

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 649

Introduced by Karpisek, 32.

Read first time January 23, 2013

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Nebraska Rules of the Road; to amend
2 section 60-6,197.06, Reissue Revised Statutes of
3 Nebraska, and section 60-6,211.11, Revised Statutes
4 Cumulative Supplement, 2012; to change certain penalties
5 relating to operating a motor vehicle during a revocation
6 period and tampering with an ignition interlock device;
7 and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,197.06, Reissue Revised Statutes
2 of Nebraska, is amended to read:

3 60-6,197.06 (1) Unless otherwise provided by law pursuant
4 to an ignition interlock permit, any person operating a motor vehicle
5 on the highways or streets of this state while his or her operator's
6 license has been revoked pursuant to section 28-306, section 60-698,
7 subdivision (4), (5), (6), (7), (8), (9), or (10) of section
8 60-6,197.03, or section 60-6,198, or pursuant to subdivision (2)(c)
9 or (2)(d) of section 60-6,196 or subdivision (4)(c) or (4)(d) of
10 section 60-6,197 as such subdivisions existed prior to July 16, 2004,
11 shall be guilty of a Class IV felony, unless such person has a
12 concentration of two-hundredths of one gram or less by weight of
13 alcohol per one hundred milliliters of his or her blood or a
14 concentration of two-hundredths of one gram or less by weight of
15 alcohol per two hundred ten liters of his or her breath, in which
16 case such person shall be guilty of a Class I misdemeanor, and the
17 court shall, as part of the judgment of conviction, revoke the
18 operator's license of such person for a period of fifteen years from
19 the date ordered by the court and shall issue an order pursuant to
20 section 60-6,197.01. Such revocation and order shall be administered
21 upon sentencing, upon final judgment of any appeal or review, or upon
22 the date that any probation is revoked.

23 (2) If such person has had a conviction under this
24 section or under subsection (6) of section 60-6,196 or subsection (7)
25 of section 60-6,197, as such subsections existed prior to July 16,

1 2004, prior to the date of the current conviction under this section,
2 such person shall be guilty of a Class III felony, and the court
3 shall, as part of the judgment of conviction, revoke the operator's
4 license of such person for a period of fifteen years from the date
5 ordered by the court and shall issue an order pursuant to section
6 60-6,197.01. Such revocation and order shall be administered upon
7 sentencing, upon final judgment of any appeal or review, or upon the
8 date that any probation is revoked.

9 Sec. 2. Section 60-6,211.11, Revised Statutes Cumulative
10 Supplement, 2012, is amended to read:

11 60-6,211.11 (1) Any person who tampers with or
12 circumvents an ignition interlock device installed under a court
13 order or Department of Motor Vehicles order while the order is in
14 effect or who operates a motor vehicle which is not equipped with an
15 ignition interlock device in violation of a court order or Department
16 of Motor Vehicles order shall be guilty of a Class IV felony, unless
17 such person has a concentration of two-hundredths of one gram or less
18 by weight of alcohol per one hundred milliliters of his or her blood
19 or a concentration of two-hundredths of one gram or less by weight of
20 alcohol per two hundred ten liters of his or her breath, in which
21 case such person shall be guilty of a Class I misdemeanor.

22 (2) Any person who otherwise operates a motor vehicle
23 equipped with an ignition interlock device in violation of the
24 requirements of the court order or Department of Motor Vehicles order
25 under which the device was installed shall be guilty of a Class III

1 misdemeanor.

2 Sec. 3. Original section 60-6,197.06, Reissue Revised
3 Statutes of Nebraska, and section 60-6,211.11, Revised Statutes
4 Cumulative Supplement, 2012, are repealed.