

## LEGISLATIVE BILL 263

Approved by the Governor May 22, 1975

Introduced by Dworak, 22

AN ACT to amend sections 39-669.28 and 39-669.29, Reissue Revised Statutes of Nebraska, 1943, and section 39-669.27, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 259, Eighty-fourth Legislature, First Session, 1975, relating to traffic offenses; to decrease the period of revocation of drivers' licenses; to change the time allowed for notice of revocation; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 39-669.27, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 259, Eighty-fourth Legislature, First Session, 1975, be amended to read as follows:

39-669.27. Whenever it shall come to the attention of the Director of Motor Vehicles that any person has, as disclosed by the records of such director, accumulated a total of twelve or more points within any period of two years, as set out in section 39-669.26, the director shall (1) summarily revoke (a) the license and privilege of such person to operate a motor vehicle in this state or (b) the privilege, if such operator is a nonresident, of operating a motor vehicle within this state, and (2) require such person to attend and successfully complete a driver's education and training course consisting of at least eight hours of instruction approved by the Department of Motor Vehicles. Such instruction must be successfully completed before the license and privilege or privilege to operate a motor vehicle may be reinstated. Each person who attends such instruction shall pay the cost of such course. Such revocation shall be for a period of ~~one-year~~ six months from the date of the signing of the order of revocation or ~~one-year~~ six months from the date of the release of such person from the jail or the Nebraska Penal and Correctional Complex, whichever is the later, unless a longer period of revocation was directed by the terms of the certified abstract of the judgment of conviction forwarded to the director by the trial court. Any motor vehicle may be operated under an employment driving permit as provided by section 5 of this act. The reduction of the period to six months shall be applicable

to revocations ordered prior to the effective date of this act.

Sec. 2. That section 39-669.28, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-669.28. Within ~~twenty-four--hours~~ ten days after the revocation provided for by section 39-669.27, the Director of Motor Vehicles shall notify in writing the person whose license or privilege has been revoked that such license or privilege has been revoked. Such notice shall (1) contain a list of the convictions for violations upon which the director relies as his authority for the revocation, with the dates of such violations upon which convictions were had and the dates of such convictions, the trial courts in which such judgments of conviction were rendered, and the points charged for each conviction, (2) state the term of such revocation, (3) include a demand that the license be returned to the director immediately, and (4) be served by mailing it to such person by either registered or certified mail to the last-known residence of such person or, if such address is unknown, to the last-known business address of such person. If any person shall fail to return his license to the director as demanded, the director shall forthwith direct any peace officer or authorized representative of the director to secure possession of such license and return the same to the director; Provided, that a refusal to surrender an operator's license on demand shall be unlawful and any person failing to surrender his license as required by the provisions of this section shall, upon conviction thereof, be fined in a sum not to exceed five hundred dollars or imprisoned in the county jail not to exceed thirty days, or both such a fine and imprisonment. Any person, who feels himself aggrieved because of such revocation, may appeal therefrom to the district court of the county wherein such person resides or, in the case of a nonresident, to the district court of Lancaster County, in the manner prescribed in section 60-420. Such appeal shall not suspend the order of revocation of such license unless a stay thereof shall be allowed by a judge of said court pending a final determination of the review; Provided, the license of any person claiming to be aggrieved shall not be restored to such person, in the event the final judgment of a court finds against such person, until the full time of revocation, as fixed by the department, shall have elapsed.

Sec. 3. That section 39-669.29, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-669.29. When the license or privilege of such person is revoked or suspended for a period of at least one-year six months by the order of conviction or as provided by sections 39-669.26 to 39-669.30, points accumulated by reason of the conviction containing such order of revocation, or the conviction bringing the total number of points charged to such person to twelve or more, and all prior points accumulated, shall be disregarded so far as any subsequent revocation is concerned.

Sec. 4. That original sections 39-669.28 and 39-669.29, Reissue Revised Statutes of Nebraska, 1943, and section 39-669.27, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 259, Eighty-fourth Legislature, First Session, 1975, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.