

**ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021**  
**COMMITTEE STATEMENT**  
**LB302**

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**Hearing Date:** Monday January 25, 2021  
**Committee On:** Transportation and Telecommunications  
**Introducer:** Hansen, M.  
**One Liner:** Change provisions relating to administrative license revocation under the Motor Vehicle Operator's License Act

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

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**Vote Results:**  
**Aye:** 8 Senators Albrecht, Bostelman, Cavanaugh, M., DeBoer, Friesen, Geist, Hughes, Moser  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Oral Testimony:**

<b>Proponents:</b> Senator Matt Hansen Spike Eickholt	<b>Representing:</b> Introducer NCOAA
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<b>Opponents:</b>	<b>Representing:</b>
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<b>Neutral:</b>	<b>Representing:</b>
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**Submitted Written Testimony:**

<b>Proponents:</b> Michelle Weber	<b>Representing:</b> NE County Attorneys Assoc
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<b>Opponents:</b>	<b>Representing:</b>
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<b>Neutral:</b>	<b>Representing:</b>
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**Summary of purpose and/or changes:**

LB 302 would change operator's license reinstatement procedures after an individual is cited with a charge of driving under the influence of alcoholic liquor or drugs (DUI). Currently, an individual cited by police with a charge of DUI has their operator's license temporarily suspended until the criminal case for DUI is resolved. Currently, a defendant that is acquitted at trial, prevails in a motion to suppress, or that the court finds not guilty will have their operator's license automatically reinstated. Similarly, if the prosecutor chooses not to file DUI charges, the defendant's license is automatically reinstated. The law is unclear on what happens when a prosecutor does file charges, but subsequently dismissed those charges. This bill would fill in this gap of law and provide for automatic reinstatement of their operator's license.

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Section 1 amends section 60-498.02

Would allow for immediate reinstatement of an operator's license without payment of a reinstatement fee in cases in which a DUI charge was dismissed by the prosecuting attorney.

Section 2 repeals the original section.

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**Explanation of amendments:**

AM 49 adds language to ensure that municipalities that prosecute DUIs under city or village ordinances are included under the provisions of the bill.

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Curt Friesen, Chairperson