

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 772

Introduced by Coash, 27.

Read first time January 07, 2010

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles operators' licenses; to amend
2 sections 60-4,108 and 60-682, Reissue Revised Statutes
3 of Nebraska, sections 60-462 and 60-479, Revised Statutes
4 Cumulative Supplement, 2008, and section 60-6,197.06,
5 Revised Statutes Supplement, 2009; to change and provide
6 penalties for driving on a revoked license as prescribed;
7 to harmonize provisions; and to repeal the original
8 sections.

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

1 Section 1. Section 60-462, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 60-462 Sections 60-462 to 60-4,188 and section 4 of this
4 act shall be known and may be cited as the Motor Vehicle Operator's
5 License Act.

6 Sec. 2. Section 60-479, Revised Statutes Cumulative
7 Supplement, 2008, is amended to read:

8 60-479 Sections 60-479.01 to 60-4,111.01 and 60-4,182 to
9 60-4,188 and section 4 of this act shall apply to any operator's
10 license subject to the Motor Vehicle Operator's License Act.

11 Sec. 3. Section 60-4,108, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 60-4,108 (1) It shall be unlawful for any person to
14 operate a motor vehicle during any period that he or she is
15 subject to a court order not to operate any motor vehicle for any
16 purpose or during any period that his or her operator's license
17 has been revoked or impounded pursuant to conviction or convictions
18 for violation of any law or laws of this state, by an order of
19 any court, or by an administrative order of the director. Except
20 as otherwise provided by law, including section 60-6,197.06 and
21 section 4 of this act, any person so offending shall (a) for a
22 first such offense, be guilty of a Class II misdemeanor, and the
23 court shall, as a part of the judgment of conviction, order such
24 person not to operate any motor vehicle for any purpose for a
25 period of one year from the date ordered by the court and also

1 order the operator's license of such person to be revoked for a
2 like period and (b) for each subsequent such offense, be guilty
3 of a Class II misdemeanor, and the court shall, as a part of the
4 judgment of conviction, order such person not to operate any motor
5 vehicle for any purpose for a period of two years from the date
6 ordered by the court and also order the operator's license of such
7 person to be revoked for a like period. Such orders of the court
8 shall be administered upon sentencing, upon final judgment of any
9 appeal or review, or upon the date that any probation is revoked,
10 whichever is later.

11 (2) It shall be unlawful for any person to operate a
12 motor vehicle (a) during any period that his or her operator's
13 license has been suspended, (b) after a period of revocation
14 but before issuance of a new license, or (c) after a period of
15 impoundment but before the return of the license. Any person so
16 offending shall be guilty of a Class III misdemeanor, and the court
17 may, as a part of the judgment of conviction, order such person
18 not to operate any motor vehicle for any purpose for a period of
19 one year from the date ordered by the court, except that if the
20 person at the time of sentencing shows proof of reinstatement of
21 his or her suspended operator's license, proof of issuance of a new
22 license, or proof of return of the impounded license, the person
23 shall only be fined in an amount not to exceed one hundred dollars.
24 If the court orders the person not to operate a motor vehicle
25 for a period of one year from the date ordered by the court, the

1 court shall also order the operator's license of such person to
2 be revoked for a like period. Such orders of the court shall be
3 administered upon sentencing, upon final judgment of any appeal or
4 review, or upon the date that any probation is revoked, whichever
5 is later.

6 Sec. 4. (1) Any person operating a motor vehicle on the
7 highways or streets of this state while his or her operator's
8 license has been revoked pursuant to section 28-306 shall be guilty
9 of a Class IV felony, and the court shall, as part of the judgment
10 of conviction, revoke the operator's license of such person for a
11 period of fifteen years from the date ordered by the court. Such
12 revocation and order shall be administered upon sentencing, upon
13 final judgment of any appeal or review, or upon the date that any
14 probation is revoked.

15 (2) If such person has had a conviction under this
16 section prior to the date of the current conviction under this
17 section, such person shall be guilty of a Class III felony, and
18 the court shall, as part of the judgment of conviction, revoke the
19 operator's license of such person for a period of fifteen years
20 from the date ordered by the court. Such revocation and order shall
21 be administered upon sentencing, upon final judgment of any appeal
22 or review, or upon the date that any probation is revoked.

23 Sec. 5. Section 60-682, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 60-682 (1) Unless otherwise declared in the Nebraska

1 Rules of the Road with respect to particular offenses, and except
2 as provided in subsection (2) of this section, a violation of any
3 provision of the ~~rules~~ Nebraska Rules of the Road shall constitute
4 a traffic infraction.

5 (2) Any person operating a motor vehicle in violation of
6 the Nebraska Rules of the Road while his or her operator's license
7 has been revoked pursuant to section 28-306, section 60-698,
8 subdivision (4), (5), (6), (7), (8), (9), or (10) of section
9 60-6,197.03, or section 60-6,198, or pursuant to subdivision (2)(c)
10 or (2)(d) of section 60-6,196 or subdivision (4)(c) or (4)(d) of
11 section 60-6,197 as such subdivisions existed prior to July 16,
12 2004, shall, as part of the subsequent judgment of conviction for
13 the violation of the Nebraska Rules of the Road, have his or
14 her operator's license revoked for a period of time equal to the
15 revocation period the person was subject to at the time of his
16 or her current offense. The revocation imposed pursuant to this
17 section shall commence on the date of the judgment of conviction.
18 No credit shall be given on the revocation imposed pursuant to this
19 section for time already served on the previous revocation.

20 Sec. 6. Section 60-6,197.06, Revised Statutes Supplement,
21 2009, is amended to read:

22 60-6,197.06 (1) Unless otherwise provided by law pursuant
23 to an ignition interlock permit, any person operating a motor
24 vehicle on the highways or streets of this state while his or her
25 operator's license has been revoked pursuant to ~~section 28-306,~~

1 ~~section 60-698~~, subdivision (4), (5), (6), (7), (8), (9), or
2 (10) of section 60-6,197.03, or section 60-6,198, or pursuant to
3 subdivision (2)(c) or (2)(d) of section 60-6,196 or subdivision
4 (4)(c) or (4)(d) of section 60-6,197 as such subdivisions existed
5 prior to July 16, 2004, shall be guilty of a Class IV felony,
6 and the court shall, as part of the judgment of conviction, revoke
7 the operator's license of such person for a period of fifteen
8 years from the date ordered by the court and shall issue an order
9 pursuant to section 60-6,197.01. Such revocation and order shall be
10 administered upon sentencing, upon final judgment of any appeal or
11 review, or upon the date that any probation is revoked.

12 (2) If such person has had a conviction under this
13 section or under subsection (6) of section 60-6,196 or subsection
14 (7) of section 60-6,197, as such subsections existed prior to July
15 16, 2004, prior to the date of the current conviction under this
16 section, such person shall be guilty of a Class III felony, and
17 the court shall, as part of the judgment of conviction, revoke
18 the operator's license of such person for a period of fifteen
19 years from the date ordered by the court and shall issue an order
20 pursuant to section 60-6,197.01. Such revocation and order 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 Sec. 7. Original sections 60-4,108 and 60-682, Reissue
24 Revised Statutes of Nebraska, sections 60-462 and 60-479, Revised
25 Statutes Cumulative Supplement, 2008, and section 60-6,197.06,

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1 Revised Statutes Supplement, 2009, are repealed.