

AMENDMENTS TO LB 497

(Amendments to AM1015)

Introduced by Janssen, 15.

1 1. Strike section 2 and all amendments thereto and insert
2 the following new sections:

3 Sec. 2. Section 60-498.02, Revised Statutes Cumulative
4 Supplement, 2008, is amended to read:

5 60-498.02 (1) At the expiration of thirty days after the
6 date of arrest as described in subsection (2) of section 60-6,197
7 or if after a hearing pursuant to section 60-498.01 the director
8 finds that the operator's license should be revoked, the director
9 shall (a) revoke the operator's license of a person arrested for
10 refusal to submit to a chemical test of blood, breath, or urine
11 as required by section 60-6,197 for a period of one year and
12 (b) revoke the operator's license of a person who submits to a
13 chemical test pursuant to such section which discloses the presence
14 of a concentration of alcohol specified in section 60-6,196 for a
15 period of ninety days unless the person's driving record abstract
16 maintained in the department's computerized records shows one or
17 more prior administrative license revocations on which final orders
18 have been issued during the immediately preceding twelve-year
19 period at the time the order of revocation is issued, in which case
20 the period of revocation shall be one year. Except as otherwise
21 provided in section 60-6,211.05, a new operator's license shall
22 not be issued to such person until the period of revocation has

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

6 ~~(2)~~ (2)(a) At the expiration of thirty days after an
7 order of revocation is entered under ~~subsection (1)~~ subdivision
8 (1)(b) of this section, any person whose operator's license has
9 been administratively revoked for a period of ninety days for
10 submitting to a chemical test pursuant to section 60-6,197 which
11 disclosed the presence of a concentration of alcohol in violation
12 of section 60-6,196 may make application to the director for
13 issuance of an employment driving permit pursuant to section
14 60-4,130.

15 (b) At the expiration of sixty days after an order of
16 revocation is entered under subdivision (1)(a) of this section, any
17 person whose operator's license has been administratively revoked
18 for refusal to submit to a chemical test pursuant to section
19 60-6,197, may make application to the director for issuance of
20 an employment driving permit pursuant to section 60-4,130 unless
21 the person's driving record abstract maintained in the department's
22 computerized records shows one or more prior administrative license
23 revocations on which final orders have been issued during the
24 immediately preceding twelve-year period at the time of the
25 revocation is issued.

26 (3) (a) At the expiration of thirty days after an order
27 of administrative license revocation for ninety days is entered

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

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

19 (c) At the expiration of sixty days after an order
20 of administrative license revocation is entered under subdivision
21 (1)(a) of this section, any person who refused to submit to
22 a chemical test pursuant to section 60-6,197 is eligible for
23 an order to allow application for an ignition interlock permit
24 in order to operate a motor vehicle equipped with an ignition
25 interlock device pursuant to section 60-6,211.05 upon presentation
26 of sufficient evidence to the department that such a device is
27 installed, unless the person's driving record abstract maintained

1 in the department's computerized records shows one or more prior
2 administrative license revocations on which final orders have been
3 issued during the immediately preceding twelve-year period at the
4 time of the revocation is issued.

5 ~~(e)~~ (d) A person operating a motor vehicle pursuant to
6 this subsection shall only operate the motor vehicle to and from
7 his or her residence, ~~to~~ his or her place of employment, his or
8 her school, or an alcohol treatment program, required visits with
9 his or her probation officer, or an ignition interlock service
10 facility. Such permit shall indicate for which purposes the permit
11 may be used. All permits issued pursuant to this subsection shall
12 indicate that the permit is not valid for the operation of any
13 commercial motor vehicle.

14 ~~(4)~~ No person shall be eligible for an employment driving
15 permit or an ignition interlock permit during any period of time
16 during which his or her operator's license is subject to an
17 administrative revocation order for refusal to submit to a chemical
18 test of blood, breath, or urine as required by section 60-6,197.

19 ~~(5)~~ (4) A person may have his or her eligibility for a
20 license reinstated upon payment of a reinstatement fee as required
21 by section 60-694.01.

22 ~~(6)(a)~~ (5)(a) A person whose operator's license is
23 subject to revocation pursuant to subsection (3) of section
24 60-498.01 shall have all proceedings dismissed or his or her
25 operator's license immediately reinstated without payment of the
26 reinstatement fee upon receipt of suitable evidence by the director
27 that:

1 (i) Within the thirty-day period following the date
2 of arrest, the prosecuting attorney responsible for the matter
3 declined to file a complaint alleging a violation of section
4 60-6,196 and notified the director by first-class mail or facsimile
5 transmission of such decision and the director received such notice
6 within such period or the notice was postmarked within such period;
7 or

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

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

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

23 Sec. 8. Section 60-6,197.05, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 60-6,197.05 Any period of revocation imposed for a
26 violation of section 60-6,196 or 60-6,197 shall be reduced
27 by any period imposed under section 60-498.02. Any period of

1 revocation imposed under subdivision (1) of section 60-6,197.03 for
2 a violation of section 60-6,196 or 60-6,197 or under subdivision
3 (2) (a) of section 60-6,196, as such section existed prior to July
4 16, 2004, shall not prohibit the operation of a motor vehicle under
5 the terms and conditions of an employment driving permit issued
6 pursuant to subsection (2) of section 60-498.02.

7 2. On page 4, line 8, strike "Department of Motor
8 Vehicles", show as stricken, and insert "department".

9 3. On page 36, line 14, after "60-6,197.03," insert
10 "60-6,197.05,".

11 4. Renumber the remaining sections accordingly.