

ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION - 2013
COMMITTEE STATEMENT
LB158

Hearing Date: Tuesday February 19, 2013
Committee On: Transportation and Telecommunications
Introducer: Seiler
One Liner: Change provisions relating to eligibility for and use of ignition interlock devices

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

Vote Results:

Aye: 8 Senators Brasch, Dubas, Hadley, Janssen, McCoy, Price, Watermeier, Smith
Nay:
Absent:
Present Not Voting:

Proponents:

Senator Les Seiler
Randall Peters
Rhonda Lahm

Representing:

Introducer
Nebraska Department of Roads
Nebraska Department of Motor Vehicles

Opponents:

Representing:

Neutral:

Coleen Nielsen
Nick Paden

Representing:

Nebraska Criminal Defense Attorney Association
Life Safer

Summary of purpose and/or changes:

LB158 was requested by the Department of Roads to ensure Nebraska is in compliance with the new Federal Highway law, MAP-21. Under provisions of MAP-21 state's second offense driving under the influence (DUI) laws must require either a 1 year revocation of the driver's license or at least one year of ignition interlock. Under current statute, Nebraska law requires a 45-day no drive period and ignition interlock for the remainder of one year. States whose DUI laws do not meet this criteria will have 2.5% (\$6.2 million in Nebraska) of National Highway Performance Program and Surface Transportation Program funds redirected to mandatory safety programs.

Explanation of amendments:

AM 470 replaces the original bill. Corrects license revocation language to ensure the Department of Motor Vehicles can administer the changes and still comply with Federal law. Also adds an emergency clause and operative date to allow the courts time to adjust to the new sentencing requirements.

Section by Section description of AM 470 to LB 158:

Section 1 amends section 60-6,197.01(1)(b), alcohol and drug violation provisions of the Nebraska Rules of the Road for first time and subsequent offenses of DUI violations. Strikes "the remainder of" a one year period to ensure ignition interlock devices are ordered for at least one year, as required under Federal law. Adds language to ensure a license will not be reinstated prior to the period of ignition interlock.

Section 2 amends 60-6,197.03(3) alcohol and drug violation provisions of the Nebraska Rules of the Road for second offenses of DUI violations, to increase the license revocation period to 18 months, strikes "the remainder of" a one year period to ensure ignition interlock devices are ordered for at least one year, as required under Federal law. Adds language to ensure a license will not be reinstated prior to the period of ignition interlock. Adds the same language to the probation section of the statute. Amends 60-6,197.03(5) to add the similar language for second offense, for aggravated cases, or for refusal to submit to a test and for the probation section of the statute.

Section 3 creates an operative date of July 1, 2013.

Section 4 repeals original sections.

Section 5 adds an emergency clause.

Annette Dubas, Chairperson