

ONE HUNDRED SECOND LEGISLATURE - SECOND SESSION - 2012
COMMITTEE STATEMENT
LB803

Hearing Date: Tuesday January 24, 2012
Committee On: Transportation and Telecommunications
Introducer: Lautenbaugh
One Liner: Require presentment of an operator's license and proof of insurance to a peace officer by a driver involved in an accident and mandate impoundment of the vehicle in certain situations

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Campbell, Dubas, Fischer, Janssen, Hadley, Lautenbaugh, Louden, Price

Nay:

Absent:

Present Not Voting:

Proponents:

Senator Lautenbaugh
Jake Cheloha

Representing:

Introducer
City of Omaha

Opponents:

Alan Peterson

Representing:

ACLU Nebraska

Neutral:

Representing:

Summary of purpose and/or changes:

LB 803 requires a driver involved in an accident to furnish his or her information to a responding officer, with a violation resulting in the vehicle's impoundment.

The bill requires a driver involved in an accident that causes property damage or injury/death to furnish the responding officer with his or her information and proof of insurance.

A driver who violates this section is guilty of a Class II misdemeanor (max 6 months and/or \$1000) for the first offense and a Class I misdemeanor (max 1 year and/or \$1000) for a subsequent offense, and the court may revoke the driver's license for up to one year.

In addition, the offender's vehicle shall be immediately impounded until a valid driver's license and proof of insurance is furnished. The bill provides for the release of the vehicle in certain instances.

The person who tows the vehicle shall be allowed to charge reasonable towing and storage fees, and has the right to keep the vehicle until such charges are paid.

If the registered owner of the vehicle was not the driver at the time of the accident, the owner may recover expenses from the driver as a result of the impoundment. The court may order restitution under this provision.

Finally, the bill provides that a violation of this section is a separate offense from any other offense arising out of the driver's acts.

Explanation of amendments:

Explanation of Amendments

The committee amendment, AM 1811, strikes the original sections and becomes the bill. The amendment makes two changes. First, the amendment strikes subsection (2) of Section 2 and removes the Class II misdemeanor penalty provision. Corresponding with this change, the amendment also strikes subsection (4) treating the violation as a separate and distinct offense from any other offense arising out of the accident.

Second, the amendment affords the responding peace officer an opportunity to confirm a valid operator's license and proof of insurance before the vehicle is impounded. This provision is intended for a driver who has forgotten his or her valid driver license or proof of insurance. With technological advances, law enforcement agencies currently have access to the Department of Motor Vehicle's driver records, as well as the DMV's motor vehicle insurance database.

Deb Fischer, Chairperson