

## LEGISLATIVE BILL 38

Approved by the Governor May 25, 2001

Introduced by Thompson, 14; Bromm, 23

AN ACT relating to motor vehicles; to amend sections 28-905, 43-3321, 60-462, 60-463, 60-476.01, 60-476.02, 60-479, 60-496, 60-497, 60-497.01, 60-4,100, 60-4,102, 60-4,103, 60-4,106, 60-4,108, 60-4,109, 60-4,112, 60-4,117, 60-4,125, 60-4,130.03, 60-4,141.01, 60-4,169, 60-4,185, 60-505.02, 60-557, 60-605, 60-6,198, 60-6,205, 60-6,206, 60-6,207, 60-6,209, 60-6,211.05, 60-6,211.07, 60-6,216 to 60-6,218, and 83-1,127.02, Reissue Revised Statutes of Nebraska, sections 28-306, 60-301, 60-486, 60-487, 60-491, 60-497.03, 60-499, 60-4,114, 60-4,120.02, 60-4,171, 60-601, 60-6,196, 60-6,197, and 60-6,197.01, Revised Statutes Supplement, 2000, and section 60-4,118, Revised Statutes Supplement, 2000, as amended by section 5, Legislative Bill 387, Ninety-seventh Legislature, First Session, 2001; to change provisions relating to revocation, suspension, impoundment, cancellation, and reinstatement of motor vehicle registration certificates, operators' licenses, and operating privileges; to define and redefine terms; to provide and change penalties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Section 1. Section 28-306, Revised Statutes Supplement, 2000, is amended to read:

28-306. (1) A person who causes the death of another unintentionally while engaged in the operation of a motor vehicle in violation of the law of the State of Nebraska or in violation of any city or village ordinance commits motor vehicle homicide.

(2) Except as provided in subsection (3) of this section, motor vehicle homicide is a Class I misdemeanor.

(3)(a) If the proximate cause of the death of another is the operation of a motor vehicle in violation of section 60-6,213 or 60-6,214, motor vehicle homicide is a Class IIIA felony.

(b) If the proximate cause of the death of another is the operation of a motor vehicle in violation of section 60-6,196, motor vehicle homicide is a Class IIIA felony. ~~The and the~~ court shall, as part of the judgment of conviction, order the person not to drive any motor vehicle for any purpose for a period of at least sixty days and not more than fifteen years ~~from the date ordered by the court~~ and shall order that the operator's license of such person be revoked for the same period. ~~The revocation shall not run concurrently with any jail term imposed.~~

(c) If the proximate cause of the death of another is the operation of a motor vehicle in violation of section 60-6,196, motor vehicle homicide is a Class III felony if the defendant has a prior conviction under section 60-6,196, under or a city or village ordinance enacted pursuant to such section, or under a law of another state if, at the time of the conviction under the law of such other state, the offense for which the defendant was convicted would have been a violation under section 60-6,196. ~~The and the~~ court shall, as part of the judgment of conviction, order the person not to drive any motor vehicle for any purpose for a period of at least sixty days and not more than fifteen years ~~from the date ordered by the court~~ and shall order that the operator's license of such person be revoked for the same period. ~~The revocation shall not run concurrently with any jail term imposed.~~

(d) An order of the court described in subdivision (b) or (c) of this subsection shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked, whichever is later.

Sec. 2. Section 28-905, Reissue Revised Statutes of Nebraska, is amended to read:

28-905. (1) Any person who operates any motor vehicle to flee in such vehicle in an effort to avoid arrest or citation for the violation of any law of the State of Nebraska constituting a misdemeanor, infraction, traffic infraction, or any city or village ordinance, except nonmoving traffic violations, commits the offense of misdemeanor operation of a motor vehicle to avoid arrest.

(2) Any person who operates any motor vehicle to flee in such vehicle in an effort to avoid arrest for the violation of any law of the State

of Nebraska constituting a felony commits the offense of felony operation of a motor vehicle to avoid arrest.

(3) Operating a motor vehicle to avoid arrest under subsection (1) of this section is a Class I misdemeanor. The and the court shall, as part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of two years and shall order that the operator's license of such person be revoked for a like period.

(4) Operating a motor vehicle to avoid arrest under subsection (2) of this section is a Class IV felony. The court shall, as part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of two years and shall order that the operator's license of such person be revoked for a like period.

~~(5)(a) (5) The court may, as a part of the judgment of conviction under this section and subject to the mandatory provision of subsection (3) of this section, order such person not to operate any motor vehicle for any purpose for a period of up to one year from the date of his or her release from imprisonment, or in the case of a fine only, for a period of one year from the date of satisfaction of the fine.~~

~~(6)(a) Any person who operates a vessel as defined in section 37-1203 to flee in such vessel in an effort to avoid arrest or citation for the violation of any statute punishable as a misdemeanor or any city or village ordinance shall be guilty of misdemeanor operation of a vessel to avoid arrest.~~

(b) Any person violating subdivision (a) of this subsection shall be guilty of a Class I misdemeanor. Upon , and upon conviction thereof the court shall, as part of the judgment of conviction, order such person not to operate any vessel for any purpose for a period of one year.

~~(7)(a) (6)(a) Any person who operates a vessel as defined in section 37-1203 to flee in such vessel in an effort to avoid arrest for the violation of any statute punishable as a felony shall be guilty of felony operation of a vessel to avoid arrest.~~

(b) Any person violating subdivision (a) of this subsection shall be guilty of a Class IV felony. Upon , and upon conviction thereof the court may shall, as part of the judgment of conviction, and subject to the mandatory provision of subdivision (6)(b) of this section, order such person not to operate any vessel for any purpose for a period of up to two years.

(7) An order of the court under this section prohibiting operation of a vehicle or vessel and revoking the operator's license shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked, whichever is later. from (i) the date of his or her release from imprisonment if the sentence imposed includes imprisonment or (ii) the date of satisfaction of the fine if the sentence imposed includes only a fine and no imprisonment.

Sec. 3. Section 43-3321, Reissue Revised Statutes of Nebraska, is amended to read:

43-3321. (1) Upon presentation by the license holder of a written confirmation of compliance to the Department of Motor Vehicles, the license holder may have his or her operator's license reinstated upon payment of a reinstatement fee of fifty fee of ninety-five dollars. The Department of Motor Vehicles shall remit the fee to the State Treasurer. ~~The State Treasurer shall for credit fifty dollars of each fee to the General Fund and forty-five dollars of each fee to the Department of Motor Vehicles Cash Fund.~~

(2) Upon presentation by the license holder of a written confirmation of compliance to the relevant licensing authority and upon payment of any fee which may be prescribed by the relevant licensing authority, the license holder may have his or her professional, occupational, or recreational license reinstated or renewed. The professional, occupational, or recreational license may be automatically reinstated or renewed pursuant to the relevant licensing authority's least restrictive reinstatement or renewal procedure applicable to license suspension, probation, or other licensing authority disciplinary action, except that the license holder must meet any other customary or standard requirement for reinstatement or renewal as required by the relevant licensing authority.

Sec. 4. Section 60-301, Revised Statutes Supplement, 2000, is amended to read:

60-301. For purposes of Chapter 60, article 3, unless the context otherwise requires:

(1) Agricultural products means field crops and horticultural, viticultural, forestry, nut, dairy, livestock, poultry, bee, and farm products, including sod grown on the land owned or rented by the farmer, and the byproducts derived from any of them;

(2) Apportionable vehicle means any vehicle used or intended for use

in two or more member jurisdictions that allocate or proportionally register vehicles and used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property. Apportionable vehicle does not include any recreational vehicle, vehicle displaying restricted plates, city pickup and delivery vehicle, bus used in the transportation of chartered parties, or government-owned vehicle. Such vehicle shall either (a) be a power unit having two axles and a gross vehicle weight or registered gross vehicle weight in excess of twenty-six thousand pounds, (b) be a power unit having three or more axles, regardless of weight, or (c) be used in combination when the weight of such combination exceeds twenty-six thousand pounds gross vehicle weight. Vehicles or combinations of vehicles having a gross vehicle weight of twenty-six thousand pounds or less and two-axle vehicles and buses used in the transportation of chartered parties may be proportionally registered at the option of the registrant;

(3) Automobile liability policy means liability insurance written by an insurance carrier duly authorized to do business in this state protecting other persons from damages for liability on account of accidents occurring subsequent to the effective date of the insurance arising out of the ownership of a motor vehicle (a) in the amount of twenty-five thousand dollars because of bodily injury to or death of one person in any one accident, (b) subject to the limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and (c) in the amount of twenty-five thousand dollars because of injury to or destruction of property of other persons in any one accident. An automobile liability policy shall not exclude liability coverage under the policy solely because the injured person making a claim is the named insured in the policy or residing in the household with the named insured;

(4) Cabin trailer means any vehicle without motive power designed for living quarters and for being drawn by a motor vehicle and not exceeding one hundred two inches in width, forty feet in length, or thirteen and one-half feet in height;

(5) Commercial trailer means any trailer or semitrailer designed, used, or maintained for the transportation of persons or property for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property and does not include farm trailers, fertilizer trailers, utility trailers, or cabin trailers;

(6) Commercial vehicle means any motor vehicle used or maintained for the transportation of persons or property for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property and does not include farm trucks;

(7) Evidence of insurance means evidence of a current and effective automobile liability policy;

(8) Farm trailer means any trailer or semitrailer (a) used exclusively to carry a farmer's or rancher's own supplies, farm equipment, and household goods to or from the owner's farm or ranch, (b) used by the farmer or rancher to carry his or her own agricultural products, livestock, and produce to or from storage and market and attached to a passenger car, commercial-licensed vehicle registered for sixteen tons or less, or farm-licensed vehicle, or (c) used by a farmer or rancher to carry his or her own agricultural products, livestock, and produce to and from market. Such trailers shall carry on their license plate, in addition to the registration number, the letter X. Farm trailer does not include a trailer so used when attached to a farm tractor;

(9) Farm trucks means trucks, including combinations of trucks or truck-tractors and trailers or semitrailers, of farmers or ranchers (a) used exclusively to carry a farmer's or rancher's own supplies, farm equipment, and household goods to or from the owner's farm or ranch, (b) used by the farmer or rancher to carry his or her own agricultural products, livestock, and produce to or from storage or market, (c) used by farmers or ranchers in exchange of service in such hauling of such supplies or agricultural products, livestock, and produce, or (d) used occasionally to carry camper units, to pull boats or cabin trailers, or to carry or pull museum pieces or vehicles of historical significance, without compensation, to events for public display or educational purposes. Such trucks may carry on their license plates, in addition to the registration number, the designation farm and the words NOT FOR HIRE;

(10) Fertilizer trailer means any trailer, including gooseneck applicators or trailers, designed and used exclusively to carry or apply agricultural fertilizer or agricultural chemicals and having a gross weight, including load thereon, of twenty thousand pounds or less. Such trailers shall carry on their license plate, in addition to the registration number, the letter X;

(11) Film vehicle means any motor vehicle or trailer used exclusively by a nonresident production company temporarily on location in Nebraska producing a feature film, television commercial, documentary, or industrial or educational videotape production;

(12) Fleet means one or more apportionable vehicles;

(13) Highways means public streets, roads, turnpikes, parks, parkways, drives, alleys, and other public ways used for the passage of road vehicles;

(14) Instate miles means total miles operated (a) in the State of Nebraska during the preceding year by the motor vehicle or vehicles registered and licensed for fleet operation and (b) in noncontracting reciprocity states by vehicles that are base-plated in Nebraska;

(15) Local truck means a truck and combinations of trucks, truck-tractors, or trailers or semitrailers operated solely within an incorporated city or village or within ten miles of the corporate limits of the city or village in which they are owned, operated, and registered. Such trucks shall carry on their license plates, in addition to the registration number, the designation of local truck;

(16) Motor vehicle means any vehicle propelled by any power other than muscular power except (a) mopeds as defined in section 60-637, (b) farm tractors, (c) self-propelled equipment designed and used exclusively to carry and apply fertilizer, chemicals, or related products to agricultural soil and crops, agricultural floater-spreader implements as defined in section 60-6,294.01, and other implements of husbandry designed for and used primarily for tilling the soil and harvesting crops or feeding livestock, (d) power unit hay grinders or a combination which includes a power unit and a hay grinder when operated without cargo, (e) vehicles which run only on rails or tracks, (f) off-road designed vehicles, including, but not limited to, golf carts, go-carts, riding lawnmowers, garden tractors, all-terrain vehicles as defined in section 60-6,355, snowmobiles as defined in section 60-663, and minibikes as defined in section 60-636, (g) road and general-purpose construction and maintenance machinery not designed or used primarily for the transportation of persons or property, including, but not limited to, ditchdigging apparatus, asphalt spreaders, bucket loaders, leveling graders, earthmoving carryalls, power shovels, earthmoving equipment, and crawler tractors, and (h) self-propelled chairs used by persons who are disabled;

(17) Motorcycle means any motor vehicle, except a tractor or an all-terrain vehicle as defined in section 60-6,355, having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground;

(18) Noncontracting reciprocity state means any state which is not a party to any type of contracting agreement between the State of Nebraska and one or more other jurisdictions for registration purposes on commercial vehicles and, as a condition to operate on the highways of that state, (a) does not require any type of vehicle registration or allocation of vehicles for registration purposes or (b) does not impose any charges based on miles operated, other than those that might be assessed against fuel consumed in that state, on any vehicles which are part of a Nebraska-based fleet;

(19) Owner means a person, firm, or corporation which holds a legal title of a vehicle. If (a) a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, (b) a vehicle is subject to a lease of thirty days or more with an immediate right of possession vested in the lessee, or (c) a mortgagor of a vehicle is entitled to possession, then such conditional vendee, lessee, or mortgagor shall be deemed the owner for purposes of Chapter 60, article 3. For such purpose, there are hereby adopted and incorporated by reference the provisions of Article XI, International Registration Plan, adopted by the American Association of Motor Vehicle Administrators, as revised November 1976;

(20) Park means to stop a vehicle for any length of time, whether occupied or unoccupied;

(21) Passenger car means a motor vehicle designed and used to carry ten passengers or less and not used for hire;

(22) Proof of financial responsibility has the same meaning as in section 60-501;

(23) Self-propelled mobile home means a vehicle with motive power designed for living quarters;

(24) Semitrailer means any vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle;

(25) Suspension of operator's license has the same meaning as in section 60-476.02;

(26) Total fleet miles means the total number of miles operated in all jurisdictions during the preceding year by the vehicles in such fleet during such year;

~~(26)~~ (27) Trailer means any vehicle without motive power designed for carrying persons or property and being pulled by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle;

~~(27)~~ (28) Transporter means any person lawfully engaged in the business of transporting vehicles not his or her own solely for delivery thereof (a) by driving singly, (b) by driving in combinations by the towbar, fullmount, or saddlemount methods or any combinations thereof, or (c) when a truck or tractor draws a semitrailer or tows a trailer;

~~(28)~~ (29) Truck means a motor vehicle that is designed, used, or maintained primarily for the transportation of property;

~~(29)~~ (30) Truck-tractor means any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load being drawn;

~~(30)~~ (31) Utility trailer means a trailer having a gross weight, including load thereon, of nine thousand pounds or less attached to a motor vehicle and used exclusively to carry miscellaneous items of personal property. Such trailers shall carry on their license plate, in addition to the registration number, the letter X; and

~~(31)~~ (32) Vehicle means any device in, upon, or by which any person or property is or may be transported or drawn upon a public highway except devices moved solely by human power or used exclusively upon stationary rails or tracks.

Sec. 5. Section 60-462, Reissue Revised Statutes of Nebraska, is amended to read:

60-462. Sections 60-462 to 60-4,188 and sections 7, 11, 12, 31, and 32 of this act shall be known and may be cited as the Motor Vehicle Operator's License Act.

Sec. 6. Section 60-463, Reissue Revised Statutes of Nebraska, is amended to read:

60-463. For purposes of the Motor Vehicle Operator's License Act, the definitions found in sections 60-463.01 to 60-478 and section 7 of this act shall be used.

Sec. 7. Impoundment of operator's license shall mean the seizure and holding of a person's operator's license by the court pursuant to a court order requiring such person not to operate a motor vehicle for a specified period of time when the court has not ordered a revocation of the operator's license.

Sec. 8. Section 60-476.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-476.01. Revocation of operator's license shall mean the termination by a court of competent jurisdiction or by formal action of the Department of Motor Vehicles of a person's operator's license, which termination shall not be subject to renewal or restoration. Application for reinstatement of eligibility for a new license may be presented and acted upon by the department after the expiration of the applicable period of time prescribed in the statute providing for revocation.

Sec. 9. Section 60-476.02, Reissue Revised Statutes of Nebraska, is amended to read:

60-476.02. Suspension of operator's license shall mean the temporary withdrawal by ~~a court of competent jurisdiction or~~ by formal action of the Department of Motor Vehicles of a person's operator's license for a period specifically designated by the ~~court or~~ department, if any, and until compliance with all conditions for reinstatement.

Sec. 10. Section 60-479, Reissue Revised Statutes of Nebraska, is amended to read:

60-479. Sections 60-480 to 60-4,111, 60-4,164.01, and 60-4,182 to 60-4,188 and sections 11 and 12 of this act shall apply to any operator's license subject issued pursuant to the Motor Vehicle Operator's License Act.

Sec. 11. Whenever an operator's license is revoked under the Motor Vehicle Operator's License Act, the licensee shall pay a reinstatement fee to the Department of Motor Vehicles to reinstate his or her eligibility for a license in addition to complying with the other provisions of the act. The reinstatement fee shall be one hundred twenty-five dollars. The department shall remit the fees to the State Treasurer. The State Treasurer shall credit seventy-five dollars of each fee to the General Fund and fifty dollars of each fee to the Department of Motor Vehicles Cash Fund.

Sec. 12. Whenever an operator's license is suspended under the

Motor Vehicle Operator's License Act, the licensee shall pay a reinstatement fee to the Department of Motor Vehicles as a prerequisite to reinstatement of such license in addition to complying with the other provisions of the act. Upon expiration of the applicable period of suspension and payment of the reinstatement fee, the operator's license shall be returned unless it is no longer valid. The reinstatement fee shall be fifty dollars. The department shall remit the fees to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

Sec. 13. Section 60-486, Revised Statutes Supplement, 2000, is amended to read:

60-486. (1) No person shall be licensed to operate a motor vehicle by the State of Nebraska if such person has an operator's license currently under suspension or revocation in this state or any other state or jurisdiction in the United States.

(2) If a license is issued to a person while his or her operator's license was suspended or revoked in this state or any other state or jurisdiction, the Department of Motor Vehicles may cancel the license upon forty-five days' written notice by registered or certified mail to the licensee's last-known address. The cancellation may be appealed as provided in section 60-4,105.

(3) When such a person presents to the department an official notice from the state or jurisdiction that suspended or revoked his or her motor vehicle operator's license that such suspension or revocation has been terminated, he or she may then be licensed to operate a motor vehicle by the State of Nebraska.

Sec. 14. Section 60-487, Revised Statutes Supplement, 2000, is amended to read:

60-487. If any magistrate or judge finds in his or her judgment of conviction that the application or examiner's certificate pursuant to which the director has issued an operator's license under the Motor Vehicle Operator's License Act contains any false or fraudulent statement deliberately and knowingly made to any officer as to any matter material to the issuance of such license or does not contain required or correct information or that the person to whom the license was issued was not eligible to receive such license, then the license shall be absolutely void from the date of issue and such motor vehicle operator shall be deemed to be not licensed to operate a motor vehicle. Such license shall be at once canceled of record in his or her office by the director upon receipt of a copy of such judgment of conviction. The director may, upon his or her own motion, summarily ~~revoke~~ cancel any license for any of the reasons set forth in this section if such reason or reasons affirmatively appear on his or her official records.

Sec. 15. Section 60-491, Revised Statutes Supplement, 2000, is amended to read:

60-491. It shall be unlawful for any person:

(1) To display or cause or permit to be displayed or have in his or her possession any canceled, revoked, suspended, impounded, fictitious, or fraudulently altered operator's license or state identification card issued by the State of Nebraska or any other state;

(2) To lend his or her operator's license or state identification card to any person or knowingly permit the use thereof by another;

(3) To display or represent as one's own any operator's license or state identification card not issued to him or her by the State of Nebraska or any other state;

(4) To fail or refuse to surrender to the director upon his or her lawful demand any operator's license or state identification card which has been suspended, revoked, or canceled;

(5) To use a false or fictitious name in applying for an operator's license or state identification card or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in applying for an operator's license or state identification card;

(6) To permit any unlawful use of an operator's license or state identification card issued to him or her by the State of Nebraska or any other state;

(7) To do any act forbidden or fail to perform any act required by the Motor Vehicle Operator's License Act;

(8) To make any false affidavit or knowingly to swear or affirm falsely to any matter or thing required by the terms of the act to be sworn to or affirmed. Such person shall be guilty of perjury and, upon conviction thereof, shall be punished as other persons committing perjury are punishable;

(9) To cause or knowingly permit his or her child or ward under the age of sixteen years to drive a motor vehicle upon any highway when such minor is not authorized under the act or is in violation of any of the provisions of

the act;

(10) To authorize or knowingly permit a motor vehicle owned by him or her or under his or her control to be driven upon any highway by any person who is not authorized under the act or is in violation of any of the provisions of the act; or

(11) To manufacture any fraudulent state identification card whether of the State of Nebraska or any other state.

Sec. 16. Section 60-496, Reissue Revised Statutes of Nebraska, is amended to read:

60-496. Upon conviction of any person in any court within this state of any violation of (1) any law of this state pertaining to the operation of motor vehicles or (2) any city or village ordinance pertaining to the operation of a motor vehicle in such a manner as to endanger life, limb, or property, except for operating a motor vehicle while under the influence of alcoholic liquor or any drug, the judge of such court may, in his or her discretion, order the revocation of ~~suspend~~ the operator's license of such convicted person to operate a motor vehicle for any purpose for a period of time not less than ten days nor more than one year, unless a greater period of ~~suspension or~~ revocation is made mandatory by other provisions of law, or may impound the license for a period of not more than ninety days and order that such person not operate a motor vehicle during the period such license is impounded. Such judge shall immediately notify in detail the director of the action and findings of the court as provided for in sections 60-497.01 to 60-497.04. If the judgment of conviction ~~contains an order that the defendant shall not drive a motor vehicle for any period of time and also suspends or revokes the defendant's~~ provides for the revocation of the person's operator's license, the director shall immediately revoke ~~or suspend~~ the license and ~~notify~~ make available to the Superintendent of Law Enforcement and Public Safety an updated record of such revocation. ~~or suspension.~~ It shall then be the duty of the Nebraska State Patrol to enforce the conditions of such revocation ~~or suspension~~ recited in any judgment of conviction.

Sec. 17. Section 60-497, Reissue Revised Statutes of Nebraska, is amended to read:

60-497. Whenever any person is convicted of any offense for which the Motor Vehicle Operator's License Act or the Nebraska Rules of the Road ~~authorize~~ authorizes the revocation ~~or suspension~~ of the operator's license, the court in which such conviction is had shall, if revocation ~~or suspension~~ is adjudged, require the surrender to it of all operators' licenses then held by the person so convicted. The court shall thereupon forward the operators' licenses together with the action and findings of the court, as provided for in sections 60-497.01 to 60-497.04, to the director. Every court having jurisdiction over offenses committed under the act or any other law of this state regulating the operation of motor vehicles on highways or streets shall forward, in the manner and form provided for in such sections, the action and findings of the court to the director upon the conviction of any person in such court for a violation of any of such laws.

The director shall, upon receipt of such abstract of the judgment of conviction, immediately revoke ~~or suspend,~~ as the case may be, the operator's license of the person so convicted, as provided in the abstract of the judgment of conviction.

For purposes of the act and the rules, conviction shall mean a final conviction, and forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

Sec. 18. Section 60-497.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-497.01. (1) An abstract of the court record of every case in which a person is convicted of violating any provision of the Motor Vehicle Operator's License Act, the Motor Vehicle Safety Responsibility Act, or the Nebraska Rules of the Road, ~~or Chapter 60, articles 4 and 5,~~ as from time to time amended by the Legislature, or any traffic regulations in city or village ordinances shall be transmitted within thirty days of sentencing or other disposition by the court to the director. Any abstract received by the director more than thirty days after the date of sentencing or other disposition shall be reported by the director to the State Court Administrator.

(2) Any person violating section 28-306, 60-696, 60-697, 60-6,196, 60-6,197, 60-6,213, or 60-6,214 who is placed on probation shall be assessed the same points under section 60-4,182 as if such person were not placed on probation unless a court has ordered the installation of an ignition interlock device pursuant to section 60-6,211.05 and sufficient evidence is presented to the department that such a device is installed. For any other violation, the

director shall not assess such person with any points under such section for such violation when the person is placed on probation, until the director is advised by the court that such person previously placed on probation has violated the terms of his or her probation and such probation has been revoked. Upon receiving notice of revocation of probation, the director shall assess to such person the points which such person would have been assessed had the person not been placed on probation. When a person fails to successfully complete probation, the court shall notify the director immediately.

Sec. 19. Section 60-497.03, Revised Statutes Supplement, 2000, is amended to read:

60-497.03. To enable the director punctually and economically to perform his or her ministerial duties in revoking or suspending operators' licenses and to insure uniformity in the keeping of the records of suspended operators' licenses and operators' licenses ~~suspended or~~ ordered revoked by courts of the state, the director shall authorize electronic transmission of abstract-of-conviction reports. The director shall prescribe the standard format of abstract-of-conviction reports.

In the administration of any section of the Motor Vehicle Operator's License Act, the powers and duties conferred upon the director or his or her subordinates or successors with respect to the revocation or suspension of any operator's license are ministerial in character. The director ~~may~~ shall ~~revoke or suspend~~ operators' licenses only when positively directed to do so by the terms of the abstract of the judgment of conviction transmitted by the trial court except as otherwise provided in ~~section 60-4,183 and Chapter 60, articles 4 and 5~~ the Motor Vehicle Operator's License Act, the Motor Vehicle Safety Responsibility Act, or the Nebraska Rules of the Road.

Sec. 20. Section 60-499, Revised Statutes Supplement, 2000, is amended to read:

60-499. The director may revoke the operator's license of a person upon receipt of a copy of a judgment of conviction from the trial magistrate or judge which states that the licensee:

- (1) Has committed an offense for which mandatory revocation is required upon conviction as set forth in section 60-498;
- (2) ~~has~~ Has been involved as a driver in an accident resulting in the death or personal injury of another or in serious property damage;
- (3) ~~is~~ Is a habitually reckless or negligent driver of a motor vehicle;
- (4) ~~is~~ Is a habitual violator of the traffic laws;
- (5) ~~is~~ Is incompetent to drive a motor vehicle;
- (6) ~~has~~ Has permitted an unlawful or fraudulent use of such license;
- (7) ~~was~~ Was not entitled to the issuance of the license;
- (8) ~~failed~~ Failed to give the required or correct information in his or her application;
- (9) ~~committed~~ Committed fraud in his or her application process; or
- (10) ~~has~~ Has, as a nonresident, suffered revocation or suspension of his or her operator's license or of his or her driving privilege by the trial court and the director and has, during the period of revocation or suspension, violated the terms of that revocation or suspension by exercising the driving privilege under a new operator's license fraudulently obtained or otherwise.

Sec. 21. Section 60-4,100, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,100. (1) The director ~~may~~ shall suspend the operator's license of any resident of this state:

~~(1) Upon receiving a copy of the judgment of the conviction of such person in another state of an offense therein which, if committed in this state, would be grounds for the suspension of the license of such operator by any trial judge or magistrate in this state;~~

~~(2) (a) Who has violated a promise to comply with the terms of a traffic citation issued by a law enforcement officer for a moving violation in any jurisdiction outside this state pursuant to the Nonresident Violator Compact of 1977 until satisfactory evidence of compliance with the terms of the citation has been furnished to the director; or~~

~~(3) (b) Who has violated a promise to comply with the terms of a traffic citation issued by a law enforcement officer for a moving violation in any jurisdiction inside this state until satisfactory evidence of compliance with the terms of the citation has been furnished to the director.~~

(2) The court having jurisdiction over the offense for which the citation has been issued shall notify the director of a violation of a promise to comply with the terms of the citation only after twenty working days have elapsed from the date of the failure to comply.

(3) Upon notice to the director that a resident has violated a



promise to comply with the terms of a traffic citation as provided in this section, the director shall not suspend such resident's license until he or she has sent written notice to such resident by first-class mail to the person's last-known mailing address or, if such address is unknown, to the last-known residence address of such person as shown by the records of the Department of Motor Vehicles. Such notice shall state that such resident has twenty working days after the date of the notice to show the director that the resident has complied with the terms of such traffic citation. No suspension shall be entered by the director if the resident complies with the terms of a citation during such twenty working days. If the resident fails to comply on or before twenty working days after the date of notice, the director shall summarily suspend the operator's license and issue an order. The order shall be sent by registered or certified mail to the person's last-known mailing address as shown by the records of the department.

~~Upon the expiration of any license suspension ordered pursuant to this section, a resident may have his or her license reinstated upon payment of a fee of ninety-five dollars. The fee~~

(4) The reinstatement fee required under section 12 of this act shall be waived if seven five years have passed since expiration issuance of the license suspension order under this section. The fees paid pursuant to this section shall be remitted to the State Treasurer. The State Treasurer shall credit fifty dollars of each fee to the General Fund and forty-five dollars of each fee to the Department of Motor Vehicles Cash Fund.

Sec. 22. Section 60-4,102, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,102. The privilege of driving a motor vehicle on the highways of this state given to a nonresident shall be subject to suspension or revocation by the director or revocation or impoundment by the trial magistrate or judge in like manner and for like cause as an operator's license may be suspended, ~~or~~ revoked, or impounded. The director may, upon receiving a copy of a judgment of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, transmit a certified copy of such judgment of conviction to the motor vehicle administrator in the state wherein the person so convicted is a resident.

Sec. 23. Section 60-4,103, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,103. Any nonresident who violates the terms of the court or administrative order by which his or her operator's license or driving privilege was revoked, ~~or~~ suspended, or impounded shall be guilty of a Class ~~III~~ misdemeanor subject to section 60-4,108.

Sec. 24. Section 60-4,106, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,106. Appeal from the sentence of conviction shall constitute an appeal from the ~~suspension or~~ revocation of the operator's license of the person so convicted.

Sec. 25. Section 60-4,108, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,108. (1) It shall be unlawful for any person to operate a motor vehicle during any period that he or she is subject to a court order not to operate any motor vehicle for any purpose or during any period that his or her operator's license has been ~~suspended,~~ revoked, or impounded pursuant to conviction or convictions for violation of any law or laws of this state, ~~or~~ by an order of any court, or by an administrative order of the director. ~~or~~ after such suspension, revocation, or impoundment but before reinstatement of his or her license or issuance of a new license. Except as otherwise provided by law, any person so offending shall: ~~(1) For~~ (a) for a first such offense, be guilty of a Class ~~III~~ II misdemeanor, and the court shall, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of one year from the date ordered by the court, and ~~(2) also order the operator's license of such person to be revoked for a like period and~~ (b) for each subsequent such offense, be guilty of a Class ~~III~~ II misdemeanor, and the court shall, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of two years from the date ordered by the court and also order the operator's license of such person to be revoked for a like period. Such ~~order~~ orders of the court shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked, whichever is later. ~~Such revocation shall not run concurrently with any jail term imposed.~~

(2) It shall be unlawful for any person to operate a motor vehicle (a) during any period that his or her operator's license has been suspended, (b) after a period of revocation but before issuance of a new license, or (c)

after a period of impoundment but before the return of the license. Any person so offending shall be guilty of a Class III misdemeanor, and the court may, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of one year from the date ordered by the court, except that if the person at the time of sentencing shows proof of reinstatement of his or her suspended operator's license, proof of issuance of a new license, or proof of return of the impounded license, the person shall only be fined in an amount not to exceed one hundred dollars. If the court orders the person not to operate a motor vehicle for a period of one year from the date ordered by the court, the court shall also order the operator's license of such person to be revoked for a like period. Such orders of the court shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked, whichever is later.

Sec. 26. Section 60-4,109, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,109. (1) Upon conviction of any person in any court within this state of a violation of any city or village ordinance pertaining to the operation of a motor vehicle by such person during any period that he or she is subject to a court order not to operate any motor vehicle for any purpose or during any period that his or her operator's license has been revoked or suspended impounded pursuant to any law of this state, or after such suspension or revocation but before reinstatement of his or her license or issuance of a new license, the penalty shall be as follows: (1) For a first such offense, such person shall (a) for a first such offense, be guilty of a Class III II misdemeanor, and the court shall, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of one year from the date ordered by the court, and (2) also order the operator's license of such person to be revoked for a like period and (b) for each subsequent such offense, such person shall be guilty of a Class III II misdemeanor, and the court shall, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of two years from the date ordered by the court and also order the operator's license of such person to be revoked for a like period. Such order orders of the court shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked, whichever is later. Such revocation shall not run concurrently with any jail term imposed.

(2) Upon conviction of any person in any court within this state of a violation of any city or village ordinance pertaining to the operation of a motor vehicle by such person (a) during any period that his or her operator's license has been suspended pursuant to any law of this state, (b) after a period of revocation but before issuance of a new license, or (c) after a period of impoundment but before the return of the license, such person shall be guilty of a Class III misdemeanor, and the court may, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of one year from the date ordered by the court, except that if the person at the time of sentencing shows proof of reinstatement of his or her suspended operator's license, proof of issuance of a new license, or proof of return of the impounded license, the person shall only be fined in an amount not to exceed one hundred dollars. If the court orders the person not to operate a motor vehicle for a period of one year after the date ordered by the court, the court shall also order the operator's license of such person to be revoked for a like period. Such orders of the court shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked, whichever is later.

Sec. 27. Section 60-4,112, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,112. Sections 60-4,113 to 60-4,130.05 and sections 31 and 32 of this act shall apply to the operation of any motor vehicle except a commercial motor vehicle.

Sec. 28. Section 60-4,114, Revised Statutes Supplement, 2000, is amended to read:

60-4,114. (1) The county treasurer may employ such additional clerical help as may be necessary to assist him or her in the performance of the ministerial duties required of him or her under the Motor Vehicle Operator's License Act and, for such additional expense, shall be reimbursed as set out in section 60-4,115.

(2) The director may, in his or her discretion, appoint one or more examining officers who shall personally examine all applicants who apply for an initial license or whose licenses have been revoked, or canceled, or suspended to ascertain such person's ability to operate a motor vehicle

properly and safely.

(3) The application process, in addition to the other requisites of the act, shall include the following:

(a) An inquiry into the medical condition and visual ability of the applicant to operate a motor vehicle;

(b) An inquiry into the applicant's ability to drive and maneuver a motor vehicle;

(c) An inquiry touching upon the applicant's knowledge of the motor vehicle laws of this state, which shall include sufficient questions to indicate familiarity with the provisions thereof; and

(d) An inquiry into the applicant's knowledge of the laws for operating a motor vehicle to avoid arrest.

(4) If an applicant is denied or refused a certificate for license by the examiners, such applicant shall have the right to an immediate appeal to the director from the decision of such examiners. It shall be the duty of the director to review the appeal and issue a final order, to be made not later than ten days after the receipt of the appeal by the director, except that if the director requests the advice of the Health Advisory Board on the matter, the director shall have up to forty-five days after the day a medical or vision problem is referred to him or her to consult with members of the board to obtain the medical opinion necessary to make a decision and shall issue a final order not later than ten days following receipt of the medical opinion. After consideration of the advice of the board, the director shall make a determination of the applicant's physical or mental ability to operate a motor vehicle and shall issue a final order. The order shall be in writing, shall be accompanied by findings of fact and conclusions of law, and shall be sent by registered or certified mail to the applicant's last-known address. The order may be appealed as provided in section 60-4,105.

Sec. 29. Section 60-4,117, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,117. The director shall provide each county treasurer with a sufficient number of official operator's license blanks to supply the needs of his or her county, and immediately on the presentation to the county treasurer of the certificate for license issued by the examining officer of his or her county to the applicant for such license, the county treasurer shall issue such license to the applicant. The license shall be in full force and effect until the expiration date thereon, until officially revoked, suspended, or canceled by an order of the director, or until ordered revoked or impounded ~~suspended or revoked~~ by a court of competent jurisdiction. ~~as set forth in section 60-496.~~ The operator's license shall be in the form of a card of a size that may be conveniently carried on the person. Each license shall contain the following information: Name, age, place of residence, post office address, and brief personal description sufficient for identification of the licensee; the anatomical gift information specified in section 60-494; and such other facts and information, not inconsistent with the Motor Vehicle Operator's License Act, as the director may determine.

Sec. 30. Section 60-4,118, Revised Statutes Supplement, 2000, as amended by section 5, Legislative Bill 387, Ninety-seventh Legislature, First Session, 2001, is amended to read:

60-4,118. (1) No operator's license shall be granted to any applicant until such applicant satisfies the examiner that he or she possesses sufficient powers of eyesight to enable him or her to obtain a Class O license and to operate a motor vehicle on the highways of this state with a reasonable degree of safety. The Department of Motor Vehicles, with the advice of the Health Advisory Board, shall adopt and promulgate rules and regulations:

(a) Requiring a minimum acuity level of vision. Such level may be obtained through the use of standard eyeglasses, contact lenses, or bioptic or telescopic lenses which are specially constructed vision correction devices which include a lens system attached to or used in conjunction with a carrier lens; and

(b) Requiring a minimum field of vision. Such field of vision may be obtained through standard eyeglasses, contact lenses, or the carrier lens of the bioptic or telescopic lenses.

(2) If a vision aid is used by the applicant to meet the vision requirements of this section, the operator's license of the applicant shall be restricted to the use of such vision aid when operating the motor vehicle. If the applicant fails to meet the vision requirements, the examiner shall require the applicant to present an optometrist's or ophthalmologist's statement certifying the vision reading obtained when testing the applicant within ninety days of the applicant's license examination. If the vision reading meets the vision requirements prescribed by the department, the vision requirements of this section shall have been met.

(3) If the applicant for an operator's license discloses that he or she has any other physical impairment which may affect the safety of operation by such applicant of a motor vehicle, the examiner shall require the applicant to show cause why such license should be granted and, through such personal examination and demonstration as may be prescribed by the director with the advice of the Health Advisory Board, to show the necessary ability to safely operate a motor vehicle on the highways. The director may also require the person to appear before the board or a designee of the board. If the examiner, board, or designee is then satisfied that such applicant has the ability to safely operate a motor vehicle, an operator's license may be issued to the applicant subject, at the discretion of the director, to a limitation to operate only such motor vehicles at such time, for such purpose, and within such area as the license shall designate.

(4)(a) The director may, when requested by a law enforcement officer, when the director has reason to believe that a person may be physically or mentally incompetent to operate a motor vehicle, or when a person's driving record appears to the department to justify an examination, request the advice of the Health Advisory Board and may give notice to the person to appear before an examiner, the board, or a designee of the director for examination concerning the person's ability to operate a motor vehicle safely. Any such request by a law enforcement officer shall be accompanied by written justification for such request and shall be approved by a supervisory law enforcement officer, police chief, or county sheriff.

(b) A refusal to appear before an examiner, the board, or a designee of the director for an examination after notice to do so shall be unlawful and shall result in the immediate cancellation of the person's operator's license by the director.

(c) If the person cannot qualify at the examination by an examiner, his or her operator's license shall be immediately surrendered to the examiner and forwarded to the director who shall cancel the person's operator's license.

(d) If in the opinion of the board the person cannot qualify at the examination by the board, the board shall advise the director. If the director determines after consideration of the advice of the board that the person lacks the physical or mental ability to operate a motor vehicle, the director shall notify the person in writing of the decision. Upon receipt of the notice, the person shall immediately surrender his or her operator's license to the director who shall cancel the person's operator's license.

(e) Refusal to surrender an operator's license on demand shall be unlawful, and any person failing to surrender his or her operator's license as required by this subsection shall be guilty of a Class III misdemeanor.

~~(5) No operator's license referred to in this section shall, under any circumstances, be issued to any person who has not attained the age of seventeen years.~~

~~(6) No operator's license shall be issued to a person under eighteen years of age applying for an operator's license under this section unless such person:~~

~~(a) Has possessed a valid provisional operator's permit for at least a twelve-month period beginning on the date of issuance of such person's provisional operator's permit;~~

~~(b) Has not accumulated three or more points pursuant to section 60-4,182 during the twelve-month period immediately preceding the date of the application for the operator's license; and~~

~~(c) Has surrendered the provisional operator's permit to the examiner.~~

~~(7) The department shall waive the written examination and the driving test required under this section for any person seventeen to twenty-one years of age applying for his or her initial operator's license if he or she has been issued a provisional operator's permit. The department shall not waive the written examination and the driving test required under this section if the person is applying for a commercial driver's license or permit or if the operator's license being applied for contains a class or endorsement which is different from the class or endorsement of the provisional operator's permit.~~

~~(8)(a) Upon receipt by the director of (i) a certified copy of a court order issued pursuant to section 60-6,211.05, (ii) sufficient evidence that the defendant has surrendered his or her operator's license to the department and installed an approved ignition interlock device in accordance with such court order, and (iii) payment by the defendant of the fee provided in section 60-4,115, the defendant shall be eligible for reinstatement of his or her operator's license following the expiration of thirty days after revocation under section 60-6,206 and the director shall issue to the~~

defendant a Class O license restricted to the operation of a motor vehicle equipped with an ignition interlock device. The department shall not issue such a license to any person convicted of a second or subsequent violation of section 60-6,196 or 60-6,197 until at least one year of the operator's license revocation has elapsed.

(b) Upon expiration of the court order issued pursuant to section 60-6,211.05 or an order issued by the Board of Pardons pursuant to section 83-1,127.02, the defendant may apply to the department in writing for issuance of an operator's license which does not contain such restriction. If the license surrendered by the defendant under subdivision (a) of this subsection has not expired, the director shall return such license to the defendant. If such license has expired, the defendant shall reapply for an operator's license pursuant to the Motor Vehicle Operator's License Act.

Sec. 31. (1) No operator's license referred to in section 60-4,118 shall, under any circumstances, be issued to any person who has not attained the age of seventeen years.

(2) No operator's license shall be issued to a person under eighteen years of age applying for an operator's license under section 60-4,118 unless such person:

(a) Has possessed a valid provisional operator's permit for at least a twelve-month period beginning on the date of issuance of such person's provisional operator's permit;

(b) Has not accumulated three or more points pursuant to section 60-4,182 during the twelve-month period immediately preceding the date of the application for the operator's license; and

(c) Has surrendered the provisional operator's permit to the examiner.

(3) The Department of Motor Vehicles shall waive the written examination and the driving test required under section 60-4,118 for any person seventeen to twenty-one years of age applying for his or her initial operator's license if he or she has been issued a provisional operator's permit. The department shall not waive the written examination and the driving test required under this section if the person is applying for a commercial driver's license or permit or if the operator's license being applied for contains a class or endorsement which is different from the class or endorsement of the provisional operator's permit.

Sec. 32. (1) Upon receipt by the director of (a) a certified copy of a court order issued pursuant to section 60-6,211.05, (b) sufficient evidence that the person has surrendered his or her operator's license to the Department of Motor Vehicles and installed an approved ignition interlock device in accordance with such court order, and (c) payment of the fee provided in section 60-4,115, such person may apply for reinstatement of his or her eligibility for an operator's license following the passage of thirty days of the ninety-day revocation period under section 60-6,206 and the director shall issue to such person a Class O license restricted to the operation of a motor vehicle equipped with an ignition interlock device. The department shall not issue such a license to any person convicted of a second or subsequent violation of section 60-6,196 or 60-6,197 until at least one year of the operator's license revocation has elapsed.

(2) Upon expiration of the court order issued pursuant to section 60-6,211.05 or an order issued by the Board of Pardons pursuant to section 83-1,127.02, a person may apply to the department in writing for issuance of an operator's license which does not contain such restriction. Regardless of whether the license surrendered by such person under subsection (1) of this section has expired, the person shall apply for a new operator's license pursuant to the Motor Vehicle Operator's License Act.

Sec. 33. Section 60-4,120.02, Revised Statutes Supplement, 2000, is amended to read:

60-4,120.02. (1) Any person convicted of violating a provisional operator's permit issued pursuant to section 60-4,120.01 by operating a motor vehicle in violation of subsection (3) of such section shall be guilty of an infraction and may have his or her provisional operator's permit ~~suspended~~ ~~revoked~~ by the court pursuant to section 60-496 for a time period specified by the court. Before such person ~~has his or her~~ ~~applies for another~~ provisional operator's permit, ~~reinstated~~, he or she shall pay a reinstatement fee as provided in section 11 of this act after the period of revocation has expired. ~~of ninety-five dollars to the Department of Motor Vehicles after the period of suspension has expired. The reinstatement fee shall be remitted to the State Treasurer. The State Treasurer shall credit fifty dollars of each reinstatement fee to the General Fund and forty-five dollars of each reinstatement fee to the Department of Motor Vehicles Cash Fund.~~

(2) A copy of an abstract of the court's conviction, including an

adjudication, shall be transmitted to the director pursuant to sections 60-497.01 to 60-497.04.

(3) For purposes of this section, conviction includes any adjudication of a juvenile.

Sec. 34. Section 60-4,125, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,125. For any minor convicted or adjudicated of violating the terms of an LPD-learner's permit issued pursuant to section 60-4,123 or an LPE-learner's permit issued pursuant to section 60-4,124, the court shall, in addition to any other penalty or disposition, ~~revoke order the revocation of~~ such learner's permit and order that such minor shall not be eligible for another operator's license or school, farm, LPD-learner's, or LPE-learner's permit until he or she has attained the age of sixteen years.

A copy of the court's abstract or adjudication shall be transmitted to the director who shall ~~cancel~~ ~~revoke~~ the LPD-learner's or LPE-learner's permit of such minor in accordance with the order of the court and not again issue another operator's license or school, farm, LPD-learner's, or LPE-learner's permit to such minor until such minor has attained the age of sixteen years.

Sec. 35. Section 60-4,130.03, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,130.03. (1) Any person less than twenty-one years of age who holds an operator's license or a provisional operator's permit and who has accumulated, within any twelve-month period, a total of six or more points on his or her driving record pursuant to section 60-4,182 shall be notified by the Department of Motor Vehicles of that fact and ordered to attend and successfully complete a driver improvement course consisting of at least eight hours of department-approved instruction. Notice shall be sent by regular United States mail to the last-known address as shown in the records of the department. If such person fails to complete the driver improvement course within three months after the date of notification, he or she shall have his or her operator's license suspended by the department.

(2) The director shall issue an order summarily suspending an operator's license until the licensee turns twenty-one years of age. Such order shall be sent by certified or registered United States mail to the last-known address as shown in the records of the department. Such person shall not have his or her operator's license reinstated until he or she (a) has successfully completed the driver improvement course or has attained the age of twenty-one years and (b) ~~has paid a reinstatement fee of ninety-five dollars to the department after the period of suspension has expired~~ complied with section 12 of this act.

~~(3) The reinstatement fee shall be remitted to the State Treasurer. The State Treasurer shall credit fifty dollars of each reinstatement fee to the General Fund and forty-five dollars of each reinstatement fee to the Department of Motor Vehicles Cash Fund.~~

Sec. 36. Section 60-4,141.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,141.01. No person shall operate a commercial motor vehicle upon the highways of this state while his or her commercial driver's license or privilege to operate a commercial motor vehicle is suspended, revoked, or canceled or while subject to a disqualification or an out-of-service order. Any person who operates a commercial motor vehicle upon the highways of this state in violation of this section shall, ~~upon conviction, be guilty of a Class III misdemeanor~~ be subject to section 60-4,108.

Sec. 37. Section 60-4,169, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,169. Whenever it comes to the attention of the director that any person when operating a commercial motor vehicle has, based upon the records of the director, been convicted of or administratively determined to have committed an offense for which disqualification is required pursuant to section 60-4,146.01, 60-4,168, or 60-4,168.01, the director shall summarily revoke (1) the commercial driver's license and privilege of such person to operate a commercial motor vehicle in this state or (2) the privilege, if such person is a nonresident, of operating a commercial motor vehicle in this state. Any revocation ordered by the director pursuant to this section shall commence on the date of the signing of the order of revocation or the date of the release of such person from the jail or a Department of Correctional Services adult correctional facility, whichever is later, unless the order of the court requires the jail time and the revocation to run concurrently.

Sec. 38. Section 60-4,171, Revised Statutes Supplement, 2000, is amended to read:

60-4,171. (1) Following any period of revocation ordered by a

court, a resident who has had a commercial driver's license revoked pursuant to section 60-4,169 may apply for a Class O or M operator's license.

(2) Any person who has had his or her commercial driver's license revoked pursuant to section 60-4,169 may, at the end of such revocation period, apply to have his or her eligibility for a commercial driver's license reinstated. The applicant shall (a) apply to the Department of Motor Vehicles and, ~~if the applicant is an individual, shall~~ provide his or her social security number, (b) take the commercial driver's license knowledge and driving skills examinations prescribed pursuant to section 60-4,155, (c) comply with section 60-4,145 regarding physical requirements, (d) be subject to a check of his or her driving record, (e) pay the fees specified in section 60-4,148 and a ~~ninety-five-dollar~~ reinstatement fee as provided in section 11 of this act, and (f) surrender any operator's license issued pursuant to subsection (1) of this section. ~~The reinstatement fee shall be remitted to the State Treasurer. The State Treasurer shall credit fifty dollars of each reinstatement fee to the General Fund and forty-five dollars of each reinstatement fee to the Department of Motor Vehicles Cash Fund.~~

Sec. 39. Section 60-4,185, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,185. When the operator's license of ~~such a~~ person is revoked ~~or suspended~~ for a period of at least six months ~~by the~~ pursuant to an order of conviction or as provided by sections 60-4,182 to 60-4,186, 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. 40. Section 60-505.02, Reissue Revised Statutes of Nebraska, is amended to read:

60-505.02. (1) Whenever a license ~~or registration~~ is ~~suspended or~~ revoked and the filing of proof of financial responsibility is, by the Motor Vehicle Safety Responsibility Act, made a prerequisite to reinstatement of ~~such license or registration, or both, or to the issuance of~~ eligibility for a new license, or registration, or both, no such license ~~or registration~~ shall be ~~reinstated or new license or registration~~ issued unless the licensee, ~~or registrant~~, in addition to complying with the other provisions of the act, pays to the Department of Motor Vehicles a ~~fee of ninety-five~~ reinstatement fee of one hundred twenty-five dollars. The fees paid pursuant to this ~~section~~ subsection shall be remitted to the State Treasurer. The State Treasurer shall credit ~~fifty~~ fifty-seven dollars of each fee to the General Fund and ~~forty-five~~ fifty dollars of each fee to the Department of Motor Vehicles Cash Fund.

(2) ~~Whenever a license is suspended and the filing of proof of financial responsibility is, by the act, made a prerequisite to reinstatement of such license or to the issuance of a new license, no such license shall be reinstated or new license issued unless the licensee, in addition to complying with the other provisions of the act, pays to the department a fee of fifty dollars. The fees paid pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.~~

(3) ~~When a registration is suspended and the filing of proof of financial responsibility is, by the act, made a prerequisite to reinstatement of the registration, no such registration shall be reinstated or new registration issued unless the registrant, in addition to complying with the act and Chapter 60, article 3, pays to the department a fee of fifty dollars. The fees paid pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.~~

Sec. 41. Section 60-557, Reissue Revised Statutes of Nebraska, is amended to read:

60-557. Any person whose license, registration, or nonresident's operating privilege has been suspended or revoked under the Motor Vehicle Safety Responsibility Act and who, during such suspension or revocation, drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway, except as permitted under the act, shall be ~~punished as provided in~~ subject to section 60-4,108.

Sec. 42. Section 60-601, Revised Statutes Supplement, 2000, is amended to read:

60-601. Sections 60-601 to 60-6,374 and sections 44 to 46 of this act shall be known and may be cited as the Nebraska Rules of the Road.

Sec. 43. Section 60-605, Reissue Revised Statutes of Nebraska, is amended to read:

60-605. For purposes of the Nebraska Rules of the Road, the definitions found in sections 60-606 to 60-676 and sections 44 and 45 of this

act shall be used.

Sec. 44. Impoundment of operator's license shall have the meaning found in section 7 of this act.

Sec. 45. Revocation of operator's license shall have the meaning found in section 60-476.01.

Sec. 46. Whenever an operator's license is ordered revoked by the court or by administrative action of the Department of Motor Vehicles pursuant to the Nebraska Rules of the Road, the licensee shall pay a reinstatement fee to the Department of Motor Vehicles to reinstate his or her eligibility for a new license, in addition to complying with the other applicable provisions of the Nebraska Rules of the Road. The reinstatement fee shall be one hundred twenty-five dollars. The department shall remit the fees to the State Treasurer. The State Treasurer shall credit seventy-five dollars of each fee to the General Fund and fifty dollars of each fee to the Department of Motor Vehicles Cash Fund.

Sec. 47. Section 60-6,196, Revised Statutes Supplement, 2000, is amended to read:

60-6,196. (1) It shall be unlawful for any person to operate or be in the actual physical control of any motor vehicle:

(a) While under the influence of alcoholic liquor or of any drug;

(b) When such person has a concentration of ten-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood; or

(c) When such person has a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath.

(2) Any person who operates or is in the actual physical control of any motor vehicle while in a condition described in subsection (1) of this section shall be guilty of a crime and upon conviction punished as follows:

(a) If such person has not had a conviction in the twelve years prior to the date of the current conviction (i) under this section, (ii) under a city or village ordinance enacted pursuant to this section, or (iii) under a law of another state, if at the time of the conviction under the law of such other state, the offense for which such person was convicted would have been a violation under this section, such person shall be guilty of a Class W misdemeanor, and the court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle for any purpose for a period of six months from the date ordered by the court and shall order that the operator's license of such person be revoked for a like period. Such revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. ~~Such revocation shall not run concurrently with any jail term imposed.~~

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order such person not to drive any motor vehicle for any purpose for a period of sixty days from the date of the order unless otherwise authorized by an order issued pursuant to section 60-6,211.05, and such order of probation shall also include, as one of its conditions, the payment of a four-hundred-dollar fine;

(b) If such person has had one conviction in the twelve years prior to the date of the current conviction (i) under this section, (ii) under a city or village ordinance enacted pursuant to this section, or (iii) under a law of another state, if at the time of the conviction under the law of such other state, the offense for which such person was convicted would have been a violation under this section, such person shall be guilty of a Class W misdemeanor, and the court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle for any purpose for a period of one year from the date ordered by the court, shall order that the operator's license of such person be revoked for a like period, and shall issue an order pursuant to section 60-6,197.01 with respect to all motor vehicles owned by such person. Such orders shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. ~~Such orders shall not run concurrently with any jail term imposed.~~

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of one year from the date of the order unless otherwise authorized by an order issued pursuant to section 60-6,211.05 and shall issue an order pursuant to section 60-6,197.01 with respect to all motor vehicles owned by such person, and such order of probation shall also include, as conditions, the payment of a five-hundred-dollar fine and either confinement in the city or county jail for



five days or the imposition of not less than two hundred forty hours of community service;

(c) If such person has had two convictions in the twelve years prior to the date of the current conviction (i) under this section, (ii) under a city or village ordinance enacted pursuant to this section, (iii) under a law of another state, if at the time of the conviction under the law of such other state, the offense for which such person was convicted would have been a violation under this section, or (iv) as described in subdivisions (i) through (iii) of this subdivision, such person shall be guilty of a Class W misdemeanor, and the court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of fifteen years from the date ordered by the court, shall order that the operator's license of such person be revoked for a like period, and shall issue an order pursuant to section 60-6,197.01 with respect to all motor vehicles owned by such person. Such orders shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. ~~Such orders shall not run concurrently with any jail term imposed.~~

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of one year unless otherwise authorized by an order issued pursuant to section 60-6,211.05 and shall issue an order pursuant to section 60-6,197.01 with respect to all motor vehicles owned by such person, and such order of probation shall also include, as conditions, the payment of a six-hundred-dollar fine and either confinement in the city or county jail for ten days or the imposition of not less than four hundred eighty hours of community service; and

(d) If such person has had three or more convictions in the twelve years prior to the date of the current conviction (i) under this section, (ii) under a city or village ordinance enacted pursuant to this section, (iii) under a law of another state, if at the time of the conviction under the law of such other state, the offense for which such person was convicted would have been a violation under this section, or (iv) as described in subdivisions (i) through (iii) of this subdivision, such person shall be guilty of a Class IV felony, and the court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of fifteen years from the date ordered by the court, shall order that the operator's license of such person be revoked for a like period, and shall issue an order pursuant to section 60-6,197.01 with respect to all motor vehicles owned by such person. Such orders shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. ~~Such orders shall not run concurrently with any jail term imposed.~~ The court shall also sentence such person to serve at least ten days' imprisonment in the city or county jail or an adult correctional facility.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of one year unless otherwise authorized by an order issued pursuant to section 60-6,211.05 and shall issue an order pursuant to section 60-6,197.01 with respect to all motor vehicles owned by such person, and such order of probation shall also include, as conditions, the payment of a one-thousand-dollar fine and either confinement in the city or county jail for ten days or the imposition of not less than four hundred eighty hours of community service.

(3) For each conviction under this section, the court shall as part of the judgment of conviction make a finding on the record as to the number of the defendant's prior convictions in the twelve years prior to the date of the current conviction (a) under this section, (b) under a city or village ordinance enacted pursuant to this section, or (c) under a law of another state, if at the time of the conviction under the law of such other state, the offense for which the defendant was convicted would have been a violation under this section. In any case charging a violation under this section, the prosecutor or investigating agency shall use due diligence to obtain the defendant's driving record from the Department of Motor Vehicles and the defendant's driving record from other states where he or she is known to have resided within the last twelve years. The prosecutor shall certify to the court, prior to sentencing, that such action has been taken. The prosecutor shall present as evidence for purposes of sentence enhancement under this section an authenticated copy of a prior conviction in another state. The authenticated copy shall be prima facie evidence of such prior conviction.

The defendant shall be given the opportunity to review the record of his or her prior convictions, bring mitigating facts to the attention of the court prior to sentencing, and make objections on the record regarding the validity of such prior convictions.

(4) For purposes of this section, the twelve-year period shall be computed from the date of the prior offense to the date of the offense which resulted in the current conviction and the terms conviction under this section and prior conviction shall include any conviction (a) under this section as it existed at the time of such conviction regardless of subsequent amendments to this section, (b) under a city or village ordinance enacted pursuant to this section regardless of subsequent amendments to this section, or (c) under a law of another state, if at the time of the conviction under the law of such other state, the offense for which the person was convicted would have been a violation under this section regardless of subsequent amendments to this section.

(5) Any period of revocation or order not to drive imposed under this section shall be reduced by any period imposed under section 60-6,206. Any period of revocation or order not to drive imposed under subdivision (2)(a) of this section shall not prohibit the operation of a motor vehicle under the terms and conditions of an employment driving permit issued pursuant to subsection (2) of section 60-6,206.

(6) Any person operating a motor vehicle on the highways or streets of this state while his or her operator's license has been revoked pursuant to subdivision (2)(c) or (2)(d) of this section shall be guilty of a Class IV felony. If such person has had a conviction under this subsection prior to the date of the current conviction under this subsection, such person shall be guilty of a Class III felony.

(7) Any city or village may enact ordinances in conformance with this section and section 60-6,197. Upon conviction of any person of a violation of such a city or village ordinance, the provisions of this section with respect to the operator's license of such person shall be applicable the same as though it were a violation of this section.

(8) Any person who has been convicted of driving while intoxicated shall, during a presentence evaluation, submit to and participate in an alcohol assessment. The alcohol assessment shall be paid for by the person convicted of driving while intoxicated. At the time of sentencing, the judge, having reviewed the assessment results, may then order the convicted person to follow through on the alcohol assessment results at the convicted person's expense in addition to any penalties deemed necessary.

Sec. 48. Section 60-6,197, Revised Statutes Supplement, 2000, is amended to read:

60-6,197. (1) Any person who operates or has in his or her actual physical control a motor vehicle in this state shall be deemed to have given his or her consent to submit to a chemical test or tests of his or her blood, breath, or urine for the purpose of determining the concentration of alcohol or the presence of drugs in such blood, breath, or urine.

(2) Any peace officer who has been duly authorized to make arrests for violations of traffic laws of this state or of ordinances of any city or village may require any person arrested for any offense arising out of acts alleged to have been committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic liquor or drugs to submit to a chemical test or tests of his or her blood, breath, or urine for the purpose of determining the concentration of alcohol or the presence of drugs in such blood, breath, or urine when the officer has reasonable grounds to believe that such person was driving or was in the actual physical control of a motor vehicle in this state while under the influence of alcoholic liquor or drugs in violation of section 60-6,196.

(3) Any peace officer who has been duly authorized to make arrests for violation of traffic laws of this state or ordinances of any city or village may require any person who operates or has in his or her actual physical control a motor vehicle in this state to submit to a preliminary test of his or her breath for alcohol concentration if the officer has reasonable grounds to believe that such person has alcohol in his or her body, has committed a moving traffic violation, or has been involved in a traffic accident. Any person who refuses to submit to such preliminary breath test or whose preliminary breath test results indicate an alcohol concentration in violation of section 60-6,196 shall be placed under arrest. Any person who refuses to submit to such preliminary breath test shall be guilty of a Class V misdemeanor.

(4) Any person arrested as provided in this section may, upon the direction of a peace officer, be required to submit to a chemical test or tests of his or her blood, breath, or urine for a determination of the

concentration of alcohol or the presence of drugs. If the chemical test discloses the presence of a concentration of alcohol in violation of subsection (1) of section 60-6,196, the person shall be subject to the administrative revocation procedures provided in sections 60-6,205 to 60-6,208 and upon conviction shall be punished as provided in section 60-6,196. Any person who refuses to submit to such test or tests required pursuant to this section shall be subject to the administrative revocation procedures provided in sections 60-6,205 to 60-6,208 and shall be guilty of a crime and upon conviction punished as follows:

(a) If such person has not had a conviction in the twelve years prior to the date of the current conviction (i) under this section for refusal to submit to a chemical blood, breath, or urine test, (ii) under a city or village ordinance enacted pursuant to this section as authorized by section 60-6,196, or (iii) under a law of another state, if at the time of the conviction under the law of such other state, the offense for which such person was convicted would have been a violation under this section, such person shall be guilty of a Class W misdemeanor, and the court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of six months from the date ordered by the court and shall order that the operator's license of such person be revoked for a like period. Such revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. ~~Such revocation shall not run concurrently with any jail term imposed.~~

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of sixty days unless otherwise authorized by an order issued pursuant to section 60-6,211.05, and such order of probation shall also include, as one of its conditions, the payment of a four-hundred-dollar fine;

(b) If such person has had one conviction in the twelve years prior to the date of the current conviction (i) under this section for refusal to submit to a chemical blood, breath, or urine test, (ii) under a city or village ordinance enacted pursuant to this section as authorized by section 60-6,196, or (iii) under a law of another state, if at the time of the conviction under the law of such other state, the offense for which such person was convicted would have been a violation under this section, such person shall be guilty of a Class W misdemeanor, and the court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of one year from the date ordered by the court, shall order that the operator's license of such person be revoked for a like period, and shall issue an order pursuant to section 60-6,197.01 with respect to all motor vehicles owned by such person. Such orders shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. ~~Such orders shall not run concurrently with any jail term imposed.~~

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of one year from the date of the order unless otherwise authorized by an order issued pursuant to section 60-6,211.05 and shall issue an order pursuant to section 60-6,197.01 with respect to all motor vehicles owned by such person, and such order of probation shall also include, as conditions, the payment of a five-hundred-dollar fine and either confinement in the city or county jail for five days or the imposition of not less than two hundred forty hours of community service;

(c) If such person has had two convictions in the twelve years prior to the date of the current conviction (i) under this section for refusal to submit to a chemical blood, breath, or urine test, (ii) under a city or village ordinance enacted pursuant to this section as authorized by section 60-6,196, (iii) under a law of another state, if at the time of the conviction under the law of such other state, the offense for which such person was convicted would have been a violation under this section, or (iv) as described in subdivisions (i) through (iii) of this subdivision, such person shall be guilty of a Class W misdemeanor, and the court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of fifteen years from the date ordered by the court, shall order that the operator's license of such person be revoked for a like period, and shall issue an order pursuant to section 60-6,197.01 with respect to all motor vehicles owned by such person. Such

orders shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. ~~Such orders shall not run concurrently with any jail term imposed.~~

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of one year unless otherwise authorized by an order issued pursuant to section 60-6,211.05 and shall issue an order pursuant to section 60-6,197.01 with respect to all motor vehicles owned by such person, and such order of probation shall also include, as conditions, the payment of a six-hundred-dollar fine and either confinement in the city or county jail for ten days or the imposition of not less than four hundred eighty hours of community service; and

(d) If such person has had three or more convictions in the twelve years prior to the date of the current conviction (i) under this section for refusal to submit to a chemical blood, breath, or urine test, (ii) under a city or village ordinance enacted pursuant to this section as authorized by section 60-6,196, (iii) under a law of another state, if at the time of the conviction under the law of such other state, the offense for which such person was convicted would have been a violation under this section, or (iv) as described in subdivisions (i) through (iii) of this subdivision, such person shall be guilty of a Class IV felony, and the court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of fifteen years from the date ordered by the court, shall order that the operator's license of such person be revoked for a like period, and shall issue an order pursuant to section 60-6,197.01 with respect to all motor vehicles owned by such person. Such orders shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. ~~Such orders shall not run concurrently with any jail term imposed.~~ The court shall also sentence such person to serve at least ten days' imprisonment in the city or county jail or an adult correctional facility.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of one year unless otherwise authorized by an order issued pursuant to section 60-6,211.05 and shall issue an order pursuant to section 60-6,197.01 with respect to all motor vehicles owned by such person, and such order of probation shall also include, as conditions, the payment of a one-thousand-dollar fine and either confinement in the city or county jail for ten days or the imposition of not less than four hundred eighty hours of community service.

(5) For each conviction under this section, the court shall, as part of the judgment of conviction, make a finding on the record as to the number of the defendant's prior convictions in the twelve years prior to the date of the current conviction (a) under this section, (b) under a city or village ordinance enacted pursuant to this section, or (c) under a law of another state, if at the time of the conviction under the law of such other state, the offense for which the defendant was convicted would have been a violation under this section. In any case charging a violation under this section, the prosecutor or investigating agency shall use due diligence to obtain the defendant's driving record from the Department of Motor Vehicles and the defendant's driving record from other states where he or she is known to have resided within the last twelve years. The prosecutor shall certify to the court, prior to sentencing, that such action has been taken. The prosecutor shall present as evidence for purposes of sentence enhancement under this section an authenticated copy of a prior conviction in another state. The authenticated copy shall be prima facie evidence of such prior conviction. The defendant shall be given the opportunity to review the record of his or her prior convictions, bring mitigating facts to the attention of the court prior to sentencing, and make objections on the record regarding the validity of such prior convictions.

(6) For purposes of this section, the twelve-year period shall be computed from the date of the prior offense to the date of the offense which resulted in the current conviction and the terms conviction under this section and prior conviction shall include any conviction (a) under this section as it existed at the time of such conviction regardless of subsequent amendments to this section, (b) under a city or village ordinance enacted pursuant to this section regardless of subsequent amendments to this section, or (c) under a law of another state, if at the time of the conviction under the law of such other state, the offense for which the person was convicted would have been a violation under this section regardless of subsequent amendments to this

section.

(7) Any person operating a motor vehicle on the highways or streets of this state while his or her operator's license has been revoked pursuant to subdivision (4)(c) or (4)(d) of this section shall be guilty of a Class IV felony. If such person has had a conviction under this subsection prior to the date of the current conviction under this subsection, such person shall be guilty of a Class III felony.

(8) Any city or village may enact ordinances in conformance with this section. Upon conviction of any person of a violation of such city or village ordinance, the provisions of this section with respect to the operator's license of such person shall be applicable the same as though it were a violation of this section.

(9) Any person involved in a motor vehicle accident in this state may be required to submit to a chemical test of his or her blood, breath, or urine by any peace officer if the officer has reasonable grounds to believe that the person was driving or was in actual physical control of a motor vehicle on a public highway in this state while under the influence of alcoholic liquor or drugs at the time of the accident. A person involved in a motor vehicle accident subject to the implied consent law of this state shall not be deemed to have withdrawn consent to submit to a chemical test of his or her blood, breath, or urine by reason of leaving this state. If the person refuses a test under this section and leaves the state for any reason following an accident, he or she shall remain subject to subsection (4) of this section and section 60-6,206 upon return.

(10) Any person who is required to submit to a chemical blood, breath, or urine test or tests pursuant to this section shall be advised that refusal to submit to such test or tests is a separate crime for which the person may be charged.

(11) Refusal to submit to a chemical blood, breath, or urine test or tests pursuant to this section shall be admissible evidence in any action for a violation of section 60-6,196 or a city or village ordinance enacted pursuant to such section.

Sec. 49. Section 60-6,197.01, Revised Statutes Supplement, 2000, is amended to read:

60-6,197.01. Upon conviction for a second or subsequent violation of section 60-6,196 or 60-6,197, the court shall impose either of the following restrictions on all motor vehicles owned by the person so convicted:

(1)(a) The court shall order the motor vehicle or motor vehicles immobilized at the owner's expense for a period of time not less than five days and not more than eight months and shall notify the Department of Motor Vehicles of the period of immobilization. Any immobilized motor vehicle shall be released to the holder of a bona fide lien on the motor vehicle executed prior to such immobilization when possession of the motor vehicle is requested as provided by law by such lienholder for purposes of foreclosing and satisfying such lien. If a person tows and stores a motor vehicle pursuant to this subdivision at the direction of a peace officer or the court and has a lien upon such motor vehicle while it is in his or her possession for reasonable towing and storage charges, the person towing the vehicle has the right to retain such motor vehicle until such lien is paid. For purposes of this subdivision, immobilized or immobilization means revocation or suspension, at the discretion of the court, of the registration of such motor vehicle or motor vehicles, including the license plates; and

(b)(i) Any immobilized motor vehicle shall be released by the court without any legal or physical restraints to any registered owner who is not the registered owner convicted of a second or subsequent violation of section 60-6,196 or 60-6,197 if an affidavit is submitted to the court by such registered owner stating that the affiant is employed, that the motor vehicle subject to immobilization is necessary to continue that employment, that such employment is necessary for the well-being of the affiant's dependent children or parents, that the affiant will not authorize the use of the motor vehicle by any person known by the affiant to have been convicted of a second or subsequent violation of section 60-6,196 or 60-6,197, that affiant will immediately report to a local law enforcement agency any unauthorized use of the motor vehicle by any person known by the affiant to have been convicted of a second or subsequent conviction of section 60-6,196 or 60-6,197, and that failure to release the motor vehicle would cause undue hardship to the affiant.

(ii) A registered owner who executes an affidavit pursuant to subdivision (1)(b)(i) of this section which is acted upon by the court and who fails to immediately report an unauthorized use of the motor vehicle which is the subject of the affidavit is guilty of a Class IV misdemeanor and may not file any additional affidavits pursuant to subdivision (1)(b)(i) of this

section.

(iii) The department shall adopt and promulgate rules and regulations to implement the provisions of subdivision (1) of this section; or

(2) As an alternative to subdivision (1) of this section, the court shall order the installation of an ignition interlock device on each of the owner's motor vehicles if the owner was sentenced to an operator's license revocation of at least one year and has completed at least one year of such revocation. No license reinstatement may occur until sufficient evidence is presented to the department that an ignition interlock device is installed on each vehicle and that the applicant is eligible for use of an ignition interlock device. The installation of an ignition interlock device shall be for a period not less than six months commencing upon the end of such year of the operator's license revocation. Notwithstanding any other provision of law, if the owner was convicted of a second or subsequent violation of section 60-6,196 or 60-6,197, no ignition interlock device shall be ordered by any court or state agency under any circumstances until at least one year of the operator's license revocation shall have elapsed.

Sec. 50. Section 60-6,198, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,198. (1) Any person who, while operating a motor vehicle in violation of section 60-6,196 or 60-6,197, proximately causes serious bodily injury to another person shall be guilty of a Class IIIA felony and the court shall, as part of the judgment of conviction, order the person not to drive any motor vehicle for any purpose for a period of at least sixty days and not more than fifteen years from the date ordered by the court and shall order that the operator's license of such person be revoked for the same period. ~~The revocation shall not run concurrently with any jail term imposed.~~

(2) For purposes of this section, serious bodily injury shall mean bodily injury which involves a substantial risk of death, a substantial risk of serious permanent disfigurement, or a temporary or protracted loss or impairment of the function of any part or organ of the body.

Sec. 51. Section 60-6,205, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,205. (1) Because persons who drive while under the influence of alcohol present a hazard to the health and safety of all persons using the highways, a procedure is needed for the swift and certain revocation of the operator's license of any person who has shown himself or herself to be a health and safety hazard (a) by driving with an excessive concentration of alcohol in his or her body or (b) by driving while under the influence of alcohol.

(2) If a person arrested pursuant to section 60-6,197 refuses to submit to the chemical test of blood, breath, or urine required by that section, the test shall not be given except as provided in section 60-6,210 for the purpose of medical treatment and the arresting peace officer, as agent for the Director of Motor Vehicles, shall verbally serve notice to the arrested person of the intention to immediately ~~impound~~ confiscate and revoke the operator's license of such person and that the revocation will be automatic thirty days after the date of arrest unless a petition for hearing is filed within ten days after the date of arrest as provided in subsection (6) of this section. The arresting peace officer shall within ten days forward to the director a sworn report stating (a) that the person was validly arrested pursuant to section 60-6,197 and the reasons for such arrest, (b) that the person was requested to submit to the required test, and (c) that the person refused to submit to the required test.

(3) If a person arrested pursuant to section 60-6,197 submits to the chemical test of blood or breath required by that section, the test discloses the presence of alcohol in any of the concentrations specified in section 60-6,196, and the test results are available to the arresting peace officer while the arrested person is still in custody, the arresting peace officer, as agent for the director, shall verbally serve notice to the arrested person of the intention to immediately ~~impound~~ confiscate and revoke the operator's license of such person and that the revocation will be automatic thirty days after the date of arrest unless a petition for hearing is filed within ten days after the date of arrest as provided in subsection (6) of this section. The arresting peace officer shall within ten days forward to the director a sworn report stating (a) that the person was validly arrested pursuant to section 60-6,197 and the reasons for such arrest, (b) that the person was requested to submit to the required test, and (c) that the person submitted to a test, the type of test to which he or she submitted, and that such test revealed the presence of alcohol in a concentration specified in section 60-6,196.

(4) On behalf of the director, the arresting peace officer

submitting a sworn report under subsection (2) or (3) of this section shall serve notice of the revocation on the arrested person, and the revocation shall be effective thirty days after the date of arrest. The notice of revocation shall contain a statement explaining the operation of the administrative revocation procedure. The peace officer shall also provide to the arrested person an addressed envelope and a petition form which the arrested person may use to request a hearing before the director to contest the revocation. The petition form shall clearly state on its face that the petition must be completed and delivered to the Department of Motor Vehicles or postmarked within ten days after receipt or the person's right to a hearing to contest the revocation will be foreclosed. The director shall prepare and approve the form for the petition, the addressed envelope, and the notice of revocation and shall provide them to law enforcement agencies.

If the person has an operator's license, the arresting peace officer shall take possession of the license and issue a temporary operator's license valid for thirty days. The arresting peace officer shall forward the operator's license to the department along with the sworn report made under subsection (2) or (3) of this section.

(5)(a) If the results of a chemical test indicate the presence of alcohol in a concentration specified in section 60-6,196, the results are not available to the arresting peace officer while the arrested person is in custody, and the notice of revocation has not been served as required by subsection (4) of this section, the peace officer shall forward to the director a sworn report containing the information prescribed by subsection (3) of this section within ten days after receipt of the results of the chemical test. If the sworn report is not received within ten days, the revocation shall not take effect.

(b) Upon receipt of the report, the director shall serve the notice of revocation on the arrested person by certified or registered mail to the address appearing on the records of the director. If the address on the director's records differs from the address on the arresting peace officer's report, the notice shall be sent to both addresses. The notice of revocation shall contain a statement explaining the operation of the administrative revocation procedure. The director shall also provide to the arrested person an addressed envelope and a petition form which the arrested person may use to request a hearing before the director to contest the revocation. The petition form shall clearly state on its face that the petition must be completed and delivered to the department or postmarked within ten days after receipt or the person's right to a hearing to contest the revocation will be foreclosed. The director shall prepare and approve the form for the petition, the addressed envelope, and the notice of revocation. The revocation shall be effective thirty days after the date of mailing.

(c) If the records of the director indicate that the arrested person possesses an operator's license, the director shall include with the notice of revocation a temporary operator's license which expires thirty days after the date of mailing. Any arrested person who desires a hearing and has been served a notice of revocation pursuant to this subsection shall return his or her operator's license with the petition requesting the hearing. If the operator's license is not included with the petition requesting the hearing, the director shall ~~reject~~ deny the petition.

(6)(a) An arrested person's operator's license ~~impounded~~ confiscated pursuant to subsection (4) of this section shall be automatically revoked upon the expiration of thirty days after the date of arrest. An arrested person's operator's license ~~impounded~~ confiscated pursuant to subsection (5) of this section shall be automatically revoked upon the expiration of thirty days after the date of mailing of the notice of revocation by the director. The arrested person shall postmark or return to the director a petition within ten days after the receipt of the notice of revocation if the arrested person desires a hearing. The petition shall be in writing and shall state the grounds on which the person is relying to prevent the revocation from becoming effective. The hearing shall be conducted in the county in which the arrest occurred or in any other county agreed to by the parties.

(b) The director shall conduct the hearing within twenty days after a petition is filed. Upon receipt of a petition, the director shall notify the petitioner of the date and location for the hearing by certified or registered mail postmarked at least seven days prior to the hearing date. The filing of the petition shall not prevent the automatic revocation of the petitioner's operator's license at the expiration of the thirty-day period. A continuance of the hearing to a date beyond the expiration of the temporary operator's license shall stay the expiration of the temporary license when the request for continuance is made by the director.

(c) At hearing the issues under dispute shall be limited to:

(i) In the case of a refusal to submit to a chemical test of blood, breath, or urine:

(A) Did the peace officer have probable cause to believe the person was operating or in the actual physical control of a motor vehicle in violation of section 60-6,196 or a city or village ordinance enacted pursuant to such section; and

(B) Did the person refuse to submit to or fail to complete a chemical test after being requested to do so by the peace officer; or

(ii) If the chemical test discloses the presence of alcohol in a concentration specified in section 60-6,196:

(A) Did the peace officer have probable cause to believe the person was operating or in the actual physical control of a motor vehicle in violation of section 60-6,196 or a city or village ordinance enacted pursuant to such section; and

(B) Was the person operating or in the actual physical control of a motor vehicle while having an alcohol concentration in violation of subsection (1) of section 60-6,196.

(7) The director shall adopt and promulgate rules and regulations to govern the conduct of the hearing and insure that the hearing will proceed in an orderly manner. The director may appoint a hearing officer to preside at the hearing, administer oaths, examine witnesses, take testimony, and report to the director. All proceedings before the hearing officer shall be recorded. Upon receipt of the arresting peace officer's sworn report, the director's order of revocation has prima facie validity and it becomes the petitioner's burden to establish by a preponderance of the evidence grounds upon which the operator's license revocation should not take effect. The director shall make a determination of the issue within seven days after the conclusion of the hearing. A person whose operator's license is revoked following a hearing requested pursuant to this section may appeal the order of revocation as provided in section 60-6,208.

Sec. 52. Section 60-6,206, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,206. (1) At the expiration of thirty days after the date of arrest pursuant to section 60-6,197 or if after a hearing pursuant to section 60-6,205 the Director of Motor Vehicles finds that the ~~impounded~~ operator's license should be revoked, the director shall (a) revoke the operator's license of a person arrested for refusal to submit to a chemical test of blood, breath, or urine as required by section 60-6,197 for a period of one year and (b) revoke the ~~impounded~~ operator's license of a person who submits to a chemical test pursuant to such section which discloses the presence of a concentration of alcohol specified in section 60-6,196 for a period of ninety days unless the person's driving record abstract maintained in the department's computerized records shows one or more prior administrative license revocations on which final orders have been issued during the immediately preceding twelve-year period at the time the order of revocation is issued, in which case the period of revocation shall be one year. Except as otherwise provided in section 60-6,211.05, ~~the license shall not be restored nor shall~~ a new operator's license shall not be issued to such person until the period of revocation has elapsed. If the person subject to the revocation is a nonresident of this state, the director shall revoke only the nonresident's operating privilege as defined in section 60-474 of such person and shall immediately forward the operator's license and a statement of the ~~factual basis for the order of~~ revocation to the person's state of residence.

(2) At the expiration of thirty days after an order of revocation is entered under subsection (1) of this section, (a) any person whose operator's license has been administratively revoked for a period of ninety days for submitting to a chemical test pursuant to section 60-6,197 which disclosed the presence of a concentration of alcohol in violation of section 60-6,196 may make application to the director for issuance of an employment driving permit pursuant to section 60-4,130 and (b) any person who submitted to a chemical test pursuant to section 60-6,197 and has his or her operator's license revoked for ninety days pursuant to subsection (1) of this section is eligible for an order pursuant to section 60-6,211.05 to operate a motor vehicle equipped with an ignition interlock device upon presentation of sufficient evidence to the Department of Motor Vehicles that such a device is installed.

This subsection shall not apply to nor shall any person be eligible for the benefit of this subsection during any period of time during which his or her operator's license is subject to an administrative revocation order for refusal to submit to a chemical test of blood, breath, or urine as required by section 60-6,197 or is subject to a one-year revocation under subdivision (1)(b) of this section.

(3) A person may have his or her eligibility for a license



reinstated upon payment of a reinstatement fee of ~~ninety-five dollars to the Department of Motor Vehicles after the period of revocation has expired. The director shall remit all reinstatement fees to the State Treasurer. The State Treasurer shall credit fifty dollars of each fee to the General Fund and forty-five dollars of each fee to the Department of Motor Vehicles Cash Fund as required by section 46 of this act.~~

(4) A person whose operator's license is subject to revocation pursuant to subsection (3) of section 60-6,205 shall have all proceedings dismissed or his or her operator's license immediately reinstated without payment of the reinstatement fee upon receipt of suitable evidence by the director that (a) within the thirty-day period following the date of arrest the prosecuting attorney responsible for the matter declined to file a complaint alleging a violation of section 60-6,196, (b) the charge was dismissed, or (c) the defendant, at trial, was found not guilty of violating such section. The director shall adopt and promulgate rules and regulations establishing standards for the presentation of suitable evidence of compliance with subdivision (a), (b), or (c) of this subsection.

Sec. 53. Section 60-6,207, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,207. (1) The Director of Motor Vehicles shall reduce the decision revoking an operator's license under sections 60-6,205 to 60-6,208 to writing, and the director shall notify the person in writing of the revocation. The notice shall set forth the period of revocation and be served by mailing it to such person by certified or registered mail to the address provided to the director at the hearing or, if the person does not appear at the hearing, to the address appearing on the records of the director. If the address on the director's records differs from the address on the arresting peace officer's report, the notice shall be sent to both addresses.

(2) If the director does not revoke the operator's license, the director shall immediately notify the person in writing of the decision. The notice shall set forth the time and place the person may obtain his or her ~~impounded~~ license. The notice shall be mailed by certified or registered mail as provided in subsection (1) of this section. No reinstatement fee shall be charged for return of the ~~impounded~~ confiscated operator's license pursuant to this subsection.

Sec. 54. Section 60-6,209, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,209. (1) Any person whose operator's license has been revoked pursuant to sections 60-6,196, 60-6,197, and 60-6,199 to 60-6,208 for a third or subsequent time for a period of fifteen years may apply to the Department of Motor Vehicles, on forms prescribed by the department, requesting the department to make a recommendation to the Board of Pardons for reinstatement of his or her eligibility for an operator's license. Upon receipt of the application, the Director of Motor Vehicles shall review the application if such person has served at least seven years of such revocation and make a recommendation for reinstatement or for denial of reinstatement. The department may recommend reinstatement if such person shows the following:

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

(b) Such person has not been convicted, since the date of the revocation order, of any subsequent violations of section 60-6,196 or 60-6,197 or any comparable city or village ordinance and the applicant has not, since the date of the revocation order, submitted to a chemical test under section 60-6,197 that indicated an alcohol concentration in violation of section 60-6,196 or refused to submit to a chemical test under section 60-6,197;

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

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

(e) Such person's operator's license is not currently subject to suspension or revocation for any other reason.

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

(3) Upon review of the application, the director shall make the recommendation to the Board of Pardons in writing and shall briefly state the reasons for the recommendations. The recommendation shall include the original application and other evidence submitted by such person. The recommendation shall also include any record of any other applications such

person has previously filed under this section.

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

(5) If the Board of Pardons reinstates such person's eligibility for an operator's license, such reinstatement may be conditioned for the duration of the original revocation period on such person's continued recovery. If such person is convicted of any subsequent violation of section 60-6,196 or 60-6,197, the reinstatement of the person's eligibility for an operator's license shall be withdrawn and such person's operator's license will be revoked by the Department of Motor Vehicles for the time remaining under the original revocation, independent of any sentence imposed by the court, after thirty days' written notice to the person by first-class mail at his or her last-known mailing address as shown by the records of the department.

(6) If the Board of Pardons reinstates a person's eligibility for an operator's license, the board shall notify the Department of Motor Vehicles of the reinstatement. Such person may ~~have his or her~~ apply for an operator's license reinstated by the department upon payment of a fee of ~~ninety-five one hundred~~ twenty-five dollars and the filing of proof of financial responsibility. The fees paid pursuant to this section shall be collected by the department and remitted to the State Treasurer. The State Treasurer shall credit ~~fifty dollars of each fee to the General Fund and forty-five~~ seventy-five dollars of each fee to the General Fund and fifty dollars of each fee to the Department of Motor Vehicles Cash Fund.

Sec. 55. Section 60-6,211.05, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,211.05. (1) If an order of probation is granted under section 60-6,196 or 60-6,197, the court may order the defendant to install an ignition interlock device of a type approved by the Director of Motor Vehicles on each motor vehicle operated by the defendant. Any order issued by the court pursuant to this section shall not take effect until the defendant is eligible to operate a motor vehicle pursuant to subsection (2) of section 60-6,206. The device shall, without tampering or the intervention of another person, prevent the defendant from operating the motor vehicle when the defendant has an alcohol concentration greater than the levels prescribed in section 60-6,196.

(2) If the court orders an ignition interlock device or the Board of Pardons orders an ignition interlock device under section 83-1,127.02, the court or the Board of Pardons shall order the Department of Motor Vehicles to issue to the defendant a restricted Class O license as provided in section ~~60-4,118~~ 32 of this act which indicates that the defendant is only allowed to operate a motor vehicle equipped with an ignition interlock device. Such court order shall remain in effect for a period of time as determined by the court not to exceed the maximum term of revocation which the court could have imposed according to the nature of the violation. Such Board of Pardons order shall remain in effect for a period of time not to exceed any period of revocation the applicant is subject to at the time the application for a license reinstatement is made.

(3) A person who tampers with or circumvents an ignition interlock device installed under a court order while the order is in effect or who operates a motor vehicle which is not equipped with an ignition interlock device in violation of a court order made pursuant to this section shall be guilty of a Class II misdemeanor.

(4) Any person restricted to operating a motor vehicle equipped with an ignition interlock device, pursuant to a Board of Pardons order, who operates upon the highways of this state a motor vehicle without an ignition interlock device, or who operates a motor vehicle equipped with an ignition interlock device which has been disabled, bypassed, or altered in any way, shall be punished as provided in subsection (3) of section 83-1,127.02.

(5) The director shall adopt and promulgate rules and regulations to approve ignition interlock devices and the means of installation of the devices.

Sec. 56. Section 60-6,211.07, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,211.07. (1) At the end of the impoundment period under section 60-6,211.02, the operator's license shall be returned by the court to the licensee.

(2) Any person who unlawfully operates a motor vehicle during the period of impoundment shall ~~have his or her operator's license suspended for a period of six months~~ be subject to section 60-4,108.

Sec. 57. Section 60-6,216, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,216. Every person convicted of willful reckless driving shall, upon a first conviction, be guilty of a Class III misdemeanor, and the court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle for any purpose for a period of not less than thirty days nor more than one year from the date ordered by the court and shall order that the operator's license of such person be revoked for a like period. The revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. ~~The revocation shall not run concurrently with any jail term imposed.~~

Sec. 58. Section 60-6,217, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,217. Upon a second conviction of any person for either reckless driving or willful reckless driving, the person shall be guilty of a Class II misdemeanor, and the court shall order the person so convicted, as part of the judgment of conviction, not to drive a motor vehicle for any purpose for a period of not less than sixty days nor more than two years from the date ordered by the court and shall order that the operator's license of such person be revoked for a like period. The revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. ~~The revocation shall not run concurrently with any jail term imposed.~~

If the motor vehicle which such person was operating in such reckless or willful reckless manner is registered in the name of such person, the motor vehicle shall be impounded in a reputable garage by the court for a period of not less than two months nor more than one year at the expense and risk of the owner thereof, except that any motor vehicle so impounded shall be released to the holder of a bona fide lien thereon, executed prior to such impounding, when possession of such motor vehicle is requested in writing by such lienholder for the purpose of foreclosing and satisfying the lien.

Sec. 59. Section 60-6,218, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,218. Upon a third or subsequent conviction of any person for either reckless driving or willful reckless driving, the person shall be guilty of a Class I misdemeanor. The court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle for any purpose for a period of one year from the date ordered by the court and shall order that the operator's license of such person be revoked for a like period. The revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. ~~The revocation shall not run concurrently with any jail term imposed.~~

Sec. 60. Section 83-1,127.02, Reissue Revised Statutes of Nebraska, is amended to read:

83-1,127.02. (1) The Board of Pardons may, in its sole discretion, when granting a license reinstatement to any person who has made application pursuant to section 60-6,209, order such person to operate only motor vehicles equipped with an ignition interlock device approved by the Director of Motor Vehicles. The Board of Pardons may order the use of such a device for a period of time not to exceed any period of revocation the applicant is subject to at the time the application for a license reinstatement is made.

(2) Any person ordered by the Board of Pardons to operate only motor vehicles equipped with such an ignition interlock device shall make application to the director for the issuance of a Class O operator's license restricted to the operation of a motor vehicle equipped with such an ignition interlock device.

(3) Any person restricted to operating a motor vehicle equipped with such an ignition interlock device who operates upon the highways of this state a motor vehicle without such an ignition interlock device or who operates a motor vehicle equipped with such an ignition interlock device which has been disabled, bypassed, or altered in any way, is guilty of a Class IV felony. The court shall, as a part of the judgment of conviction, order such person not to drive any motor vehicle for any purpose for a period of fifteen years from the date ordered by the court. The court shall also order that the operator's license of such person be revoked for a like period. The revocation shall be administered upon sentencing, upon the final judgment of any appeal or review, or upon the date that any probation is revoked. ~~The revocation shall not run concurrently with any jail term imposed.~~

Sec. 61. This act becomes operative on January 1, 2002.

Sec. 62. Original sections 28-905, 43-3321, 60-462, 60-463, 60-476.01, 60-476.02, 60-479, 60-496, 60-497, 60-497.01, 60-4,100, 60-4,102, 60-4,103, 60-4,106, 60-4,108, 60-4,109, 60-4,112, 60-4,117, 60-4,125,

60-4,130.03, 60-4,141.01, 60-4,169, 60-4,185, 60-505.02, 60-557, 60-605, 60-6,198, 60-6,205, 60-6,206, 60-6,207, 60-6,209, 60-6,211.05, 60-6,211.07, 60-6,216 to 60-6,218, and 83-1,127.02, Reissue Revised Statutes of Nebraska, sections 28-306, 60-301, 60-486, 60-487, 60-491, 60-497.03, 60-499, 60-4,114, 60-4,120.02, 60-4,171, 60-601, 60-6,196, 60-6,197, and 60-6,197.01, Revised Statutes Supplement, 2000, and section 60-4,118, Revised Statutes Supplement, 2000, as amended by section 5, Legislative Bill 387, Ninety-seventh Legislature, First Session, 2001, are repealed.