

**ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009**  
**COMMITTEE STATEMENT**  
**LB204**

---

**Hearing Date:** Monday January 26, 2009  
**Committee On:** Transportation and Telecommunications  
**Introducer:** Transportation and Telecommunications  
**One Liner:** Change certain commercial motor vehicle penalty provisions

---

**Roll Call Vote - Final Committee Action:**  
Advanced to General File

---

**Vote Results:**

**Aye:** 8 Senators Campbell, Fischer, Gay, Hadley, Janssen, Lautenbaugh,  
Louden, Stuthman

**Nay:**

**Absent:**

**Present Not Voting:**

---

**Proponents:**

Dusty Vaughan  
Beverly Neth

**Representing:**

Introducer, Sen. Deb Fischer  
Department of Motor Vehicles

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

---

**Summary of purpose and/or changes:**

LB 204 expands the scope of potential violations for out-of-service order violations applicable to Commercial Driver License (CDL) holders and operators of commercial motor vehicles in Nebraska and amends relevant criminal provisions.

Section by Section Summary

Section 1 provides four ways that a commercial motor vehicle may be operated in violation of an out-of-service order and provides a criminal penalty for such violations.

Subsection 1 pertains to the operation of a normal commercial vehicle and covers a driver under an out-of-service order, the driver's commercial motor vehicle under an out-of-service order, or the driver's motor carrier operation under an out-of-service order.

Subsection 2 pertains to the transporting of hazardous materials and covers a driver under an out-of-service order, the driver's commercial motor vehicle under an out-of-service order, or the driver's motor carrier operation under an out-of-service order.

Subsection 3 pertains to the transporting of sixteen or more passengers and covers a driver under an out-of-service order, the driver's commercial motor vehicle under an out-of-service order, or the driver's motor carrier operation under an out-of-service order.

Subsection 4 pertains to any driver who is under a current disqualification by Nebraska or another state.

---

Subsection 5 provides a criminal penalty for any of the above violations. For a first offense the person is guilty of a Class II misdemeanor and shall have their CDL suspended for a year.

For each subsequent offense the person is guilty of a Class II misdemeanor and shall have their CDL revoked for two years and not be allowed to operate any motor vehicle for two years.

Subsection 6 defines an out-of-service order to match the definition found in 49 CFR 383.5.

Section 2 amends Sec. 60-4,168.02, which is the disqualification requirement that applies to Nebraska CDL holders for out-of-service convictions in any state. The bill increases the disqualification periods for an out-of-service violation. For a driver convicted of violating an out-of-service order while transporting non-hazardous materials, he or she shall be disqualified at least 180 days (currently 90 days) for the first conviction and at least two years (currently one year) for a second conviction.

The definition of out-of-service order is also amended to match the definition found in 49 CFR 383.5.

---

---

Deb Fischer, Chairperson