permit as provided
24 in such section. The director shall issue to such person a Class
25 ~~0~~ license restricted to an ignition interlock permit for the
26 operation of a motor vehicle equipped with an ignition interlock
27 device. Such permit shall indicate for which purposes the permit

1 may be used. All permits issued pursuant to this subsection shall
2 indicate that the permit is not valid for the operation of any
3 commercial motor vehicle. The department shall not issue ~~such a~~
4 license an ignition interlock permit to any person convicted of
5 a second or subsequent violation of section 60-6,196 or 60-6,197
6 until at least one year of the operator's license revocation has
7 elapsed.

8 (2) Upon expiration of the ~~court order~~ issued pursuant
9 to section 60-6,211.05 revocation period or upon expiration of
10 an order issued by the Board of Pardons pursuant to section
11 83-1,127.02, a person may apply to the department in writing for
12 issuance of an operator's license, ~~which does not contain such~~
13 ~~restriction.~~ Regardless of whether the license surrendered by such
14 person under subsection (1) of this section has expired, the person
15 shall apply for a new operator's license pursuant to the Motor
16 Vehicle Operator's License Act.

17 Sec. 6. Section 60-601, Revised Statutes Cumulative
18 Supplement, 2006, is amended to read:

19 60-601 Sections 60-601 to 60-6,377 and section 11 of this
20 act shall be known and may be cited as the Nebraska Rules of the
21 Road.

22 Sec. 7. Section 60-6,197.01, Revised Statutes Cumulative
23 Supplement, 2006, is amended to read:

24 60-6,197.01 (1) Upon conviction for a second or
25 subsequent violation of section 60-6,196 or 60-6,197, the court
26 shall impose either of the following restrictions: ~~on all motor~~
27 ~~vehicles owned by the person so convicted.~~

1 (a) (i) The court shall order ~~the motor vehicle or~~ all
2 motor vehicles owned by the person so convicted immobilized at
3 the owner's expense for a period of time not less than five days
4 and not more than eight months and shall notify the Department
5 of Motor Vehicles of the period of immobilization. Any immobilized
6 motor vehicle shall be released to the holder of a bona fide lien
7 on the motor vehicle executed prior to such immobilization when
8 possession of the motor vehicle is requested as provided by law
9 by such lienholder for purposes of foreclosing and satisfying such
10 lien. If a person tows and stores a motor vehicle pursuant to this
11 subdivision at the direction of a peace officer or the court and
12 has a lien upon such motor vehicle while it is in his or her
13 possession for reasonable towing and storage charges, the person
14 towing the vehicle has the right to retain such motor vehicle until
15 such lien is paid. For purposes of this subdivision, immobilized
16 or immobilization means revocation or suspension, at the discretion
17 of the court, of the registration of such motor vehicle or motor
18 vehicles, including the license plates; and

19 (ii) (A) Any immobilized motor vehicle shall be released
20 by the court without any legal or physical restraints to any
21 registered owner who is not the registered owner convicted of a
22 second or subsequent violation of section 60-6,196 or 60-6,197
23 if an affidavit is submitted to the court by such registered
24 owner stating that the affiant is employed, that the motor vehicle
25 subject to immobilization is necessary to continue that employment,
26 that such employment is necessary for the well-being of the
27 affiant's dependent children or parents, that the affiant will not

1 authorize the use of the motor vehicle by any person known by the
2 affiant to have been convicted of a second or subsequent violation
3 of section 60-6,196 or 60-6,197, that affiant will immediately
4 report to a local law enforcement agency any unauthorized use of
5 the motor vehicle by any person known by the affiant to have been
6 convicted of a second or subsequent conviction of section 60-6,196
7 or 60-6,197, and that failure to release the motor vehicle would
8 cause undue hardship to the affiant.

9 (B) A registered owner who executes an affidavit pursuant
10 to subdivision (1)(a)(ii)(A) of this section which is acted upon
11 by the court and who fails to immediately report an unauthorized
12 use of the motor vehicle which is the subject of the affidavit is
13 guilty of a Class IV misdemeanor and may not file any additional
14 affidavits pursuant to subdivision (1)(a)(ii)(A) of this section.

15 (C) The department shall adopt and promulgate rules and
16 regulations to implement the provisions of subdivision (1)(a) of
17 this section; or

18 (b) As an alternative to subdivision (1)(a) of this
19 section, the court shall order the ~~installation of~~ convicted
20 person, in order to operate a motor vehicle, to obtain an ignition
21 interlock permit and install an ignition interlock device on each
22 of the ~~owner's~~ motor vehicles owned or operated by the convicted
23 person if the ~~owner~~ he or she was sentenced to an operator's
24 license revocation of at least one year and has completed at least
25 one year of such revocation. No license reinstatement may occur
26 ignition interlock permit may be issued until sufficient evidence
27 is presented to the department that an ignition interlock device

1 is installed on each vehicle and that the applicant is eligible
2 for use of an ignition interlock device. The installation of an
3 ignition interlock device shall be for a period not less than
4 six months commencing upon the end of such year of the operator's
5 license revocation. Notwithstanding any other provision of law,
6 if the owner was convicted of a second or subsequent violation
7 of section 60-6,196 or 60-6,197, no ignition interlock device or
8 ignition interlock permit shall be ordered by any court or state
9 agency under any circumstances until at least one year of the
10 operator's license revocation shall have elapsed.

11 (2) In addition to the restrictions required by
12 subdivision (1)(b) of this section, the court may require a person
13 convicted of a second or subsequent violation of section 60-6,196
14 or 60-6,197 to use a continuous alcohol monitoring device and
15 abstain from alcohol use for a period of time not to exceed
16 the maximum term of license revocation ordered by the court. A
17 continuous alcohol monitoring device shall not be ordered for a
18 person convicted of a second or subsequent violation unless the
19 installation of an ignition interlock device is also required.

20 Sec. 8. Section 60-6,197.03, Revised Statutes Supplement,
21 2007, is amended to read:

22 60-6,197.03 Any person convicted of a violation of
23 section 60-6,196 or 60-6,197 shall be punished as follows:

24 (1) Except as provided in subdivision (2) of this
25 section, if such person has not had a prior conviction, such
26 person shall be guilty of a Class W misdemeanor, and the court
27 shall, as part of the judgment of conviction, order that the

1 operator's license of such person be revoked or impounded for a
2 period of six months from the date ordered by the court. If the
3 court orders the person's operator's license impounded, the court
4 shall also order that the person shall not operate a motor vehicle
5 for a period of six months and shall not order the installation
6 of an ignition interlock device or an ignition interlock permit.
7 If the court orders the person's operator's license revoked, the
8 revocation period shall be for six months and the court shall order
9 that after thirty days of no driving, the person may apply for
10 an ignition interlock permit for the remainder of the revocation
11 period and shall have an ignition interlock device installed on
12 any motor vehicle he or she operates during the remainder of
13 the revocation period. Such revocation or impoundment shall be
14 administered upon sentencing, upon final judgment of any appeal or
15 review, or upon the date that any probation is revoked.

16 If the court places such person on probation or suspends
17 the sentence for any reason, the court shall, as one of the
18 conditions of probation or sentence suspension, order that the
19 operator's license of such person be revoked ~~or impounded~~ for a
20 period of sixty days from the date ordered by the court unless
21 otherwise authorized by an order for an ignition interlock permit
22 and installation of an ignition interlock device issued pursuant
23 to section 60-6,211.05, and such order of probation or sentence
24 suspension shall also include, as one of its conditions, the
25 payment of a four-hundred-dollar fine;

26 (2) If such person has not had a prior conviction
27 and, as part of the current violation, had a concentration of

1 fifteen-hundredths of one gram or more by weight of alcohol per
2 one hundred milliliters of his or her blood or fifteen-hundredths
3 of one gram or more by weight of alcohol per two hundred ten
4 liters of his or her breath, such person shall be guilty of a
5 Class W misdemeanor, and the court shall, as part of the judgment
6 of conviction, revoke the operator's license of such person for a
7 period of one year from the date ordered by the court and shall
8 order that after sixty days of no driving, the person may apply for
9 an ignition interlock permit for the remainder of the revocation
10 period and shall have an ignition interlock device installed on
11 any motor vehicle he or she operates during the remainder of
12 the revocation period. Such revocation shall be administered upon
13 sentencing, upon final judgment of any appeal or review, or upon
14 the date that any probation is revoked.

15 If the court places such person on probation or suspends
16 the sentence for any reason, the court shall, as one of the
17 conditions of probation or sentence suspension, order that the
18 operator's license of such person be revoked ~~or impounded~~ for a
19 period of one year from the date ordered by the court unless
20 otherwise authorized by an order for an ignition interlock permit
21 and installation of an ignition interlock device issued pursuant
22 to section 60-6,211.05, and such order of probation or sentence
23 suspension shall also include, as conditions, the payment of a
24 five-hundred-dollar fine and either confinement in the city or
25 county jail for two days or the imposition of not less than one
26 hundred twenty hours of community service;

27 (3) Except as provided in subdivision (5) of this

1 section, if such person has had one prior conviction, such person
2 shall be guilty of a Class W misdemeanor, and the court shall,
3 as part of the judgment of conviction, order that the operator's
4 license of such person be revoked for a period of one year from
5 the date ordered by the court and shall issue an order pursuant
6 to section 60-6,197.01. Such orders shall be administered upon
7 sentencing, upon final judgment of any appeal or review, or upon
8 the date that any probation is revoked.

9 If the court places such person on probation or suspends
10 the sentence for any reason, the court shall, as one of the
11 conditions of probation or sentence suspension, order that the
12 operator's license of such person be revoked ~~or impounded~~ for a
13 period of one year from the date ordered by the court unless
14 otherwise authorized by an order for an ignition interlock permit
15 and installation of an ignition interlock device issued pursuant
16 to section 60-6,211.05 and shall issue an order pursuant to
17 section 60-6,197.01, and such order of probation or sentence
18 suspension shall also include, as conditions, the payment of a
19 five-hundred-dollar fine and either confinement in the city or
20 county jail for ten days or the imposition of not less than two
21 hundred forty hours of community service;

22 (4) Except as provided in subdivision (6) of this
23 section, if such person has had two prior convictions, such person
24 shall be guilty of a Class W misdemeanor, and the court shall,
25 as part of the judgment of conviction, order that the operator's
26 license of such person be revoked for a period of fifteen years
27 from the date ordered by the court and shall issue an order

1 pursuant to section 60-6,197.01. Such orders shall be administered
2 upon sentencing, upon final judgment of any appeal or review, or
3 upon the date that any probation is revoked.

4 If the court places such person on probation or suspends
5 the sentence for any reason, the court shall, as one of the
6 conditions of probation or sentence suspension, order that the
7 operator's license of such person be revoked for a period of at
8 least two years but not more than fifteen years from the date
9 ordered by the court unless otherwise authorized by an order for an
10 ignition interlock permit and installation of an ignition interlock
11 device issued pursuant to section 60-6,211.05 and shall issue an
12 order pursuant to section 60-6,197.01, and such order of probation
13 or sentence suspension shall also include, as conditions, the
14 payment of a six-hundred-dollar fine and confinement in the city or
15 county jail for thirty days;

16 (5) If such person has had one prior conviction
17 and, as part of the current violation, had a concentration of
18 fifteen-hundredths of one gram or more by weight of alcohol per
19 one hundred milliliters of his or her blood or fifteen-hundredths
20 of one gram or more by weight of alcohol per two hundred ten
21 liters of his or her breath or refused to submit to a test as
22 required under section 60-6,197, such person shall be guilty of a
23 Class I misdemeanor, and the court shall, as part of the judgment
24 of conviction, revoke the operator's license of such person for
25 a period of at least one year but not more than fifteen years
26 from the date ordered by the court and shall issue an order
27 pursuant to section 60-6,197.01. Such revocation and order shall be

1 administered upon sentencing, upon final judgment of any appeal or
2 review, or upon the date that any probation is revoked. The court
3 shall also sentence such person to serve at least ninety days'
4 imprisonment in the city or county jail or an adult correctional
5 facility.

6 If the court places such person on probation or suspends
7 the sentence for any reason, the court shall, as one of the
8 conditions of probation or sentence suspension, order that the
9 operator's license of such person be revoked ~~or impounded~~ for a
10 period of at least one year but not more than fifteen years from
11 the date ordered by the court unless otherwise authorized by an
12 order for an ignition interlock permit and installation of an
13 ignition interlock device issued pursuant to section 60-6,211.05
14 and shall issue an order pursuant to section 60-6,197.01, and
15 such order of probation or sentence suspension shall also include,
16 as conditions, the payment of a one-thousand-dollar fine and
17 confinement in the city or county jail for thirty days;

18 (6) If such person has had two prior convictions
19 and, as part of the current violation, had a concentration of
20 fifteen-hundredths of one gram or more by weight of alcohol per one
21 hundred milliliters of his or her blood or fifteen-hundredths of
22 one gram or more by weight of alcohol per two hundred ten liters
23 of his or her breath or refused to submit to a test as required
24 under section 60-6,197, such person shall be guilty of a Class IIIA
25 felony, and the court shall, as part of the judgment of conviction,
26 revoke the operator's license of such person for a period of
27 fifteen years from the date ordered by the court and shall issue

1 an order pursuant to section 60-6,197.01. Such revocation and order
2 shall be administered upon sentencing, upon final judgment of any
3 appeal or review, or upon the date that any probation is revoked.
4 The court shall also sentence such person to serve at least one
5 hundred eighty days' imprisonment in the city or county jail or an
6 adult correctional facility.

7 If the court places such person on probation or suspends
8 the sentence for any reason, the court shall, as one of the
9 conditions of probation or sentence suspension, order that the
10 operator's license of such person be revoked for a period of at
11 least five years but not more than fifteen years from the date
12 ordered by the court unless otherwise authorized by an order for an
13 ignition interlock permit and installation of an ignition interlock
14 device issued pursuant to section 60-6,211.05 and shall issue an
15 order pursuant to section 60-6,197.01, and such order of probation
16 or sentence suspension shall also include, as conditions, the
17 payment of a one-thousand-dollar fine and confinement in the city
18 or county jail for sixty days;

19 (7) Except as provided in subdivision (8) of this
20 section, if such person has had three prior convictions, such
21 person shall be guilty of a Class IIIA felony, and the court shall,
22 as part of the judgment of conviction, order that the operator's
23 license of such person be revoked for a period of fifteen years
24 from the date ordered by the court and shall issue an order
25 pursuant to section 60-6,197.01. Such orders shall be administered
26 upon sentencing, upon final judgment of any appeal or review, or
27 upon the date that any probation is revoked. The court shall also

1 sentence such person to serve at least one hundred eighty days'
2 imprisonment in the city or county jail or an adult correctional
3 facility.

4 If the court places such person on probation or suspends
5 the sentence for any reason, the court shall, as one of the
6 conditions of probation or sentence suspension, order that the
7 operator's license of such person be revoked for a period of
8 fifteen years from the date ordered by the court unless otherwise
9 authorized by an order for an ignition interlock permit and
10 installation of an ignition interlock device issued pursuant
11 to section 60-6,211.05 and shall issue an order pursuant to
12 section 60-6,197.01, and such order of probation or sentence
13 suspension shall also include, as conditions, the payment of a
14 one-thousand-dollar fine and confinement in the city or county jail
15 for ninety days;

16 (8) If such person has had three prior convictions
17 and, as part of the current violation, had a concentration of
18 fifteen-hundredths of one gram or more by weight of alcohol per one
19 hundred milliliters of his or her blood or fifteen-hundredths of
20 one gram or more by weight of alcohol per two hundred ten liters
21 of his or her breath or refused to submit to a test as required
22 under section 60-6,197, such person shall be guilty of a Class III
23 felony, and the court shall, as part of the judgment of conviction,
24 revoke the operator's license of such person for a period of
25 fifteen years from the date ordered by the court and shall issue
26 an order pursuant to section 60-6,197.01. Such revocation and order
27 shall be administered upon sentencing, upon final judgment of any

1 appeal or review, or upon the date that any probation is revoked.

2 If the court places such person on probation or suspends
3 the sentence for any reason, the court shall, as one of the
4 conditions of probation or sentence suspension, order that the
5 operator's license of such person be revoked for a period of
6 fifteen years from the date ordered by the court unless otherwise
7 authorized by an order for an ignition interlock permit and
8 installation of an ignition interlock device issued pursuant
9 to section 60-6,211.05 and shall issue an order pursuant to
10 section 60-6,197.01, and such order of probation or sentence
11 suspension shall also include, as conditions, the payment of a
12 one-thousand-dollar fine and confinement in the city or county jail
13 for one hundred twenty days;

14 (9) Except as provided in subdivision (10) of this
15 section, if such person has had four or more prior convictions,
16 such person shall be guilty of a Class III felony, and the court
17 shall, as part of the judgment of conviction, order that the
18 operator's license of such person be revoked for a period of
19 fifteen years from the date ordered by the court and shall issue
20 an order pursuant to section 60-6,197.01. Such orders shall be
21 administered upon sentencing, upon final judgment of any appeal or
22 review, or upon the date that any probation is revoked.

23 If the court places such person on probation or suspends
24 the sentence for any reason, the court shall, as one of the
25 conditions of probation or sentence suspension, order that the
26 operator's license of such person be revoked for a period of
27 fifteen years from the date ordered by the court unless otherwise

1 authorized by an order for an ignition interlock permit and
2 installation of an ignition interlock device issued pursuant
3 to section 60-6,211.05 and shall issue an order pursuant to
4 section 60-6,197.01, and such order of probation or sentence
5 suspension shall also include, as conditions, the payment of a
6 one-thousand-dollar fine and confinement in the city or county jail
7 for one hundred eighty days; and

8 (10) If such person has had four or more prior
9 convictions and, as part of the current violation, had a
10 concentration of fifteen-hundredths of one gram or more by weight
11 of alcohol per one hundred milliliters of his or her blood or
12 fifteen-hundredths of one gram or more by weight of alcohol per
13 two hundred ten liters of his or her breath or refused to submit
14 to a test as required under section 60-6,197, such person shall
15 be guilty of a Class II felony and the court shall, as part of
16 the judgment of conviction, revoke the operator's license of such
17 person for a period of fifteen years from the date ordered by the
18 court and shall issue an order pursuant to section 60-6,197.01.
19 Such revocation and order shall be administered upon sentencing,
20 upon final judgment of any appeal or review, or upon the date that
21 any probation is revoked.

22 If the court places such person on probation or suspends
23 the sentence for any reason, the court shall, as one of the
24 conditions of probation or sentence suspension, order that the
25 operator's license of such person be revoked for a period of
26 fifteen years from the date ordered by the court unless otherwise
27 authorized by an order for an ignition interlock permit and

1 installation of an ignition interlock device issued pursuant
2 to section 60-6,211.05 and shall issue an order pursuant to
3 section 60-6,197.01, and such order of probation or sentence
4 suspension shall also include, as conditions, the payment of a
5 one-thousand-dollar fine and confinement in the city or county jail
6 for one hundred eighty days.

7 Sec. 9. Section 60-6,209, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 60-6,209 (1) Any person whose operator's license has
10 been revoked pursuant to a conviction for a violation of sections
11 60-6,196, 60-6,197, and 60-6,199 to 60-6,204 for a third or
12 subsequent time for a period of fifteen years may apply to
13 the Department of Motor Vehicles, on forms prescribed by the
14 department, requesting the department to make a recommendation to
15 the Board of Pardons for reinstatement of his or her eligibility
16 for an operator's license. Upon receipt of the application, the
17 Director of Motor Vehicles shall review the application if such
18 person has served at least seven years of such revocation and make
19 a recommendation for reinstatement or for denial of reinstatement.
20 The department may recommend reinstatement if such person shows the
21 following:

22 (a) Such person has completed a state-certified substance
23 abuse program and is recovering or such person has substantially
24 recovered from the dependency on or tendency to abuse alcohol or
25 drugs;

26 (b) Such person has not been convicted, since the date
27 of the revocation order, of any subsequent violations of section

1 60-6,196 or 60-6,197 or any comparable city or village ordinance
2 and the applicant has not, since the date of the revocation
3 order, submitted to a chemical test under section 60-6,197 that
4 indicated an alcohol concentration in violation of section 60-6,196
5 or refused to submit to a chemical test under section 60-6,197;

6 (c) Such person has not been convicted, since the
7 date of the revocation order, of driving while under suspension,
8 revocation, or impoundment under section 60-4,109;

9 (d) Such person has abstained from the consumption
10 of alcoholic beverages and the consumption of drugs except at
11 the direction of a licensed physician or pursuant to a valid
12 prescription; and

13 (e) Such person's operator's license is not currently
14 subject to suspension or revocation for any other reason.

15 (2) In addition, the department may require other
16 evidence from such person to show that restoring such person's
17 privilege to drive will not present a danger to the health and
18 safety of other persons using the highways.

19 (3) Upon review of the application, the director shall
20 make the recommendation to the Board of Pardons in writing and
21 shall briefly state the reasons for the recommendations. The
22 recommendation shall include the original application and other
23 evidence submitted by such person. The recommendation shall also
24 include any record of any other applications such person has
25 previously filed under this section.

26 (4) The department shall adopt and promulgate rules and
27 regulations to govern the procedures for making a recommendation to

1 the Board of Pardons. Such rules and regulations shall include the
2 requirement that the treatment programs and counselors who provide
3 information about such person to the department must be certified
4 or licensed by the state.

5 (5) If the Board of Pardons reinstates such person's
6 eligibility for an operator's license or orders a reprieve of
7 such person's motor vehicle operator's license revocation, such
8 reinstatement or reprieve may be conditioned for the duration of
9 the original revocation period on such person's continued recovery.
10 If such person is convicted of any subsequent violation of section
11 60-6,196 or 60-6,197, the reinstatement of the person's eligibility
12 for an operator's license shall be withdrawn and such person's
13 operator's license will be revoked by the Department of Motor
14 Vehicles for the time remaining under the original revocation,
15 independent of any sentence imposed by the court, after thirty
16 days' written notice to the person by first-class mail at his
17 or her last-known mailing address as shown by the records of the
18 department.

19 (6) If the Board of Pardons reinstates a person's
20 eligibility for an operator's license or orders a reprieve of such
21 person's motor vehicle operator's license revocation, the board
22 shall notify the Department of Motor Vehicles of the reinstatement
23 or reprieve. Such person may apply for an operator's license upon
24 payment of a fee of one hundred twenty-five dollars and the filing
25 of proof of financial responsibility. The fees paid pursuant to
26 this section shall be collected by the department and remitted to
27 the State Treasurer. The State Treasurer shall credit seventy-five

1 dollars of each fee to the General Fund and fifty dollars of each
2 fee to the Department of Motor Vehicles Cash Fund.

3 Sec. 10. Section 60-6,211.05, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 60-6,211.05 ~~(1)~~ (1) (a) If an order of probation is
6 granted under section 60-6,196 or 60-6,197, as such sections
7 existed prior to July 16, 2004, or section 60-6,196 or 60-6,197
8 and sections 60-6,197.02 and 60-6,197.03, as such sections existed
9 on or after July 16, 2004, the court may order the defendant to
10 install an ignition interlock device of a type approved by the
11 Director of Motor Vehicles on each motor vehicle operated by the
12 defendant. The device shall, without tampering or the intervention
13 of another person, prevent the defendant from operating the motor
14 vehicle when the defendant has an alcohol concentration greater
15 than the levels prescribed in section 60-6,196.

16 (b) If the court orders an ignition interlock permit
17 and installation of an ignition interlock device pursuant to
18 subdivision (1) or (2) of section 60-6,197.03, the device shall
19 be of a type approved by the director and shall be installed on
20 each motor vehicle operated by the defendant. The device shall,
21 without tampering or the intervention of another person, prevent
22 the defendant from operating the motor vehicle when the defendant
23 has an alcohol concentration greater than the levels prescribed in
24 section 60-6,196.

25 (2) If the court orders installation of an ignition
26 interlock device and issuance of an ignition interlock permit
27 pursuant to subsection (1) of this section, the court may also

1 order the use of a continuous alcohol monitoring device and
2 abstention from alcohol use at all times. The device shall, without
3 tampering or the intervention of another person, test and record
4 the alcohol consumption level of the defendant on a periodic basis
5 and transmit such information to probation authorities.

6 (3) Any order issued by the court pursuant to this
7 section shall not take effect until the defendant is eligible to
8 operate a motor vehicle pursuant to subsection ~~(2)~~ (3) of section
9 60-498.02.

10 (4) If the court orders an ignition interlock device
11 or the Board of Pardons orders an ignition interlock device
12 under section 83-1,127.02, the court or the Board of Pardons
13 shall order the Department of Motor Vehicles to issue to the
14 defendant a ~~restricted Class 0 license~~ an ignition interlock
15 permit as provided in section 60-4,118.06 which indicates that the
16 defendant is only allowed to operate a motor vehicle equipped with
17 an ignition interlock device. Such court order shall remain in
18 effect for a period of time as determined by the court not to
19 exceed the maximum term of revocation which the court could have
20 imposed according to the nature of the violation and shall allow
21 operation of an ignition-interlock-equipped motor vehicle only from
22 the defendant's residence to the defendant's place of employment,
23 school, or alcohol treatment program or an ignition interlock
24 service facility. Such Board of Pardons order shall remain in
25 effect for a period of time not to exceed any period of revocation
26 the applicant is subject to at the time the application for a
27 license reinstatement is made.

1 (5) A person who tampers with or circumvents an ignition
2 interlock device installed under a court order while the order is
3 in effect or who operates a motor vehicle which is not equipped
4 with an ignition interlock device in violation of a court order
5 made pursuant to this section shall be guilty of a Class II
6 misdemeanor.

7 (6) Any person restricted to operating a motor vehicle
8 equipped with an ignition interlock device, pursuant to a Board of
9 Pardons order, who operates upon the highways of this state a motor
10 vehicle without such device or if the device has been disabled,
11 bypassed, or altered in any way, shall be punished as provided in
12 subsection (3) of section 83-1,127.02.

13 (7) If a person ordered to use a continuous alcohol
14 monitoring device and abstain from alcohol use pursuant to a court
15 order as provided in subsection (2) of this section violates the
16 provisions of such court order by removing, tampering with, or
17 otherwise bypassing the continuous alcohol monitoring device or by
18 consuming alcohol while required to use such device, he or she
19 shall have his or her Class 0 license ignition interlock permit
20 revoked and be unable to apply for license reinstatement for the
21 duration of the revocation period imposed by the court.

22 (8) The director shall adopt and promulgate rules and
23 regulations to approve ignition interlock devices and the means of
24 installation of the devices.

25 (9) The costs incurred in order to comply with the
26 ignition interlock requirements of this section shall be paid
27 by the person complying with an order for an ignition interlock

1 permit and installation of an ignition interlock device pursuant to
2 section 60-6,211.05 or 83-1,127.02 unless the court or the Board of
3 Pardons has determined the person to be indigent.

4 Sec. 11. (1) A person complying with an order for an
5 ignition interlock permit and installation of an ignition interlock
6 device pursuant to section 60-6,197.03, 60-6,211.05, or 83-1,127.02
7 shall pay an ignition interlock device indigence fee unless the
8 court has determined the defendant to be indigent. The Office of
9 Probation Administration shall establish, by rule, the amount of
10 the fee, not to exceed fifty dollars. The fee shall be collected
11 at the time of installation by the vendor installing the ignition
12 interlock device. The vendor shall remit the fees to the Office
13 of Probation Administration on a quarterly basis. The office shall
14 remit the fees to the State Treasurer for credit to the Ignition
15 Interlock Device Fund.

16 (2) The Ignition Interlock Device Fund is created. All
17 money in the fund shall be used for the costs of installing
18 and removing and one-half of the cost of maintaining an ignition
19 interlock device for an indigent defendant. The Office of Probation
20 Administration shall use no more than five percent of the fund in
21 each fiscal year for purposes of administering the fund. Any money
22 in the fund available for investment shall be invested by the state
23 investment officer pursuant to the Nebraska Capital Expansion Act
24 and the Nebraska State Funds Investment Act.

25 Sec. 12. Section 83-1,127.02, Revised Statutes Cumulative
26 Supplement, 2006, is amended to read:

27 83-1,127.02 (1) The Board of Pardons may, in its sole

1 discretion, when granting a ~~license reinstatement~~ reprieve to any
2 person who has made application pursuant to section 60-6,209, order
3 such person to obtain an ignition interlock permit and to operate
4 only motor vehicles equipped with an ignition interlock device
5 approved by the Director of Motor Vehicles. The Board of Pardons
6 may order the person to hold the ignition interlock permit and use
7 ~~of such a~~ an ignition interlock device for a period of time not to
8 exceed any period of revocation the applicant is subject to at the
9 time the application for a license reinstatement is made.

10 (2) Any person ordered by the Board of Pardons to operate
11 only motor vehicles equipped with such an ignition interlock device
12 shall make application to the director for the issuance of a Class
13 ~~0 operator's license restricted to the operation of a motor vehicle~~
14 ~~equipped with such an ignition interlock device.~~ an ignition
15 interlock permit pursuant to section 60-4,118.06.

16 (3) Any such person restricted to operating a motor
17 vehicle equipped with such an ignition interlock device who
18 operates upon the highways of this state a motor vehicle without
19 such an ignition interlock device, ~~or~~ who operates a motor vehicle
20 equipped with such an ignition interlock device which has been
21 disabled, bypassed, or altered in any way, or who operates a motor
22 vehicle equipped with such an ignition interlock device without
23 obtaining an ignition interlock permit, is guilty of a Class IV
24 felony. The court shall, as a part of the judgment of conviction,
25 order such person not to drive any motor vehicle for any purpose
26 for a period of fifteen years from the date ordered by the court.
27 The court shall also order that the operator's license of such

1 person be revoked for a like period. The revocation shall be
2 administered upon sentencing, upon the final judgment of any appeal
3 or review, or upon the date that any probation is revoked.

4 Sec. 13. This act becomes operative on January 1, 2009.

5 Sec. 14. Original sections 60-498.02, 60-4,118.06,
6 and 60-6,209, Reissue Revised Statutes of Nebraska, sections
7 60-480, 60-497.01, 60-4,115, 60-601, 60-6,197.01, 60-6,211.05,
8 and 83-1,127.02, Revised Statutes Cumulative Supplement, 2006,
9 and section 60-6,197.03, Revised Statutes Supplement, 2007, are
10 repealed.