

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 795**

Introduced by Harr, 8.

Read first time January 10, 2014

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Nebraska Rules of the Road; to amend  
2 section 60-6,209, Reissue Revised Statutes of Nebraska;  
3 to change provisions relating to operator's license  
4 reinstatement; and to repeal the original section.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 60-6,209, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           60-6,209 (1) Any person whose operator's license has been  
4 revoked pursuant to a conviction for a violation of sections  
5 60-6,196, 60-6,197, and 60-6,199 to 60-6,204 for a third or  
6 subsequent time for a period of fifteen years may apply to the  
7 Department of Motor Vehicles not more often than once per calendar  
8 year, on forms prescribed by the department, requesting the  
9 department to make a recommendation to the Board of Pardons for  
10 reinstatement of his or her eligibility for an operator's license.  
11 Upon receipt of the application and a nonrefundable application fee  
12 of one hundred dollars, the Director of Motor Vehicles shall review  
13 the application ~~if such person has served at least seven years of~~  
14 ~~such revocation~~ and make a recommendation for reinstatement or for  
15 denial of reinstatement. The department may recommend reinstatement  
16 if such person shows the following:

17           (a) Such person has completed a state-certified substance  
18 abuse program and is recovering or such person has substantially  
19 recovered from the dependency on or tendency to abuse alcohol or  
20 drugs;

21           (b) Such person has not been convicted, since the date of  
22 the revocation order, of any subsequent violations of section  
23 60-6,196 or 60-6,197 or any comparable city or village ordinance and  
24 the applicant has not, since the date of the revocation order,  
25 submitted to a chemical test under section 60-6,197 that indicated an

1 alcohol concentration in violation of section 60-6,196 or refused to  
2 submit to a chemical test under section 60-6,197;

3 (c) Such person has not been convicted, since the date of  
4 the revocation order, of driving while under suspension, revocation,  
5 or impoundment under section 60-4,109;

6 (d) Such person has abstained from the consumption of  
7 alcoholic beverages and the consumption of drugs except at the  
8 direction of a licensed physician or pursuant to a valid  
9 prescription; ~~and~~

10 (e) Such person's operator's license is not currently  
11 subject to suspension or revocation for any other reason; and -

12 (f) Such person has agreed that, if the Board of Pardons  
13 reinstates such person's eligibility to apply for an ignition  
14 interlock permit, such person must provide proof, to the satisfaction  
15 of the department, that an ignition interlock device has been  
16 installed and is maintained on one or more motor vehicles such person  
17 operates for the duration of the original fifteen-year revocation  
18 period and such person must operate only motor vehicles so equipped  
19 for the duration of the original fifteen-year revocation period.

20 (2) In addition, the department may require other  
21 evidence from such person to show that restoring such person's  
22 privilege to drive will not present a danger to the health and safety  
23 of other persons using the highways.

24 (3) Upon review of the application, the director shall  
25 make the recommendation to the Board of Pardons in writing and shall

1 briefly state the reasons for the recommendations. The recommendation  
2 shall include the original application and other evidence submitted  
3 by such person. The recommendation shall also include any record of  
4 any other applications such person has previously filed under this  
5 section.

6 (4) The department shall adopt and promulgate rules and  
7 regulations to govern the procedures for making a recommendation to  
8 the Board of Pardons. Such rules and regulations shall include the  
9 requirement that the treatment programs and counselors who provide  
10 information about such person to the department must be certified or  
11 licensed by the state.

12 (5) If the Board of Pardons reinstates such person's  
13 eligibility for an operator's license or an ignition interlock permit  
14 or orders a reprieve of such person's motor vehicle operator's  
15 license revocation, such reinstatement or reprieve may be conditioned  
16 for the duration of the original revocation period on such person's  
17 continued recovery and, if such person is a holder of an ignition  
18 interlock permit, shall be conditioned for the duration of the  
19 original revocation period on such person's operation of only motor  
20 vehicles equipped with an ignition interlock device. If such person  
21 is convicted of any subsequent violation of section 60-6,196 or  
22 60-6,197, the reinstatement of the person's eligibility for an  
23 operator's license shall be withdrawn and such person's operator's  
24 license will be revoked by the Department of Motor Vehicles for the  
25 time remaining under the original revocation, independent of any

1 sentence imposed by the court, after thirty days' written notice to  
2 the person by first-class mail at his or her last-known mailing  
3 address as shown by the records of the department.

4 (6) If the Board of Pardons reinstates a person's  
5 eligibility for an operator's license or an ignition interlock permit  
6 or orders a reprieve of such person's motor vehicle operator's  
7 license revocation, the board shall notify the Department of Motor  
8 Vehicles of the reinstatement or reprieve. Such person may apply for  
9 an operator's license upon payment of a fee of one hundred twenty-  
10 five dollars and the filing of proof of financial responsibility. The  
11 fees paid pursuant to this section shall be collected by the  
12 department and remitted to the State Treasurer. The State Treasurer  
13 shall credit seventy-five dollars of each fee to the General Fund and  
14 fifty dollars of each fee to the Department of Motor Vehicles Cash  
15 Fund.

16 Sec. 2. Original section 60-6,209, Reissue Revised  
17 Statutes of Nebraska, is repealed.