



Ninety-Eighth Legislature - First Session - 2003
Committee Statement
LB 525

Hearing Date: March 10, 2003
Committee On: General Affairs

Introducer(s): (Kruse, Burling, Cudaback, Foley, Jones, McDonald, Dw. Pedersen, Stuthman, Vrtiska)

Title: Provide and change penalties for liquor licensees' and minors' violations

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

5	Yes	Senators Erdman, Friend, Janssen, Landis, and Schimek
2	No	Senators Connealy and Cunningham
	Present, not voting	
1	Absent	Senator Mossey

Proponents:

Senator Kruse
 Jim Moylan
 Tim Keigher

Frosty Chapman
 Kathy Siefken

Representing:

Introducer
 Nebraska Licensed Beverage Association
 Nebraska Petroleum Marketers and Convenience Store Association
 Nebraska Liquor Control Commission
 Nebraska Grocery Industry Association

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 525 increases the penalties, adds fines, and provides for suspension of the motor vehicle operator's license for certain violations by minors of the Liquor Control Act.

The bill would change the penalties if a minor misrepresents their age in order to obtain alcoholic liquor (53-180.01) or a minor illegally possesses, consumes, sells or dispenses alcoholic liquor (53-180.02). Currently, these violations are a Class III misdemeanor.

The bill changes the penalties and adds different fines based on what offense it is. For the first offense, it is a Class III misdemeanor and a \$250 fine. For the second offense, it states that it is a \$500 fine. For a third or subsequent offense, it is a Class II misdemeanor and a \$750 fine.

In addition, it states that if the court places the person on probation or suspends the sentence for any reason, the court must make a condition of their probation or suspension that the person does not drive a motor vehicle for 90 days for the first offense and 6 months for the second offense.

Next, in addition to these new penalties, the bill sets out motor vehicle operator's license suspensions for these violations. The period of the suspension depends upon the violation. For the first violation, the suspension is for 60 days to 6 months. For the second violation, the suspension is for 12 months. For a third or subsequent violation, the suspension is for 2 years or until the violator reaches 21 years of age, whichever occurs later. Therefore, if someone is age 18 when found guilty of their third or subsequent violation, the license would be suspended until they are 21 years of age since that is later than the two year period.

In subsection (3)(b), the bill sets out what happens if the person does not have an operator's license when convicted or adjudicated as a juvenile. In most cases, the person would not be eligible to apply for an operator's license for the time periods set out in the subsection. However, if the person is not 16 years old, then their license is suspended on the first day of issuance for the time specified by the court.

The bill states that an abstract of the court record of every person whose license is suspended by these provisions must be sent to the Department of Motor Vehicles. The violation becomes part of their permanent record with the department and cannot be expunged. In addition, the person cannot get their license reinstated following the suspension until they pay a \$95 reinstatement fee. \$50 of this fee would go to the general fund and the rest to the Department of Motor Vehicles Cash Fund.

Explanation of amendments, if any:

The committee amendment clarifies the penalties by adding that a second violation is a Class III misdemeanor as well as a \$500 fine.

The amendment changes it from a suspension of the operator's license to an impoundment. Impoundment involves a court action where a suspension refers to an action by the department.

Next, The amendment also removes the provisions found in subsections (3)(b). These are the provisions regarding the situation when the person is convicted or adjudicated as a juvenile and does not yet have their operator's license. It strikes the language that would make the person ineligible to apply for an operator's license for the time periods set out in the subsection and that would suspend their license on the first day of issuance for the time specified by the court. It removes the language requiring that an abstract of the court record be sent to the Department of Motor Vehicles and the language regarding their permanent record. The amendment strikes the provisions in subsection (4) regarding the \$95 reinstatement fee.

Finally, the amendment adds section one of LB 606 with some changes. This portion of the amendment essentially extends the period from four years to seven years that the Liquor Control Commission looks back to determine if there is a second or subsequent violation for purposes of imposing stronger penalties for certain violations of the Liquor Control Act. The violations that are affected include when a licensee sells to a minor under section 53-180 or a minor is dispensing liquor under section 53-180.02. The penalty provisions are found in 53-1,104 (3)(a) and (b). The amendment also changes the language regarding all other liquor licensee violations, so that a licensee must not have a violation for seven rather than four years consecutively before a suspension can be treated as a new first suspension.

Senator Ray Janssen, Chairperson