

LEGISLATURE OF NEBRASKA
 ONE HUNDREDTH LEGISLATURE
 SECOND SESSION
LEGISLATIVE BILL 736

FINAL READING

(SECOND)

Introduced by Fulton, 29.

Read first time January 09, 2008

Committee: Judiciary

A BILL

1 FOR AN ACT relating to motor vehicle operators' licenses; to
 2 amend sections 60-498.02, 60-4,118.06, and 60-6,209,
 3 Reissue Revised Statutes of Nebraska, sections 60-480,
 4 60-497.01, 60-4,115, 60-601, 60-6,197.01, 60-6,211.05,
 5 and 83-1,127.02, Revised Statutes Cumulative Supplement,
 6 2006, and section 60-6,197.03, Revised Statutes
 7 Supplement, 2007; to provide for an ignition interlock
 8 permit; to change penalty provisions relating to driving
 9 under the influence; to change provisions relating to
 10 installation and use of an ignition interlock device; to
 11 provide fees for permits; to create a fund; to harmonize

1 provisions; to provide an operative date; and to repeal

2 the original sections.

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

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

3 60-480 Operators' licenses issued by the Department of
4 Motor Vehicles pursuant to the Motor Vehicle Operator's License Act
5 shall be classified as follows:

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

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

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

18 (4) RCDL-restricted commercial driver's license. The
19 class of commercial driver's license which, when held with an
20 annual seasonal permit, authorizes a seasonal commercial motor
21 vehicle operator as defined in section 60-4,146.01 to operate any
22 Class B Heavy Straight Vehicle or Class C Small Vehicle commercial
23 motor vehicle for purposes of a farm-related or ranch-related
24 service industry as defined in such section within one hundred
25 fifty miles of the employer's place of business or the farm or

1 ranch currently being served as provided in such section or any
2 other motor vehicle, except a motorcycle, on highways;

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

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

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

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

22 (9) LPD-learner's permit. A permit issued in accordance
23 with the requirements of section 60-4,123 to a person at least
24 fifteen years of age which authorizes the person to operate a motor
25 vehicle, except a commercial motor vehicle, for learning purposes

1 when accompanied by a licensed operator who is at least twenty-one
2 years of age and who possesses a valid operator's license issued by
3 this state or another state;

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

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

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

16 ~~(12)~~ (13) SEP-seasonal permit. A permit issued to
17 a person who holds a restricted commercial driver's license
18 authorizing the person to operate a commercial motor vehicle, as
19 prescribed by section 60-4,146.01, for no more than one hundred
20 eighty consecutive days in any twelve-month period. The seasonal
21 permit shall be valid and run from the date of original issuance of
22 the permit for one hundred eighty days and from the date of annual
23 revalidation of the permit; and

24 ~~(13)~~ (14) MHP-medical hardship driving permit. A permit
25 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

1 director is advised by the court that such person previously
2 placed on probation has violated the terms of his or her
3 probation and such probation has been revoked. Upon receiving
4 notice of revocation of probation, the director shall assess to
5 such person the points which such person would have been assessed
6 had the person not been placed on probation. When a person fails
7 to successfully complete probation, the court shall notify the
8 director immediately.

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

11 60-498.02 (1) At the expiration of thirty days after the
12 date of arrest as described in subsection (2) of section 60-6,197
13 or if after a hearing pursuant to section 60-498.01 the ~~Director of~~
14 ~~Motor Vehicles~~ director finds that the operator's license should be
15 revoked, the director shall (a) revoke the operator's license of a
16 person arrested for refusal to submit to a chemical test of blood,
17 breath, or urine as required by section 60-6,197 for a period of
18 one year and (b) revoke the operator's license of a person who
19 submits to a chemical test pursuant to such section which discloses
20 the presence of a concentration of alcohol specified in section
21 60-6,196 for a period of ninety days unless the person's driving
22 record abstract maintained in the department's computerized records
23 shows one or more prior administrative license revocations on which
24 final orders have been issued during the immediately preceding
25 twelve-year period at the time the order of revocation is issued,

1 in which case the period of revocation shall be one year. Except
2 as otherwise provided in section 60-6,211.05, a new operator's
3 license shall not be issued to such person until the period of
4 revocation has elapsed. If the person subject to the revocation is
5 a nonresident of this state, the director shall revoke only the
6 nonresident's operating privilege as defined in section 60-474 of
7 such person and shall immediately forward the operator's license
8 and a statement of the order of revocation to the person's state
9 of residence.

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

25 (3) (a) At the expiration of thirty days after an order

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

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

20 (c) A person operating a motor vehicle pursuant to this
21 subsection shall only operate the motor vehicle from his or her
22 residence to his or her place of employment, school, or alcohol
23 treatment program or an ignition interlock service facility. Such
24 permit shall indicate for which purposes the permit may be used.
25 All permits issued pursuant to this subsection shall indicate that

1 the permit is not valid for the operation of any commercial motor
2 vehicle.

3 ~~(4) No This subsection shall not apply to nor shall any~~
4 ~~person shall be eligible for the benefit of this subsection an~~
5 ~~employment driving permit or an ignition interlock permit during~~
6 ~~any period of time during which his or her operator's license~~
7 ~~is subject to an administrative revocation order for refusal to~~
8 ~~submit to a chemical test of blood, breath, or urine as required~~
9 ~~by section 60-6,197. or is subject to a one-year revocation under~~
10 ~~subdivision (1)(b) of this section.~~

11 ~~(3) (5) A person may have his or her eligibility for a~~
12 ~~license reinstated upon payment of a reinstatement fee as required~~
13 ~~by section 60-694.01.~~

14 ~~(4)(a) (6)(a) A person whose operator's license is~~
15 ~~subject to revocation pursuant to subsection (3) of section~~
16 ~~60-498.01 shall have all proceedings dismissed or his or her~~
17 ~~operator's license immediately reinstated without payment of the~~
18 ~~reinstatement fee upon receipt of suitable evidence by the director~~
19 ~~that:~~

20 (i) Within the thirty-day period following the date
21 of arrest, the prosecuting attorney responsible for the matter
22 declined to file a complaint alleging a violation of section
23 60-6,196 and notified the director by first-class mail or facsimile
24 transmission of such decision and the director received such notice
25 within such period or the notice was postmarked within such period;

1 or

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

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

8 (c) If a charge is filed for a violation of section
9 60-6,196 pursuant to an arrest for which all proceedings were
10 dismissed under this subsection, the prosecuting attorney shall
11 notify the director by first-class mail or facsimile transmission
12 of the filing of such charge and the director may reinstate an
13 administrative license revocation under this section as of the
14 date that the director receives notification of the filing of the
15 charge, except that a revocation shall not be reinstated if it was
16 dismissed pursuant to section 60-498.01.

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

19 60-4,115 (1) Fees for operators' licenses and state
20 identification cards shall be collected and distributed according
21 to the table in subsection (2) of this section, except for the
22 ignition interlock permit and associated fees as outlined in
23 subsection (4) of this section. County officials shall remit the
24 county portion of the fees collected to the county treasurer for
25 placement in the county general fund. All other fees collected

1 shall be remitted to the State Treasurer for credit to the
 2 appropriate fund. The State Treasurer shall transfer an amount
 3 equal to three dollars and fifty cents times the number of original
 4 or renewal Class M licenses issued pursuant to section 60-4,127
 5 during the previous year from the Department of Motor Vehicles Cash
 6 Fund to the Motorcycle Safety Education Fund.

7 (2) The fees provided in this subsection in the
 8 following dollar amounts apply for operators' licenses and state
 9 identification cards.

| | Department | | | |
|--------------------------------|-----------------|---------|----------|---------|
| | County of Motor | | State | |
| Document | Total | General | Vehicles | General |
| | Fee | Fund | Cash | Fund |
| 14 State identification card: | | | | |
| 15 Valid for 1 year or less | 4.75 | 2.75 | 1.00 | 1.00 |
| 16 Valid for more than 1 year | | | | |
| 17 but not more than 2 years | 9.50 | 2.75 | 3.50 | 3.25 |
| 18 Valid for more than 2 years | | | | |
| 19 but not more than 3 years | 14.25 | 2.75 | 5.50 | 6.00 |
| 20 Valid for more than 3 years | | | | |
| 21 but not more than 4 years | 19.00 | 2.75 | 8.00 | 8.25 |
| 22 Valid for more than 4 years | | | | |
| 23 for person under 21 | 23.75 | 2.75 | 10.00 | 11.00 |
| 24 Valid for 5 years | 23.75 | 3.50 | 10.00 | 10.25 |

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|--------|----------------------------------|--------|------|-------|-------|
| 1 | Duplicate or replacement | 11.25 | 2.75 | 6.25 | 2.25 |
| 2 | Class O or M operator's license: | | | | |
| 3 | Valid for 1 year or less | 4.75 | 2.75 | 1.00 | 1.00 |
| 4 | Valid for more than 1 year | | | | |
| 5 | but not more than 2 years | 9.50 | 2.75 | 3.50 | 3.25 |
| 6 | Valid for more than 2 years | | | | |
| 7 | but not more than 3 years | 14.25 | 2.75 | 5.50 | 6.00 |
| 8 | Valid for more than 3 years | | | | |
| 9 | but not more than 4 years | 19.00 | 2.75 | 8.00 | 8.25 |
| 10 | Valid for 5 years | 23.75 | 3.50 | 10.00 | 10.25 |
| 11 | Bioptic or telescopic lens | | | | |
| 12 | restriction: | | | | |
| 13 | Valid for 1 year or less | 4.75 | 0 | 4.75 | 0 |
| 14 | Valid for more than 1 year | | | | |
| 15 | but not more than 2 years | 9.50 | 2.75 | 3.50 | 3.25 |
| 16 | Duplicate or replacement | 11.25 | 2.75 | 6.25 | 2.25 |
| 17 | Change of class or restriction | 5.00 | 0 | 5.00 | 0 |
| 18 | Provisional operator's permit: | | | | |
| 19 | Original | 15.00 | 2.75 | 12.25 | 0 |
| 20 | Bioptic or telescopic lens | | | | |
| 21 | restriction: | | | | |
| 22 | Valid for 1 year or less | 4.75 | 0 | 4.75 | 0 |
| 23 | Valid for more than 1 year | | | | |
| 24 | but not more than 2 years | 15.00 | 2.75 | 12.25 | 0 |
| 25 | Duplicate or replacement | 11.25 | 2.75 | 6.25 | 2.25 |

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| | | | | | |
|----|--------------------------------------|--------------|------------|-------------|-------------|
| 1 | LPD-learner's permit: | | | | |
| 2 | Original | 8.00 | .25 | 5.00 | 2.75 |
| 3 | Duplicate or replacement | 11.25 | 2.75 | 6.25 | 2.25 |
| 4 | LPE-learner's permit: | | | | |
| 5 | Original | 8.00 | .25 | 5.00 | 2.75 |
| 6 | Duplicate or replacement | 11.25 | 2.75 | 6.25 | 2.25 |
| 7 | School permit: | | | | |
| 8 | Original | 8.00 | .25 | 5.00 | 2.75 |
| 9 | Duplicate | 11.25 | 2.75 | 6.25 | 2.25 |
| 10 | Farm permit: | | | | |
| 11 | Original or renewal | 5.00 | .25 | 0 | 4.75 |
| 12 | Duplicate | 5.00 | .25 | 0 | 4.75 |
| 13 | Temporary | 5.00 | .25 | 0 | 4.75 |
| 14 | Driving permits: | | | | |
| 15 | Employment | 45.00 | 0 | 5.00 | 40.00 |
| 16 | Medical hardship | 45.00 | 0 | 5.00 | 40.00 |
| 17 | <u>Duplicate or replacement</u> | <u>10.00</u> | <u>.25</u> | <u>5.00</u> | <u>4.75</u> |
| 18 | <u>Add, change, or remove class,</u> | | | | |
| 19 | <u>endorsement, or restriction</u> | <u>5.00</u> | <u>0</u> | <u>5.00</u> | <u>0</u> |
| 20 | Commercial driver's license: | | | | |
| 21 | Valid for 1 year or less | 11.00 | 1.75 | 5.00 | 4.25 |
| 22 | Valid for more than 1 year | | | | |
| 23 | but not more than 2 years | 22.00 | 1.75 | 5.00 | 15.25 |
| 24 | Valid for more than 2 years | | | | |
| 25 | but not more than 3 years | 33.00 | 1.75 | 5.00 | 26.25 |

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

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

1 (4) (a) The fee for an ignition interlock permit shall be
2 forty-five dollars. Five dollars of the fee shall be remitted to
3 the State Treasurer for credit to the Department of Motor Vehicles
4 Cash Fund. Forty dollars of the fee shall be remitted to the State
5 Treasurer for credit to the Ignition Interlock Device Fund.

6 (b) The fee for a duplicate or replacement ignition
7 interlock permit shall be ten dollars. Twenty-five cents of the
8 fee shall be remitted to the county treasurer for credit to the
9 county general fund. Five dollars of the fee shall be remitted to
10 the State Treasurer for credit to the Department of Motor Vehicles
11 Cash Fund. Four dollars and seventy-five cents of the fee shall
12 be remitted to the State Treasurer for credit to the Ignition
13 Interlock Device Fund.

14 (c) The fee for adding, changing, or removing a class,
15 endorsement, or restriction on an ignition interlock permit shall
16 be five dollars. The fee shall be remitted to the State Treasurer
17 for credit to the Department of Motor Vehicles Cash Fund.

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

20 60-4,118.06 (1) Upon receipt by the director of (a)
21 a certified copy of a court order issued pursuant to section
22 60-6,211.05, a certified copy of an order for installation of an
23 ignition interlock device and issuance of an ignition interlock
24 permit pursuant to subdivision (1) or (2) of section 60-6,197.03,
25 or a copy of an order from the Board of Pardons pursuant

1 to section 83-1,127.02, (b) sufficient evidence that the person
2 has surrendered his or her operator's license to the Department
3 of Motor Vehicles and installed an approved ignition interlock
4 device in accordance with such ~~court~~ order, and (c) payment of
5 the fee provided in section 60-4,115, such person may apply
6 for reinstatement of his or her eligibility for an operator's
7 license following the passage of thirty days of the ninety-day
8 ~~revocation period~~ an ignition interlock permit. A person subject
9 to administrative license revocation under section 60-498.02 and
10 the shall be eligible for an ignition interlock permit as provided
11 in such section. The director shall issue ~~to such person~~ a Class
12 ~~0~~ license restricted to an ignition interlock permit for the
13 operation of a motor vehicle equipped with an ignition interlock
14 device. Such permit shall indicate for which purposes the permit
15 may be used. All permits issued pursuant to this subsection shall
16 indicate that the permit is not valid for the operation of any
17 commercial motor vehicle. The department shall not issue such a
18 ~~license~~ an ignition interlock permit to any person convicted of
19 a second or subsequent violation of section 60-6,196 or 60-6,197
20 until at least one year of the operator's license revocation has
21 elapsed.

22 (2) Upon expiration of the ~~court order~~ issued pursuant
23 ~~to section 60-6,211.05~~ revocation period or upon expiration of
24 an order issued by the Board of Pardons pursuant to section
25 83-1,127.02, a person may apply to the department in writing for

1 issuance of an operator's license, ~~which does not contain such~~
2 ~~restriction.~~ Regardless of whether the license surrendered by such
3 person under subsection (1) of this section has expired, the person
4 shall apply for a new operator's license pursuant to the Motor
5 Vehicle Operator's License Act.

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

8 60-601 Sections 60-601 to 60-6,377 and section 11 of this
9 act shall be known and may be cited as the Nebraska Rules of the
10 Road.

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

13 60-6,197.01 (1) Upon conviction for a second or
14 subsequent violation of section 60-6,196 or 60-6,197, the court
15 shall impose either of the following restrictions: ~~on all motor~~
16 ~~vehicles owned by the person so convicted.~~

17 (a)(i) The court shall order ~~the motor vehicle or~~ all
18 motor vehicles owned by the person so convicted immobilized at
19 the owner's expense for a period of time not less than five days
20 and not more than eight months and shall notify the Department
21 of Motor Vehicles of the period of immobilization. Any immobilized
22 motor vehicle shall be released to the holder of a bona fide lien
23 on the motor vehicle executed prior to such immobilization when
24 possession of the motor vehicle is requested as provided by law
25 by such lienholder for purposes of foreclosing and satisfying such

1 lien. If a person tows and stores a motor vehicle pursuant to this
2 subdivision at the direction of a peace officer or the court and
3 has a lien upon such motor vehicle while it is in his or her
4 possession for reasonable towing and storage charges, the person
5 towing the vehicle has the right to retain such motor vehicle until
6 such lien is paid. For purposes of this subdivision, immobilized
7 or immobilization means revocation or suspension, at the discretion
8 of the court, of the registration of such motor vehicle or motor
9 vehicles, including the license plates; and

10 (ii) (A) Any immobilized motor vehicle shall be released
11 by the court without any legal or physical restraints to any
12 registered owner who is not the registered owner convicted of a
13 second or subsequent violation of section 60-6,196 or 60-6,197
14 if an affidavit is submitted to the court by such registered
15 owner stating that the affiant is employed, that the motor vehicle
16 subject to immobilization is necessary to continue that employment,
17 that such employment is necessary for the well-being of the
18 affiant's dependent children or parents, that the affiant will not
19 authorize the use of the motor vehicle by any person known by the
20 affiant to have been convicted of a second or subsequent violation
21 of section 60-6,196 or 60-6,197, that affiant will immediately
22 report to a local law enforcement agency any unauthorized use of
23 the motor vehicle by any person known by the affiant to have been
24 convicted of a second or subsequent conviction of section 60-6,196
25 or 60-6,197, and that failure to release the motor vehicle would

1 cause undue hardship to the affiant.

2 (B) A registered owner who executes an affidavit pursuant
3 to subdivision (1)(a)(ii)(A) of this section which is acted upon
4 by the court and who fails to immediately report an unauthorized
5 use of the motor vehicle which is the subject of the affidavit is
6 guilty of a Class IV misdemeanor and may not file any additional
7 affidavits pursuant to subdivision (1)(a)(ii)(A) of this section.

8 (C) The department shall adopt and promulgate rules and
9 regulations to implement the provisions of subdivision (1)(a) of
10 this section; or

11 (b) As an alternative to subdivision (1)(a) of this
12 section, the court shall order the ~~installation of~~ convicted
13 person, in order to operate a motor vehicle, to obtain an ignition
14 interlock permit and install an ignition interlock device on each
15 of the owner's motor vehicles owned or operated by the convicted
16 person if the owner he or she was sentenced to an operator's
17 license revocation of at least one year and has completed at least
18 one year of such revocation. No ~~license reinstatement may occur~~
19 ignition interlock permit may be issued until sufficient evidence
20 is presented to the department that an ignition interlock device
21 is installed on each vehicle and that the applicant is eligible
22 for use of an ignition interlock device. The installation of an
23 ignition interlock device shall be for a period not less than
24 six months commencing upon the end of such year of the operator's
25 license revocation. Notwithstanding any other provision of law,

1 if the owner was convicted of a second or subsequent violation
2 of section 60-6,196 or 60-6,197, no ignition interlock device or
3 ignition interlock permit shall be ordered by any court or state
4 agency under any circumstances until at least one year of the
5 operator's license revocation shall have elapsed.

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

15 Sec. 8. Section 60-6,197.03, Revised Statutes Supplement,
16 2007, is amended to read:

17 60-6,197.03 Any person convicted of a violation of
18 section 60-6,196 or 60-6,197 shall be punished as follows:

19 (1) Except as provided in subdivision (2) of this
20 section, if such person has not had a prior conviction, such
21 person shall be guilty of a Class W misdemeanor, and the court
22 shall, as part of the judgment of conviction, order that the
23 operator's license of such person be revoked or impounded for a
24 period of six months from the date ordered by the court. If the
25 court orders the person's operator's license impounded, the court

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

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

23 (2) If such person has not had a prior conviction
24 and, as part of the current violation, had a concentration of
25 fifteen-hundredths of one gram or more by weight of alcohol per

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

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

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

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

23 (4) Except as provided in subdivision (6) of this
24 section, if such person has had two prior convictions, such person
25 shall be guilty of a Class W misdemeanor, and the court shall,

1 as part of the judgment of conviction, order that the operator's
2 license of such person be revoked for a period of fifteen years
3 from the date ordered by the court and shall issue an order
4 pursuant to section 60-6,197.01. Such orders shall be administered
5 upon sentencing, upon final judgment of any appeal or review, or
6 upon the date that any probation is revoked.

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 two 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 six-hundred-dollar fine and confinement in the city or
18 county jail for thirty days;

19 (5) If such person has had one prior conviction
20 and, as part of the current violation, had a concentration of
21 fifteen-hundredths of one gram or more by weight of alcohol per
22 one hundred milliliters of his or her blood or fifteen-hundredths
23 of one gram or more by weight of alcohol per two hundred ten
24 liters of his or her breath or refused to submit to a test as
25 required under section 60-6,197, such person shall be guilty of a

1 Class I misdemeanor, and the court shall, as part of the judgment
2 of conviction, revoke the operator's license of such person for
3 a period of at least one year but not more than fifteen years
4 from the date ordered by the court and shall issue an order
5 pursuant to section 60-6,197.01. Such revocation and order shall be
6 administered upon sentencing, upon final judgment of any appeal or
7 review, or upon the date that any probation is revoked. The court
8 shall also sentence such person to serve at least ninety days'
9 imprisonment in the city or county jail or an adult correctional
10 facility.

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

23 (6) If such person has had two prior convictions
24 and, as part of the current violation, had a concentration of
25 fifteen-hundredths of one gram or more by weight of alcohol per one

1 hundred milliliters of his or her blood or fifteen-hundredths of
2 one gram or more by weight of alcohol per two hundred ten liters
3 of his or her breath or refused to submit to a test as required
4 under section 60-6,197, such person shall be guilty of a Class IIIA
5 felony, and the court shall, as part of the judgment of conviction,
6 revoke the operator's license of such person for a period of
7 fifteen years from the date ordered by the court and shall issue
8 an order pursuant to section 60-6,197.01. Such revocation and order
9 shall be administered upon sentencing, upon final judgment of any
10 appeal or review, or upon the date that any probation is revoked.
11 The court shall also sentence such person to serve at least one
12 hundred eighty days' imprisonment in the city or county jail or an
13 adult correctional facility.

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

1 (7) Except as provided in subdivision (8) of this
2 section, if such person has had three prior convictions, such
3 person shall be guilty of a Class IIIA felony, and the court shall,
4 as part of the judgment of conviction, order that the operator's
5 license of such person be revoked for a period of fifteen years
6 from the date ordered by the court and shall issue an order
7 pursuant to section 60-6,197.01. Such orders shall be administered
8 upon sentencing, upon final judgment of any appeal or review, or
9 upon the date that any probation is revoked. The court shall also
10 sentence such person to serve at least one hundred eighty days'
11 imprisonment in the city or county jail or an adult correctional
12 facility.

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

25 (8) If such person has had three prior convictions

1 and, as part of the current violation, had a concentration of
2 fifteen-hundredths of one gram or more by weight of alcohol per one
3 hundred milliliters of his or her blood or fifteen-hundredths of
4 one gram or more by weight of alcohol per two hundred ten liters
5 of his or her breath or refused to submit to a test as required
6 under section 60-6,197, such person shall be guilty of a Class III
7 felony, and the court shall, as part of the judgment of conviction,
8 revoke the operator's license of such person for a period of
9 fifteen years from the date ordered by the court and shall issue
10 an order pursuant to section 60-6,197.01. Such revocation and order
11 shall be administered upon sentencing, upon final judgment of any
12 appeal or review, or upon the date that any probation is revoked.

13 If the court places such person on probation or suspends
14 the sentence for any reason, the court shall, as one of the
15 conditions of probation or sentence suspension, order that the
16 operator's license of such person be revoked for a period of
17 fifteen years from the date ordered by the court unless otherwise
18 authorized by an order for an ignition interlock permit and
19 installation of an ignition interlock device issued pursuant
20 to section 60-6,211.05 and shall issue an order pursuant to
21 section 60-6,197.01, and such order of probation or sentence
22 suspension shall also include, as conditions, the payment of a
23 one-thousand-dollar fine and confinement in the city or county jail
24 for one hundred twenty days;

25 (9) Except as provided in subdivision (10) of this

1 section, if such person has had four or more prior convictions,
2 such person shall be guilty of a Class III felony, and the court
3 shall, as part of the judgment of conviction, order that the
4 operator's license of such person be revoked for a period of
5 fifteen years from the date ordered by the court and shall issue
6 an order pursuant to section 60-6,197.01. Such orders shall be
7 administered upon sentencing, upon final judgment of any appeal or
8 review, or upon 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 for a period of
13 fifteen years from the date ordered by the court unless otherwise
14 authorized by an order for an ignition interlock permit and
15 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 one-thousand-dollar fine and confinement in the city or county jail
20 for one hundred eighty days; and

21 (10) If such person has had four or more prior
22 convictions and, as part of the current violation, had a
23 concentration of fifteen-hundredths of one gram or more by weight
24 of alcohol per one hundred milliliters of his or her blood or
25 fifteen-hundredths of one gram or more by weight of alcohol per

1 two hundred ten liters of his or her breath or refused to submit
2 to a test as required under section 60-6,197, such person shall
3 be guilty of a Class II felony and the court shall, as part of
4 the judgment of conviction, revoke the operator's license of such
5 person for a period of fifteen years from the date ordered by the
6 court and shall issue an order pursuant to section 60-6,197.01.
7 Such revocation and order shall be administered upon sentencing,
8 upon final judgment of any appeal or review, or upon the date that
9 any probation is revoked.

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

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

24 60-6,209 (1) Any person whose operator's license has
25 been revoked pursuant to a conviction for a violation of sections

1 60-6,196, 60-6,197, and 60-6,199 to 60-6,204 for a third or
2 subsequent time for a period of fifteen years may apply to
3 the Department of Motor Vehicles, on forms prescribed by the
4 department, requesting the department to make a recommendation to
5 the Board of Pardons for reinstatement of his or her eligibility
6 for an operator's license. Upon receipt of the application, the
7 Director of Motor Vehicles shall review the application if such
8 person has served at least seven years of such revocation and make
9 a recommendation for reinstatement or for denial of reinstatement.
10 The department may recommend reinstatement if such person shows the
11 following:

12 (a) Such person has completed a state-certified substance
13 abuse program and is recovering or such person has substantially
14 recovered from the dependency on or tendency to abuse alcohol or
15 drugs;

16 (b) Such person has not been convicted, since the date
17 of the revocation order, of any subsequent violations of section
18 60-6,196 or 60-6,197 or any comparable city or village ordinance
19 and the applicant has not, since the date of the revocation
20 order, submitted to a chemical test under section 60-6,197 that
21 indicated an alcohol concentration in violation of section 60-6,196
22 or refused to submit to a chemical test under section 60-6,197;

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

1 (d) Such person has abstained from the consumption
2 of alcoholic beverages and the consumption of drugs except at
3 the direction of a licensed physician or pursuant to a valid
4 prescription; and

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

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

11 (3) Upon review of the application, the director shall
12 make the recommendation to the Board of Pardons in writing and
13 shall briefly state the reasons for the recommendations. The
14 recommendation shall include the original application and other
15 evidence submitted by such person. The recommendation shall also
16 include any record of any other applications such person has
17 previously filed under this section.

18 (4) The department shall adopt and promulgate rules and
19 regulations to govern the procedures for making a recommendation to
20 the Board of Pardons. Such rules and regulations shall include the
21 requirement that the treatment programs and counselors who provide
22 information about such person to the department must be certified
23 or licensed by the state.

24 (5) If the Board of Pardons reinstates such person's
25 eligibility for an operator's license or orders a reprieve of

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

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

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

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

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

21 (2) If the court orders installation of an ignition
22 interlock device and issuance of an ignition interlock permit
23 pursuant to subsection (1) of this section, the court may also
24 order the use of a continuous alcohol monitoring device and
25 abstention from alcohol use at all times. The device shall, without

1 tampering or the intervention of another person, test and record
2 the alcohol consumption level of the defendant on a periodic basis
3 and transmit such information to probation authorities.

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

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

1 ignition interlock requirements of this section shall be paid
2 by the person complying with an order for an ignition interlock
3 permit and installation of an ignition interlock device pursuant to
4 section 60-6,211.05 or 83-1,127.02 unless the court or the Board of
5 Pardons has determined the person to be indigent.

6 Sec. 11. The Ignition Interlock Device Fund is created.
7 The Office of Probation Administration shall use the money in the
8 fund for the costs of installing and removing and one-half of the
9 cost of maintaining an ignition interlock device for an indigent
10 defendant. The Office of Probation Administration shall use no more
11 than five percent of the fund revenue in each fiscal year for
12 purposes of administering the fund. Any money in the fund available
13 for investment shall be invested by the state investment officer
14 pursuant to the Nebraska Capital Expansion Act and the Nebraska
15 State Funds Investment Act.

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

18 83-1,127.02 (1) The Board of Pardons may, in its sole
19 discretion, when granting a ~~license reinstatement~~ reprieve to any
20 person who has made application pursuant to section 60-6,209, order
21 such person to obtain an ignition interlock permit and to operate
22 only motor vehicles equipped with an ignition interlock device
23 approved by the Director of Motor Vehicles. The Board of Pardons
24 may order the person to hold the ignition interlock permit and use
25 of such a an ignition interlock device for a period of time not to

1 exceed any period of revocation the applicant is subject to at the
2 time the application for a license reinstatement is made.

3 (2) Any person ordered by the Board of Pardons to operate
4 only motor vehicles equipped with such an ignition interlock device
5 shall make application to the director for the issuance of a ~~Class~~
6 ~~Operator's license restricted to the operation of a motor vehicle~~
7 ~~equipped with such an ignition interlock device.~~ an ignition
8 interlock permit pursuant to section 60-4,118.06.

9 (3) Any such person restricted to operating a motor
10 vehicle equipped with such an ignition interlock device who
11 operates upon the highways of this state a motor vehicle without
12 such an ignition interlock device, ~~or~~ who operates a motor vehicle
13 equipped with such an ignition interlock device which has been
14 disabled, bypassed, or altered in any way, or who operates a motor
15 vehicle equipped with such an ignition interlock device without
16 obtaining an ignition interlock permit, is guilty of a Class IV
17 felony. The court shall, as a part of the judgment of conviction,
18 order such person not to drive any motor vehicle for any purpose
19 for a period of fifteen years from the date ordered by the court.
20 The court shall also order that the operator's license of such
21 person be revoked for a like period. The revocation shall be
22 administered upon sentencing, upon the final judgment of any appeal
23 or review, or upon the date that any probation is revoked.

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

25 Sec. 14. Original sections 60-498.02, 60-4,118.06,

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1 and 60-6,209, Reissue Revised Statutes of Nebraska, sections
2 60-480, 60-497.01, 60-4,115, 60-601, 60-6,197.01, 60-6,211.05,
3 and 83-1,127.02, Revised Statutes Cumulative Supplement, 2006,
4 and section 60-6,197.03, Revised Statutes Supplement, 2007, are
5 repealed.