

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1111

Introduced by Flood, 19.

Read first time January 19, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections 60-476.01,
2 60-496, 60-497, 60-497.03, 60-498, 60-4,120.02, 60-4,125,
3 60-694.01, 60-696, 60-6,216, 60-6,217, 60-6,218, and
4 83-1,127.02, Reissue Revised Statutes of Nebraska, and
5 sections 28-306, 28-394, 60-698, 60-6,197.02,
6 60-6,197.03, 60-6,197.05, 60-6,198, and 60-6,211.05,
7 Revised Statutes Supplement, 2011; to change provisions
8 relating to penalties involving operator's license
9 revocation; to provide powers and duties for the Director
10 of Motor Vehicles and the Department of Motor Vehicles;
11 to change penalties; to harmonize provisions; and to
12 repeal the original sections.

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

1 Section 1. Section 28-306, Revised Statutes Supplement,
2 2011, is amended to read:

3 28-306 (1) A person who causes the death of another
4 unintentionally while engaged in the operation of a motor vehicle in
5 violation of the law of the State of Nebraska or in violation of any
6 city or village ordinance commits motor vehicle homicide.

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

9 (3)(a) If the proximate cause of the death of another is
10 the operation of a motor vehicle in violation of section 60-6,213 or
11 60-6,214, motor vehicle homicide is a Class IIIA felony.

12 (b) If the proximate cause of the death of another is the
13 operation of a motor vehicle in violation of section 60-6,196 or
14 60-6,197.06, motor vehicle homicide is a Class III felony. The court
15 shall, ~~as part of the judgment of conviction,~~ transmit the abstract
16 of the judgment of conviction to the Department of Motor Vehicles for
17 revocation of the operator's license. The Director of Motor Vehicles
18 shall, upon receipt of such abstract, immediately order the person
19 not to drive any motor vehicle for any purpose for a period of at
20 least one year and not more than fifteen years and shall order that
21 the operator's license of such person be revoked for the same period.
22 for a period of XX years from the date of conviction.

23 (c) If the proximate cause of the death of another is the
24 operation of a motor vehicle in violation of section 60-6,196 or
25 60-6,197.06, motor vehicle homicide is a Class II felony if the

1 defendant has a prior conviction for a violation of section 60-6,196
2 or 60-6,197.06, under a city or village ordinance enacted in
3 conformance with section 60-6,196, or under a law of another state
4 if, at the time of the conviction under the law of such other state,
5 the offense for which the defendant was convicted would have been a
6 violation of section 60-6,196. The court shall, as part of the
7 judgment of conviction, report the abstract of the judgment of
8 conviction to the Department of Motor Vehicles for operator's license
9 revocation action. The Director of Motor Vehicles shall, upon receipt
10 of such abstract, immediately order the person not to drive any motor
11 vehicle for any purpose for a period of fifteen years and shall order
12 that the operator's license of such person be revoked for the same
13 period. a period of fifteen years from the date of conviction.

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

18 (4) The crime punishable under this section shall be
19 treated as a separate and distinct offense from any other offense
20 arising out of acts alleged to have been committed while the person
21 was in violation of this section.

22 Sec. 2. Section 28-394, Revised Statutes Supplement,
23 2011, is amended to read:

24 28-394 (1) A person who causes the death of an unborn
25 child unintentionally while engaged in the operation of a motor

1 vehicle in violation of the law of the State of Nebraska or in
2 violation of any city or village ordinance commits motor vehicle
3 homicide of an unborn child.

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

6 (3)(a) If the proximate cause of the death of an unborn
7 child is the operation of a motor vehicle in violation of section
8 60-6,213 or 60-6,214, motor vehicle homicide of an unborn child is a
9 Class IV felony.

10 (b) Except as provided in subdivision (3)(c) of this
11 section, if the proximate cause of the death of an unborn child is
12 the operation of a motor vehicle in violation of section 60-6,196 or
13 60-6,197.06, motor vehicle homicide of an unborn child is a Class IV
14 felony and the court shall, as part of the judgment of conviction,
15 report the abstract of the judgment of conviction to the Department
16 of Motor Vehicles for operator's license revocation action. The
17 Director of Motor Vehicles shall, upon receipt of such abstract,
18 order the person not to drive any motor vehicle for any purpose for a
19 period of at least sixty days and not more than fifteen years after
20 the date ordered by the court and shall order that the operator's
21 license of such person be revoked for the same period. a period of XX
22 days/months/years. The revocation shall not run concurrently with any
23 jail term imposed.

24 (c) If the proximate cause of the death of an unborn
25 child is the operation of a motor vehicle in violation of section

1 60-6,196 or 60-6,197.06 and the defendant has a prior conviction for
2 a violation of section 60-6,196 or a city or village ordinance
3 enacted in conformance with section 60-6,196, motor vehicle homicide
4 of an unborn child is a Class III felony and the court shall, as part
5 of the judgment of conviction, report the abstract of the judgment of
6 conviction to the Department of Motor Vehicles for operator's license
7 revocation action. The Director of Motor Vehicles shall, upon receipt
8 of such abstract, order the person not to drive any motor vehicle for
9 any purpose for a period of at least sixty days and not more than
10 fifteen years after the date ordered by the court and shall order
11 that the operator's license of such person be revoked for the same
12 period. a period of XX days/months/years. The revocation shall not
13 run concurrently with any jail term imposed.

14 (4) The crime punishable under this section shall be
15 treated as a separate and distinct offense from any other offense
16 arising out of acts alleged to have been committed while the person
17 was in violation of this section.

18 Sec. 3. Section 60-476.01, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 60-476.01 Revocation of operator's license ~~shall mean~~
21 means the termination by a court of competent jurisdiction for
22 probation or sentence suspension under section 60-6,197.03 or by
23 formal action of the ~~Department of Motor Vehicles~~ department of a
24 person's operator's license, which termination shall not be subject
25 to renewal or restoration. Application for reinstatement of

1 eligibility for a new license may be presented and acted upon by the
2 department after the expiration of the applicable period of time
3 prescribed in the statute providing for revocation.

4 Sec. 4. Section 60-496, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 60-496 Upon conviction of any person in any court within
7 this state of any violation of (1) any law of this state pertaining
8 to the operation of motor vehicles or (2) any city or village
9 ordinance pertaining to the operation of a motor vehicle in such a
10 manner as to endanger life, limb, or property, except for operating a
11 motor vehicle while under the influence of alcoholic liquor or any
12 drug, the judge of such court ~~may, in his or her discretion, shall,~~
13 as part of the judgment of conviction, report the abstract of the
14 judgment of conviction as provided for in sections 60-497.01 to
15 60-497.04 to the department for operator's license revocation action.
16 The director shall, upon receipt of such abstract, order the
17 revocation of the operator's license of such convicted person to
18 operate a motor vehicle for any purpose for a period of time not less
19 than ten days nor more than one year, ~~XX~~ days/months, unless a
20 greater period of revocation is made mandatory by other provisions of
21 law., ~~or may impound the license for a period of not more than~~
22 ~~ninety days and order that such person not operate a motor vehicle~~
23 ~~during the period such license is impounded. Such judge shall~~
24 ~~immediately notify in detail the director of the action and findings~~
25 ~~of the court as provided for in sections 60-497.01 to 60-497.04. If~~

1 ~~the judgment of conviction provides for the revocation of the~~
2 ~~person's operator's license, the director shall immediately revoke~~
3 ~~the license and make available to the Superintendent of Law~~
4 ~~Enforcement and Public Safety an updated record of such revocation.~~

5 It shall then be the duty of the Nebraska State Patrol to enforce the
6 conditions of such revocation recited in any judgment of conviction.

7 Sec. 5. Section 60-497, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 60-497 Whenever any person is convicted of any offense
10 for which the Motor Vehicle Operator's License Act or the Nebraska
11 Rules of the Road authorizes the revocation of the operator's
12 license, the court in which such conviction is had shall, ~~if~~
13 ~~revocation is adjudged~~, require the surrender to it of all operators'
14 licenses then held by the person so convicted. The court shall
15 thereupon forward the operators' licenses together with the action
16 and findings of the court, as provided for in sections 60-497.01 to
17 60-497.04, to the director. Every court having jurisdiction over
18 offenses committed under the act or any other law of this state
19 regulating the operation of motor vehicles on highways or streets
20 shall forward, in the manner and form provided for in such sections,
21 the action and findings of the court to the director upon the
22 conviction of any person in such court for a violation of any of such
23 laws.

24 The director shall, upon receipt of such abstract of the
25 judgment of conviction, immediately revoke the operator's license of

1 the person so convicted, as provided in the abstract of the judgment
2 of conviction.

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

7 Sec. 6. Section 60-497.03, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 60-497.03 To enable the director punctually and
10 economically to perform his or her ministerial duties in revoking or
11 suspending operators' licenses and to insure uniformity in the
12 keeping of the records of revoked and suspended operators' licenses,
13 ~~and operators' licenses ordered revoked by courts of the state,~~ the
14 director shall authorize electronic transmission of abstract-of-
15 conviction reports. The director shall prescribe the standard format
16 of abstract-of-conviction reports.

17 In the administration of any section of the Motor Vehicle
18 Operator's License Act, the powers and duties conferred upon the
19 director or his or her subordinates or successors with respect to the
20 revocation or suspension of any operator's license are ministerial in
21 character. The director shall, upon receipt of the ~~revoke operators'~~
22 ~~licenses only when positively directed to do so by the terms of the~~
23 abstract of the judgment of conviction transmitted by the trial
24 court, revoke operator's licenses as provided by law. ~~except as~~
25 ~~otherwise provided in the Motor Vehicle Operator's License Act, the~~

1 ~~Motor Vehicle Safety Responsibility Act, or the Nebraska Rules of the~~
2 ~~Read.~~

3 Sec. 7. Section 60-498, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 60-498 The director shall immediately revoke the
6 operator's license of any person upon receiving a copy of the
7 abstract of the judgment of such person's conviction of any of the
8 following offenses when such conviction becomes final:

9 (1) Manslaughter resulting from the operation of a motor
10 vehicle;

11 (2) Driving a motor vehicle while under the influence of
12 alcoholic liquor or any drug as provided in city or village
13 ordinances or in section 60-6,196; ~~The period of revocation shall,~~
14 ~~in each case except for revocations pursuant to sections 60-498.01 to~~
15 ~~60-498.04 and offenses specified in section 60-4,168, correspond with~~
16 ~~the period that is determined by the court;~~

17 (3) Any felony in the commission of which a motor vehicle
18 is used;

19 (4) Failure to stop and render aid as required under the
20 laws of this state in the event of a motor vehicle accident resulting
21 in the death or personal injury of another;

22 (5) Perjury or making of a false affidavit or statement
23 under oath to the director, examining officer, or other officer under
24 the Motor Vehicle Operator's License Act or under any law relating to
25 the ownership or operation of motor vehicles;

1 (6) Conviction or forfeiture of bail, not vacated, upon
2 three charges of reckless driving committed within a period of twelve
3 months; or

4 (7) Willful reckless driving as provided in city or
5 village ordinances or as described in section 60-6,214.

6 Sec. 8. Section 60-4,120.02, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 60-4,120.02 (1) Any person convicted of violating a
9 provisional operator's permit issued pursuant to section 60-4,120.01
10 by operating a motor vehicle in violation of subsection (3) of such
11 section shall be guilty of an infraction and ~~may~~ shall have his or
12 her provisional operator's permit revoked ~~by the court~~ pursuant to
13 section 60-496. ~~for a time period specified by the court.~~ Before such
14 person applies for another provisional operator's permit, he or she
15 shall pay a reinstatement fee as provided in section 60-499.01 after
16 the period of revocation has expired.

17 (2) A copy of an abstract of the ~~court's~~ judgment of
18 conviction, including an adjudication, shall be transmitted to the
19 director pursuant to sections 60-497.01 to 60-497.04.

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

22 Sec. 9. Section 60-4,125, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 60-4,125 For any minor convicted or adjudicated of
25 violating the terms of an LPD-learner's permit issued pursuant to

1 section 60-4,123 or an LPE-learner's permit issued pursuant to
2 section 60-4,124, the court shall, in addition to any other penalty
3 or disposition, report the abstract of the judgment of conviction to
4 the department for operator's license revocation action. The director
5 shall, upon receipt of such abstract, immediately order the
6 ~~impoundment or~~ revocation of such learner's permit and order that
7 such minor shall not be eligible for another operator's license or
8 school, farm, LPD-learner's, or LPE-learner's permit until he or she
9 has attained the age of sixteen years.

10 ~~A copy of the court's abstract or adjudication shall be~~
11 ~~transmitted to the director who shall place in an impound status or~~
12 ~~revoke the LPD learner's or LPE learner's permit of such minor in~~
13 ~~accordance with the order of the court and not again issue another~~
14 ~~operator's license or school, farm, LPD learner's, or LPE learner's~~
15 ~~permit to such minor until such minor has attained the age of sixteen~~
16 ~~years.~~

17 Sec. 10. Section 60-694.01, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 60-694.01 Whenever an operator's license is ~~ordered~~
20 ~~revoked by the court or by administrative action of the Department of~~
21 ~~Motor Vehicles~~ pursuant to the Nebraska Rules of the Road, the
22 licensee shall pay a reinstatement fee to the Department of Motor
23 Vehicles to reinstate his or her eligibility for a new license, in
24 addition to complying with the other applicable provisions of the
25 Nebraska Rules of the Road. The reinstatement fee shall be one

1 hundred twenty-five dollars. The department shall remit the fees to
2 the State Treasurer. The State Treasurer shall credit seventy-five
3 dollars of each fee to the General Fund and fifty dollars of each fee
4 to the Department of Motor Vehicles Cash Fund.

5 Sec. 11. Section 60-696, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 60-696 (1) Except as provided in subsection (2) of this
8 section, the driver of any vehicle involved in an accident upon a
9 public highway, private road, or private drive, resulting in damage
10 to property, shall (a) immediately stop such vehicle at the scene of
11 such accident and (b) give his or her name, address, telephone
12 number, and operator's license number to the owner of the property
13 struck or the driver or occupants of any other vehicle involved in
14 the collision.

15 (2) The driver of any vehicle involved in an accident
16 upon a public highway, private road, or private drive, resulting in
17 damage to an unattended vehicle or property, shall immediately stop
18 such vehicle and leave in a conspicuous place in or on the unattended
19 vehicle or property a written notice containing the information
20 required by subsection (1) of this section. In addition, such driver
21 shall, without unnecessary delay, report the collision, by telephone
22 or otherwise, to an appropriate peace officer.

23 (3)(a) A peace officer may remove or cause to be removed
24 from a roadway, without the consent of the driver or owner, any
25 vehicle, cargo, or other property which is obstructing the roadway

1 creating or aggravating an emergency situation or otherwise
2 endangering the public safety. Any vehicle, cargo, or other property
3 obstructing a roadway shall be removed by the most expeditious means
4 available to clear the obstruction, giving due regard to the
5 protection of the property removed.

6 (b) This subsection does not apply if an accident results
7 in or is believed to involve the release of hazardous materials,
8 hazardous substances, or hazardous wastes, as those terms are defined
9 in section 75-362.

10 (4) Any person violating subsection (1) or (2) of this
11 section is guilty of a Class II misdemeanor. If such person has had
12 one or more convictions under this section in the twelve years prior
13 to the date of the current conviction under this section, such person
14 is guilty of a Class I misdemeanor. As part of any sentence,
15 suspended sentence, or judgment of conviction under this section, the
16 court ~~may order the defendant not to drive any motor vehicle for any~~
17 ~~purpose in the State of Nebraska for a period of up to one year from~~
18 ~~the date ordered by the court. If the court orders the defendant not~~
19 ~~to drive any motor vehicle for any purpose in the State of Nebraska~~
20 ~~for a period of up to one year from the date ordered by the court,~~
21 ~~the court shall also~~ shall report the abstract of the judgment of
22 conviction to the Department of Motor Vehicles for operator's license
23 revocation action. The Director of Motor Vehicles shall, upon receipt
24 of such abstract, immediately order that the operator's license of
25 such person ~~be~~ revoked for a like period of XX months.

1 Sec. 12. Section 60-698, Revised Statutes Supplement,
2 2011, is amended to read:

3 60-698 (1) Any person convicted of violating section
4 60-697 relative to the duty to stop in the event of certain accidents
5 shall be guilty of (a) a Class IIIA felony if the accident resulted
6 in an injury to any person other than a serious bodily injury as
7 defined in section 60-6,198 or death or (b) a Class III felony if the
8 accident resulted in the death of any person or serious bodily injury
9 as defined in section 60-6,198.

10 (2) The court shall, as part of the judgment of
11 conviction, report the abstract of the judgment of conviction to the
12 Department of Motor Vehicles for operator's license revocation
13 action. The Director of Motor Vehicles shall, upon receipt of such
14 abstract, immediately order such person not to drive any motor
15 vehicle for any purpose for a period of not less than one year nor
16 more than fifteen years from the date ordered by the court and shall
17 order that the operator's license of such person be revoked for a
18 like period of XX years from the date of conviction. The order of the
19 court shall be administered upon sentencing, upon final judgment of
20 any appeal or review, or upon the date that any probation is revoked,
21 whichever is later.

22 Sec. 13. Section 60-6,197.02, Revised Statutes
23 Supplement, 2011, is amended to read:

24 60-6,197.02 (1) A violation of section 60-6,196 or
25 60-6,197 shall be punished as provided in sections 60-6,196.01 and

1 60-6,197.03. For purposes of sentencing under sections 60-6,196.01
2 and 60-6,197.03:

3 (a) Prior conviction means a conviction for a violation
4 committed within the fifteen-year period prior to the offense for
5 which the sentence is being imposed as follows:

6 (i) For a violation of section 60-6,196:

7 (A) Any conviction for a violation of subdivision (3)(b)
8 or (c) of section 28-306, subdivision (3)(b) or (c) of section
9 28-394, or section 28-1254, 60-6,196, 60-6,197, or 60-6,198;

10 (B) Any conviction for a violation of a city or village
11 ordinance enacted in conformance with section 60-6,196 or 60-6,197;
12 or

13 (C) Any conviction under a law of another state if, at
14 the time of the conviction under the law of such other state, the
15 offense for which the person was convicted would have been a
16 violation of subdivision (3)(b) or (c) of section 28-306, subdivision
17 (3)(b) or (c) of section 28-394, or section 28-1254, 60-6,196,
18 60-6,197, or 60-6,198; or

19 (ii) For a violation of section 60-6,197:

20 (A) Any conviction for a violation of subdivision (3)(b)
21 or (c) of section 28-306, subdivision (3)(b) or (c) of section
22 28-394, or section 28-1254, 60-6,196, 60-6,197, or 60-6,198;

23 (B) Any conviction for a violation of a city or village
24 ordinance enacted in conformance with section 60-6,196 or 60-6,197;
25 or

1 (C) Any conviction under a law of another state if, at
2 the time of the conviction under the law of such other state, the
3 offense for which the person was convicted would have been a
4 violation of subdivision (3)(b) or (c) of section 28-306, subdivision
5 (3)(b) or (c) of section 28-394, or section 28-1254, 60-6,196,
6 60-6,197, or 60-6,198;

7 (b) Prior conviction includes any conviction under
8 subdivision (3)(b) or (c) of section 28-306, subdivision (3)(b) or
9 (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197, or
10 60-6,198, or any city or village ordinance enacted in conformance
11 with section 60-6,196 or 60-6,197, as such sections or city or
12 village ordinances existed at the time of such conviction regardless
13 of subsequent amendments to any of such sections or city or village
14 ordinances; and

15 (c) Fifteen-year period means the period computed from
16 the date of the prior offense to the date of the offense which
17 resulted in the conviction for which the sentence is being imposed.

18 (2) In any case charging a violation of section 60-6,196
19 or 60-6,197, the prosecutor or investigating agency shall use due
20 diligence to obtain the person's driving record from the Department
21 of Motor Vehicles and the person's driving record from other states
22 where he or she is known to have resided within the last fifteen
23 years. The prosecutor shall certify to the court, prior to
24 sentencing, that such action has been taken. The prosecutor shall
25 present as evidence for purposes of sentence enhancement a court-

1 certified copy or an authenticated copy of a prior conviction in
2 another state. The court-certified or authenticated copy shall be
3 prima facie evidence of such prior conviction.

4 (3) For each conviction for a violation of section
5 60-6,196 or 60-6,197, the court shall, as part of the judgment of
6 conviction, make a finding on the record as to the number of the
7 convicted person's prior convictions. The convicted person shall be
8 given the opportunity to review the record of his or her prior
9 convictions, bring mitigating facts to the attention of the court
10 prior to sentencing, and make objections on the record regarding the
11 validity of such prior convictions.

12 (4) A copy of an abstract of the judgment of conviction
13 under section 60-6,197.03 shall be transmitted to the Department of
14 Motor Vehicles pursuant to sections 60-497.01 to 60-497.04.

15 ~~(4)~~-(5) A person arrested for a violation of section
16 60-6,196 or 60-6,197 before January 1, 2012, but sentenced pursuant
17 to section 60-6,197.03 for such violation on or after January 1,
18 2012, shall be sentenced according to the provisions of section
19 60-6,197.03 in effect on the date of arrest.

20 Sec. 14. Section 60-6,197.03, Revised Statutes
21 Supplement, 2011, is amended to read:

22 60-6,197.03 Any person convicted of a violation of
23 section 60-6,196 or 60-6,197 shall be punished as follows:

24 (1) Except as provided in subdivision (2) of this
25 section, if such person has not had a prior conviction, such person

1 shall be guilty of a Class W misdemeanor, and the court shall, as
2 part of the judgment of conviction, report the abstract of the
3 judgment of conviction to the Department of Motor Vehicles for
4 operator's license revocation action. The Director of Motor Vehicles
5 shall, upon receipt of such abstract, order that the operator's
6 license of such person be revoked for a period of six months from the
7 date ordered by the court. The revocation order shall require that
8 the person apply for an ignition interlock permit pursuant to section
9 60-6,211.05 for the revocation period and have an ignition interlock
10 device installed on any motor vehicle he or she operates during the
11 revocation period. Such revocation and order shall be administered
12 upon sentencing, upon final judgment of any appeal or review, or upon
13 the date that any probation is revoked.

14 If the court places such person on probation or suspends
15 the sentence for any reason, the court shall, as one of the
16 conditions of probation or sentence suspension, report the abstract
17 of the judgment of conviction to the Department of Motor Vehicles for
18 operator's license revocation action. The Director of Motor Vehicles
19 shall, upon receipt of such abstract, order that the operator's
20 license of such person be revoked for a period of sixty days from the
21 date ordered by the court. The ~~court shall~~ revocation order shall
22 require that during the period of revocation the person apply for an
23 ignition interlock permit pursuant to section 60-6,211.05 for the
24 revocation period and have an ignition interlock device installed on
25 any motor vehicle he or she operates during the revocation period.

1 Such order of probation or sentence suspension shall also include, as
2 one of its conditions, the payment of a five-hundred-dollar fine;

3 (2) If such person has not had a prior conviction and, as
4 part of the current violation, had a concentration of fifteen-
5 hundredths of one gram or more by weight of alcohol per one hundred
6 milliliters of his or her blood or fifteen-hundredths of one gram or
7 more by weight of alcohol per two hundred ten liters of his or her
8 breath, such person shall be guilty of a Class W misdemeanor, and the
9 court shall, as part of the judgment of conviction, ~~revoke~~ report the
10 abstract of the judgment of conviction to the Department of Motor
11 Vehicles for operator's license revocation action. The Director of
12 Motor Vehicles shall, upon receipt of such abstract, order the
13 operator's license of such person revoked for a period of one year
14 from the date ordered by the court. The revocation order shall
15 require that the person apply for an ignition interlock permit
16 pursuant to subdivision (1)(b) of section 60-6,197.01 for the
17 revocation period and have an ignition interlock device installed on
18 any motor vehicle he or she operates during the revocation period.
19 Such revocation and order shall be administered upon sentencing, upon
20 final judgment of any appeal or review, or upon the date that any
21 probation is revoked.

22 If the court places such person on probation or suspends
23 the sentence for any reason, the court shall, as one of the
24 conditions of probation or sentence suspension, report the abstract
25 of the judgment of conviction to the Department of Motor Vehicles for

1 operator's license revocation action. The Director of Motor Vehicles
2 shall, upon receipt of such abstract, order that the operator's
3 license of such person be revoked for a period of one year from the
4 date ordered by the court. The revocation order shall require that
5 the person apply for an ignition interlock permit pursuant to
6 subdivision (1)(b) of section 60-6,197.01 for the revocation period
7 and have an ignition interlock device installed on any motor vehicle
8 he or she operates during the revocation period. Such revocation
9 shall be administered upon sentencing, upon final judgment of any
10 appeal or review, or upon the date that any probation is revoked.
11 Such order of probation or sentence suspension shall also include, as
12 conditions, the payment of a five-hundred-dollar fine and either
13 confinement in the city or county jail for two days or the imposition
14 of not less than one hundred twenty hours of community service;

15 (3) Except as provided in subdivision (5) of this
16 section, if such person has had one prior conviction, such person
17 shall be guilty of a Class W misdemeanor, and the court shall, as
18 part of the judgment of conviction, report the abstract of the
19 judgment of conviction to the Department of Motor Vehicles for
20 operator's license revocation action. The Director of Motor Vehicles
21 shall, upon receipt of such abstract, order that the operator's
22 license of such person be revoked for a period of one year from the
23 ~~date ordered by the court.~~ of conviction. The revocation order shall
24 require that the person not drive for a period of forty-five days,
25 after which the ~~court shall order that the person~~ shall apply for an

1 ignition interlock permit for the remainder of the revocation period
2 and have an ignition interlock device installed on any motor vehicle
3 he or she owns or operates during the remainder of the revocation
4 period. In addition, the court ~~and~~ shall issue an order pursuant to
5 subdivision (1)(b) of section 60-6,197.01. Such revocation and order
6 shall be administered upon sentencing, upon final judgment of any
7 appeal or review, or upon the date that any probation is revoked.

8 If the court places such person on probation or suspends
9 the sentence for any reason, the court shall, as one of the
10 conditions of probation or sentence suspension, report the abstract
11 of the judgment of conviction to the Department of Motor Vehicles for
12 operator's license revocation action. The Director of Motor Vehicles
13 shall, upon receipt of such abstract, order that the operator's
14 license of such person be revoked for a period of one year from the
15 date ordered by the court. The revocation order shall require that
16 the person not drive for a period of forty-five days, ~~after which the~~
17 ~~court shall order that during the period of revocation~~ from the date
18 ordered by the court. The revocation order shall require that the
19 person apply for an ignition interlock permit and installation of an
20 ignition interlock device pursuant to section 60-6,211.05. In
21 addition, the court ~~and~~ shall issue an order pursuant to subdivision
22 (1)(b) of section 60-6,197.01. Such order of probation or sentence
23 suspension shall also include, as conditions, the payment of a five-
24 hundred-dollar fine and either confinement in the city or county jail
25 for ten days or the imposition of not less than two hundred forty

1 hours of community service;

2 (4) Except as provided in subdivision (6) of this
3 section, if such person has had two prior convictions, such person
4 shall be guilty of a Class W misdemeanor, and the court shall, as
5 part of the judgment of conviction, report the abstract of the
6 judgment of conviction to the Department of Motor Vehicles for
7 operator's license revocation action. The Director of Motor Vehicles
8 shall, upon receipt of such abstract, order that the operator's
9 license of such person be revoked for a period of fifteen years from
10 the date ordered by the court. In addition, the court ~~and~~ shall issue
11 an order pursuant to section 60-6,197.01. Such ~~orders~~ revocation and
12 order shall be administered upon sentencing, upon final judgment of
13 any appeal or review, or upon the date that any probation is revoked.

14 If the court places such person on probation or suspends
15 the sentence for any reason, the court shall, as one of the
16 conditions of probation or sentence suspension, report the abstract
17 of the judgment of conviction to the Department of Motor Vehicles for
18 operator's license revocation action. The Director of Motor Vehicles
19 shall, upon receipt of such abstract, order that the operator's
20 license of such person be revoked for a period of at least two years
21 but not more than fifteen years from the date ordered by the court.
22 The revocation order shall require that the person not drive for a
23 period of forty-five days, after which the court may order that
24 during the period of revocation from the date ordered by the court.
25 The revocation order shall require that the person apply for an

1 ignition interlock permit and installation of an ignition interlock
2 device issued pursuant to section 60-6,211.05. In addition, the court
3 ~~and~~ shall issue an order pursuant to subdivision (1)(b) of section
4 60-6,197.01. Such order of probation or sentence suspension shall
5 also include, as conditions, the payment of a one-thousand-dollar
6 fine and confinement in the city or county jail for thirty days;

7 (5) If such person has had one prior conviction and, as
8 part of the current violation, had a concentration of fifteen-
9 hundredths of one gram or more by weight of alcohol per one hundred
10 milliliters of his or her blood or fifteen-hundredths of one gram or
11 more by weight of alcohol per two hundred ten liters of his or her
12 breath or refused to submit to a test as required under section
13 60-6,197, such person shall be guilty of a Class I misdemeanor, and
14 the court shall, as part of the judgment of conviction, order payment
15 of a one-thousand-dollar fine and ~~revoke~~ report the abstract of the
16 judgment of conviction to the Department of Motor Vehicles for
17 operator's license revocation action. The Director of Motor Vehicles
18 shall, upon receipt of such abstract, order the operator's license of
19 such person revoked for a period of at least one year but not more
20 than fifteen-XX years from the date ordered by the court. In
21 addition, the court ~~and~~ shall issue an order pursuant to section
22 60-6,197.01. Such revocation and order shall be administered upon
23 sentencing, upon final judgment of any appeal or review, or upon the
24 date that any probation is revoked. The court shall also sentence
25 such person to serve at least ninety days' imprisonment in the city

1 or county jail or an adult correctional facility.

2 If the court places such person on probation or suspends
3 the sentence for any reason, the court shall, as one of the
4 conditions of probation or sentence suspension, report the abstract
5 of the judgment of conviction to the Department of Motor Vehicles for
6 operator's license revocation action. The Director of Motor Vehicles
7 shall, upon receipt of such abstract, order that~~the operator's~~
8 ~~license of such person be revoked for a period of at least one year~~
9 ~~but not more than fifteen~~ XX years from the date ordered by the
10 court. The revocation order shall also require that the person not
11 drive for a period of forty-five days, ~~after which the court may~~
12 ~~order and that during the period of revocation~~ the person apply for
13 an ignition interlock permit and installation of an ignition
14 interlock device issued pursuant to section 60-6,211.05 ~~and during~~
15 the revocation period. In addition, the court shall issue an order
16 pursuant to subdivision (1)(b) of section 60-6,197.01. Such order of
17 probation or sentence suspension shall also include, as conditions,
18 the payment of a one-thousand-dollar fine and confinement in the city
19 or county jail for thirty days;

20 (6) If such person has had two prior convictions and, as
21 part of the current violation, had a concentration of fifteen-
22 hundredths of one gram or more by weight of alcohol per one hundred
23 milliliters of his or her blood or fifteen-hundredths of one gram or
24 more by weight of alcohol per two hundred ten liters of his or her
25 breath or refused to submit to a test as required under section

1 60-6,197, such person shall be guilty of a Class IIIA felony, and the
2 court shall, as part of the judgment of conviction, ~~revoke~~ report the
3 abstract of the judgment of conviction to the Department of Motor
4 Vehicles for operator's license revocation action. The Director of
5 Motor Vehicles shall, upon receipt of such abstract, order the
6 operator's license of such person revoked for a period of fifteen
7 years from the date ordered by the court. In addition, the court and
8 shall issue an order pursuant to section 60-6,197.01. Such revocation
9 and order shall be administered upon sentencing, upon final judgment
10 of any appeal or review, or upon the date that any probation is
11 revoked. The court shall also sentence such person to serve at least
12 one hundred eighty days' imprisonment in the city or county jail or
13 an adult correctional facility.

14 If the court places such person on probation or suspends
15 the sentence for any reason, the court shall, as one of the
16 conditions of probation or sentence suspension, report the abstract
17 of the judgment of conviction to the Department of Motor Vehicles for
18 operator's license revocation action. The Director of Motor Vehicles
19 shall, upon receipt of such abstract, order that the operator's
20 license of such person ~~be~~ revoked for a period of ~~at least five years~~
21 ~~but not more than fifteen~~ XX years from the date ordered by the
22 court. The revocation order shall also require that the person not
23 drive for a period of forty-five days, ~~after which the court may~~
24 ~~order and that during the period of revocation~~ the person apply for
25 an ignition interlock permit and installation of an ignition

1 interlock device issued pursuant to section 60-6,211.05 ~~and during~~
2 the revocation period. In addition, the court shall issue an order
3 pursuant to subdivision (1)(b) of section 60-6,197.01. Such order of
4 probation or sentence suspension shall also include, as conditions,
5 the payment of a one-thousand-dollar fine, confinement in the city or
6 county jail for sixty days, and, upon release from such confinement,
7 the use of a continuous alcohol monitoring device and abstention from
8 alcohol use at all times for no less than sixty days;

9 (7) Except as provided in subdivision (8) of this
10 section, if such person has had three prior convictions, such person
11 shall be guilty of a Class IIIA felony, and the court shall, as part
12 of the judgment of conviction, report the abstract of the judgment of
13 conviction to the Department of Motor Vehicles for operator's license
14 revocation action. The Director of Motor Vehicles shall, upon receipt
15 of such abstract, order that the operator's license of such person be
16 revoked for a period of fifteen years from the date ordered by the
17 court. In addition, the court ~~and~~ shall issue an order pursuant to
18 section 60-6,197.01. Such ~~orders~~ revocation and order shall be
19 administered upon sentencing, upon final judgment of any appeal or
20 review, or upon the date that any probation is revoked. The court
21 shall also sentence such person to serve at least one hundred eighty
22 days' imprisonment in the city or county jail or an adult
23 correctional facility.

24 If the court places such person on probation or suspends
25 the sentence for any reason, the court shall, as one of the

1 conditions of probation or sentence suspension, report the abstract
2 of the judgment of conviction to the Department of Motor Vehicles for
3 operator's license revocation action. The Director of Motor Vehicles
4 shall, upon receipt of such abstract, order that—the operator's
5 license of such person ~~be~~—revoked for a period of fifteen years from
6 the date ordered by the court. The revocation order shall require
7 that the person not drive for a period of forty-five days, ~~after~~
8 ~~which the court may order that during the period of revocation and~~
9 that the person apply for an ignition interlock permit and
10 installation of an ignition interlock device issued pursuant to
11 section 60-6,211.05 ~~and during the revocation period. In addition,~~
12 the court shall issue an order pursuant to subdivision (1)(b) of
13 section 60-6,197.01. Such order of probation or sentence suspension
14 shall also include, as conditions, the payment of a two-thousand-
15 dollar fine, confinement in the city or county jail for ninety days,
16 and, upon release from such confinement, the use of a continuous
17 alcohol monitoring device and abstention from alcohol use at all
18 times for no less than ninety days;

19 (8) If such person has had three prior convictions and,
20 as part of the current violation, had a concentration of fifteen-
21 hundredths of one gram or more by weight of alcohol per one hundred
22 milliliters of his or her blood or fifteen-hundredths of one gram or
23 more by weight of alcohol per two hundred ten liters of his or her
24 breath or refused to submit to a test as required under section
25 60-6,197, such person shall be guilty of a Class III felony, and the

1 court shall, as part of the judgment of conviction, ~~revoke~~ report the
2 abstract of the judgment of conviction to the Department of Motor
3 Vehicles for operator's license revocation action. The Director of
4 Motor Vehicles shall, upon receipt of such abstract, order the
5 operator's license of such person revoked for a period of fifteen
6 years from the date ordered by the court. In addition, the court ~~and~~
7 shall issue an order pursuant to section 60-6,197.01. Such revocation
8 and order shall be administered upon sentencing, upon final judgment
9 of any appeal or review, or upon the date that any probation is
10 revoked.

11 If the court places such person on probation or suspends
12 the sentence for any reason, the court shall, as one of the
13 conditions of probation or sentence suspension, report the abstract
14 of the judgment of conviction to the Department of Motor Vehicles for
15 operator's license revocation action. The Director of Motor Vehicles
16 shall, upon receipt of such abstract, order that the operator's
17 license of such person be revoked for a period of fifteen years from
18 the date ordered by the court. The revocation order shall also
19 require that the person not drive for a period of forty-five days,
20 ~~after which the court may order that during the period of revocation~~
21 and that the person apply for an ignition interlock permit and
22 installation of an ignition interlock device issued pursuant to
23 section 60-6,211.05 during the revocation period. In addition, the
24 court ~~and~~ shall issue an order pursuant to subdivision (1)(b) of
25 section 60-6,197.01. Such order of probation or sentence suspension

1 shall also include, as conditions, the payment of a two-thousand-
2 dollar fine, confinement in the city or county jail for one hundred
3 twenty days, and, upon release from such confinement, the use of a
4 continuous alcohol monitoring device and abstention from alcohol use
5 at all times for no less than one hundred twenty days;

6 (9) Except as provided in subdivision (10) of this
7 section, if such person has had four or more prior convictions, such
8 person shall be guilty of a Class III felony with a minimum sentence
9 of two years' imprisonment, and the court shall, as part of the
10 judgment of conviction, report the abstract of the judgment of
11 conviction to the Department of Motor Vehicles for operator's license
12 revocation action. The Director of Motor Vehicles shall, upon receipt
13 of such abstract, order that the operator's license of such person be
14 revoked for a period of fifteen years from the date ordered by the
15 court. In addition, the court ~~and~~ shall issue an order pursuant to
16 section 60-6,197.01. Such ~~orders~~ revocation and order shall be
17 administered upon sentencing, upon final judgment of any appeal or
18 review, or upon the date that any probation is revoked.

19 If the court places such person on probation or suspends
20 the sentence for any reason, the court shall, as one of the
21 conditions of probation or sentence suspension, report the abstract
22 of the judgment of conviction to the Department of Motor Vehicles for
23 operator's license revocation action. The Director of Motor Vehicles
24 shall, upon receipt of such abstract, order that the operator's
25 license of such person be revoked for a period of fifteen years from

1 the date ordered by the court. The revocation order shall require
2 that the person not drive for a period of forty-five days, ~~after~~
3 ~~which the court may order that during the period of revocation and~~
4 that the person apply for an ignition interlock permit and
5 installation of an ignition interlock device issued pursuant to
6 section 60-6,211.05 ~~and during the revocation period. In addition,~~
7 the court shall issue an order pursuant to subdivision (1)(b) of
8 section 60-6,197.01. Such order of probation or sentence suspension
9 shall also include, as conditions, the payment of a two-thousand-
10 dollar fine, confinement in the city or county jail for one hundred
11 eighty days, and, upon release from such confinement, the use of a
12 continuous alcohol monitoring device and abstention from alcohol use
13 at all times for no less than one hundred eighty days; and

14 (10) If such person has had four or more prior
15 convictions and, as part of the current violation, had a
16 concentration of fifteen-hundredths of one gram or more by weight of
17 alcohol per one hundred milliliters of his or her blood or fifteen-
18 hundredths of one gram or more by weight of alcohol per two hundred
19 ten liters of his or her breath or refused to submit to a test as
20 required under section 60-6,197, such person shall be guilty of a
21 Class II felony with a minimum sentence of two years' imprisonment
22 and the court shall, as part of the judgment of conviction, ~~revoke~~
23 report the abstract of the judgment of conviction to the Department
24 of Motor Vehicles for operator's license revocation action. The
25 Director of Motor Vehicles shall, upon receipt of such abstract,

1 order the operator's license of such person revoked for a period of
2 fifteen years from the date ordered by the court. In addition, the
3 court ~~and~~ shall issue an order pursuant to section 60-6,197.01. Such
4 revocation and order shall be administered upon sentencing, upon
5 final judgment of any appeal or review, or upon the date that any
6 probation is revoked.

7 If the court places such person on probation or suspends
8 the sentence for any reason, the court shall, as one of the
9 conditions of probation or sentence suspension, report the abstract
10 of the judgment of conviction to the Department of Motor Vehicles for
11 operator's license revocation action. The Director of Motor Vehicles
12 shall, upon receipt of such abstract, order that the operator's
13 license of such person be revoked for a period of fifteen years from
14 the date ordered by the court. The revocation order shall also
15 require that the person not drive for a period of forty-five days,
16 ~~after which the court may order that during the period of revocation~~
17 and that the person apply for an ignition interlock permit and
18 installation of an ignition interlock device issued pursuant to
19 section 60-6,211.05 during the revocation period. In addition, the
20 court ~~and~~ shall issue an order pursuant to subdivision (1)(b) of
21 section 60-6,197.01. Such order of probation or sentence suspension
22 shall also include, as conditions, the payment of a two-thousand-
23 dollar fine, confinement in the city or county jail for one hundred
24 eighty days, and, upon release from such confinement, the use of a
25 continuous alcohol monitoring device and abstention from alcohol use

1 at all times for no less than one hundred eighty days.

2 Sec. 15. Section 60-6,197.05, Revised Statutes
3 Supplement, 2011, is amended to read:

4 60-6,197.05 Any period of revocation imposed ~~by the court~~
5 for a violation of section 60-6,196 or 60-6,197 shall be reduced by
6 any period of revocation imposed under sections 60-498.01 to
7 60-498.04, including any period during which a person has a valid
8 ignition interlock permit, arising from the same incident.

9 Sec. 16. Section 60-6,198, Revised Statutes Supplement,
10 2011, is amended to read:

11 60-6,198 (1) Any person who, while operating a motor
12 vehicle in violation of section 60-6,196 or 60-6,197, proximately
13 causes serious bodily injury to another person or an unborn child of
14 a pregnant woman shall be guilty of a Class IIIA felony and the court
15 shall, as part of the judgment of conviction, report the abstract of
16 the judgment of conviction to the Department of Motor Vehicles for
17 operator's license revocation action. The Director of Motor Vehicles
18 shall, upon receipt of such abstract, order the ~~person not to drive~~
19 any motor vehicle for any purpose for a period of at least sixty days
20 and not more than fifteen years from the date ordered by the court
21 and shall order that the operator's license of such person be revoked
22 for the same period. a period of XX days/months/years from the date
23 of conviction.

24 (2) For purposes of this section, serious bodily injury
25 means bodily injury which involves a substantial risk of death, a

1 substantial risk of serious permanent disfigurement, or a temporary
2 or protracted loss or impairment of the function of any part or organ
3 of the body.

4 (3) For purposes of this section, unborn child has the
5 same meaning as in section 28-396.

6 (4) The crime punishable under this section shall be
7 treated as a separate and distinct offense from any other offense
8 arising out of acts alleged to have been committed while the person
9 was in violation of this section.

10 Sec. 17. Section 60-6,211.05, Revised Statutes
11 Supplement, 2011, is amended to read:

12 60-6,211.05 (1) If an ~~order is granted operator's license~~
13 is revoked under section 60-6,196 or 60-6,197 and sections
14 60-6,197.02 and 60-6,197.03, the ~~court may~~ Director of Motor Vehicles
15 shall order that the defendant install an ignition interlock device
16 of a type approved by the Director of Motor Vehicles on each motor
17 vehicle operated by the defendant during the period of revocation.
18 Upon sufficient evidence of installation, the defendant may apply to
19 the director for an ignition interlock permit pursuant to section
20 60-4,118.06. The device shall, without tampering or the intervention
21 of another person, prevent the defendant from operating the motor
22 vehicle when the defendant has an alcohol concentration greater than
23 three-hundredths of one gram or more by weight of alcohol per one
24 hundred milliliters of his or her blood or three-hundredths of one
25 gram or more by weight of alcohol per two hundred ten liters of his

1 or her breath. The Department of Motor Vehicles shall issue an
2 ignition interlock permit to the defendant under section 60-4,118.06
3 only upon sufficient proof that a defendant has installed an ignition
4 interlock device on any motor vehicle that the defendant will operate
5 during his or her release.

6 (2) If the ~~court orders~~ installation of an ignition
7 interlock device and issuance of an ignition interlock permit is
8 required pursuant to subsection (1) of this section, the ~~court may~~
9 director shall also order the use of a continuous alcohol monitoring
10 device and abstention from alcohol use at all times. The device
11 shall, without tampering or the intervention of another person, test
12 and record the alcohol consumption level of the defendant on a
13 periodic basis and transmit such information to probation
14 authorities.

15 (3) Any order ~~issued by the court~~ authorized pursuant to
16 this section shall not take effect until the defendant is eligible to
17 operate a motor vehicle pursuant to subsection (8) of section
18 60-498.01. A person shall be eligible to be issued an ignition
19 interlock permit allowing operation of a motor vehicle equipped with
20 an ignition interlock device if he or she is not subject to any other
21 suspension, cancellation, required no-driving period, or period of
22 revocation and has successfully completed the ignition interlock
23 permit application process. The Department of Motor Vehicles shall
24 review its records and the driving record abstract of any person who
25 applies for an ignition interlock permit allowing operation of a

1 motor vehicle equipped with an ignition interlock device to determine
2 (a) the applicant's eligibility for an ignition interlock permit, (b)
3 the applicant's previous convictions under section 60-6,196,
4 60-6,197, or 60-6,197.06 or any previous administrative license
5 revocation, if any, (c) if the applicant is subject to any required
6 no-drive periods before the ignition interlock permit may be issued,
7 and (d) the permitted driving uses to be allowed to that person on
8 his or her ignition interlock permit.

9 (4)(a) If the ~~court orders an ignition interlock device~~
10 ~~or the Board of Pardons orders an ignition interlock device under~~
11 ~~section 83-1,127.02, the court or the Board of Pardons~~ board shall
12 order the defendant to apply for an ignition interlock permit as
13 provided in section 60-4,118.06 which indicates that the defendant is
14 only allowed to operate a motor vehicle equipped with an ignition
15 interlock device.

16 (b) Such ~~court order~~ shall remain in effect for a period
17 of time as determined by ~~the court not to exceed the maximum term of~~
18 ~~revocation which the court could have imposed according to the nature~~
19 ~~of the violation~~ law and shall allow operation by the defendant of an
20 ignition-interlock-equipped motor vehicle only (i) if the defendant
21 has no previous conviction under section 60-6,196, 60-6,197, or
22 60-6,197.06 and no previous administrative license revocation, to and
23 from his or her residence for purposes of his or her employment, his
24 or her school, a substance abuse treatment program, his or her
25 probation officer, his or her continuing health care or the

1 continuing health care of another person who is dependent upon the
2 person, his or her court-ordered community service responsibilities,
3 or an ignition interlock service facility or (ii) if the defendant
4 has a previous conviction under section 60-6,196, 60-6,197, or
5 60-6,197.06 or a previous administrative license revocation, to and
6 from his or her residence for purposes of his or her employment, his
7 or her school, or a substance abuse treatment program.

8 (c) Such Board of Pardons order shall remain in effect
9 for a period of time not to exceed any period of revocation the
10 applicant is subject to at the time the application for a reprieve is
11 made.

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

18 (6) If a person ordered to use a continuous alcohol
19 monitoring device and abstain from alcohol use ~~pursuant to a court~~
20 ~~order~~ as provided in subsection (2) of this section violates the
21 provisions of such ~~court~~ order by removing, tampering with, or
22 otherwise bypassing the continuous alcohol monitoring device or by
23 consuming alcohol while required to use such device, he or she shall
24 have his or her ignition interlock permit revoked and be unable to
25 apply for reinstatement for the duration of the revocation period.

1 ~~imposed by the court.~~

2 (7) The director shall adopt and promulgate rules and
3 regulations regarding the approval of ignition interlock devices, the
4 means of installing ignition interlock devices, and the means of
5 administering the ignition interlock permit program.

6 (8)(a) The costs incurred in order to comply with the
7 ignition interlock requirements of this section shall be paid
8 directly to the ignition interlock provider by the person complying
9 with an order for an ignition interlock permit and installation of an
10 ignition interlock device.

11 (b) If the Department of Motor Vehicles has determined
12 the person to be indigent and incapable of paying for the cost of
13 installation, removal, or maintenance of the ignition interlock
14 device in accordance with this section, such costs shall be paid out
15 of the Department of Motor Vehicles Ignition Interlock Fund if such
16 funds are available, according to rules and regulations adopted and
17 promulgated by the department. Such costs shall also be paid out of
18 the Department of Motor Vehicles Ignition Interlock Fund if such
19 funds are available and if the court or the Board of Pardons,
20 whichever is applicable, has determined the person to be indigent and
21 incapable of paying for the cost of installation, removal, or
22 maintenance of the ignition interlock device in accordance with this
23 section. The Department of Motor Vehicles Ignition Interlock Fund is
24 created. Any money in the fund available for investment shall be
25 invested by the state investment officer pursuant to the Nebraska

1 Capital Expansion Act and the Nebraska State Funds Investment Act.

2 (9)(a)(i) An ignition interlock service facility shall
3 notify the appropriate district probation office or the appropriate
4 court, as applicable, of any evidence of tampering with or
5 circumvention of an ignition interlock device, or any attempts to do
6 so, when the facility becomes aware of such evidence. Failure of the
7 facility to provide notification as provided in this subdivision is a
8 Class V misdemeanor.

9 (ii) An ignition interlock service facility shall notify
10 the Department of Motor Vehicles, if the ignition interlock permit is
11 issued pursuant to sections 60-498.01 to 60-498.04, of any evidence
12 of tampering with or circumvention of an ignition interlock device,
13 or any attempts to do so, when the facility becomes aware of such
14 evidence. Failure of the facility to provide notification as provided
15 in this subdivision is a Class V misdemeanor.

16 (b) If a district probation office receives evidence of
17 tampering with or circumvention of an ignition interlock device, or
18 any attempts to do so, from an ignition interlock service facility,
19 the district probation office shall notify the appropriate court of
20 such violation. The court shall immediately schedule an evidentiary
21 hearing to be held within fourteen days after receiving such
22 evidence, either from the district probation office or an ignition
23 interlock service facility, and the court shall cause notice of the
24 hearing to be given to the person operating a motor vehicle pursuant
25 to an order under subsection (1) of this section. If the person who

1 is the subject of such evidence does not appear at the hearing and
2 show cause why the order made pursuant to subsection (1) of this
3 section should remain in effect, the court shall rescind the original
4 order. Nothing in this subsection shall apply to an order made by the
5 Board of Pardons pursuant to section 83-1,127.02.

6 (10) Notwithstanding any other provision of law, the
7 issuance of an ignition interlock permit by the Department of Motor
8 Vehicles under section 60-498.01 or an order for the installation of
9 an ignition interlock device and ignition interlock permit made
10 pursuant to subsection (1) of this section as part of a conviction,
11 as well as the administration of such ~~court order~~ of the director by
12 the Office of Probation Administration for the installation,
13 maintenance, and removal of such device, as applicable, shall not be
14 construed to create an order of probation when an order of probation
15 has not been issued.

16 Sec. 18. Section 60-6,216, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 60-6,216 Every person convicted of willful reckless
19 driving shall, upon a first conviction, be guilty of a Class III
20 misdemeanor, and the court shall, as part of the judgment of
21 conviction, report the abstract of the judgment of conviction to the
22 Department of Motor Vehicles for operator's license revocation
23 action. The Director of Motor Vehicles shall, upon receipt of such
24 abstract, order such person not to drive any motor vehicle for any
25 purpose for a period of not less than thirty days nor more than one

1 ~~year from the date ordered by the court and shall order that the~~
2 ~~operator's license of such person be revoked for a like period of XX~~
3 ~~days/months from the date ordered by the court.~~ The revocation shall
4 be administered upon sentencing, upon final judgment of any appeal or
5 review, or upon the date that any probation is revoked.

6 Sec. 19. Section 60-6,217, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 60-6,217 Upon a second conviction of any person for
9 either reckless driving or willful reckless driving, the person shall
10 be guilty of a Class II misdemeanor, and the court shall ~~order the~~
11 ~~person so convicted,~~ as part of the judgment of conviction, report
12 the abstract of the judgment of conviction to the Department of Motor
13 Vehicles for operator's license revocation action. The Director of
14 Motor Vehicles shall, upon receipt of such abstract, order not to
15 ~~drive a motor vehicle for any purpose for a period of not less than~~
16 ~~sixty days nor more than two years from the date ordered by the court~~
17 ~~and shall order that the operator's license of such person be revoked~~
18 ~~for a like period of XX days/months/years from the date ordered by~~
19 ~~the court.~~ The revocation shall be administered upon sentencing, upon
20 final judgment of any appeal or review, or upon the date that any
21 probation is revoked.

22 If the motor vehicle which such person was operating in
23 such reckless or willful reckless manner is registered in the name of
24 such person, the motor vehicle shall be impounded in a reputable
25 garage by the court for a period of not less than two months nor more

1 than one year, as ordered by the court, at the expense and risk of
2 the owner thereof, except that any motor vehicle so impounded shall
3 be released to the holder of a bona fide lien thereon, executed prior
4 to such impounding, when possession of such motor vehicle is
5 requested in writing by such lienholder for the purpose of
6 foreclosing and satisfying the lien.

7 Sec. 20. Section 60-6,218, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 60-6,218 Upon a third or subsequent conviction of any
10 person for either reckless driving or willful reckless driving, the
11 person shall be guilty of a Class I misdemeanor. The court shall, as
12 part of the judgment of conviction, report the abstract of the
13 judgment of conviction to the Department of Motor Vehicles for
14 operator's license revocation action. The Director of Motor Vehicles
15 shall, upon receipt of such abstract, order such person not to drive
16 any motor vehicle for any purpose for a period of one year from the
17 date ordered by the court and shall order that the operator's license
18 of such person be revoked for a like period of one year from the date
19 ordered by the court. The revocation shall be administered upon
20 sentencing, upon final judgment of any appeal or review, or upon the
21 date that any probation is revoked.

22 Sec. 21. Section 83-1,127.02, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 83-1,127.02 (1) The Board of Pardons may, in its sole
25 discretion, when granting a reprieve to any person who has made

1 application pursuant to section 60-6,209, order such person to obtain
2 an ignition interlock permit and to operate only motor vehicles
3 equipped with an ignition interlock device approved by the Director
4 of Motor Vehicles. The Board of Pardons may order the person to hold
5 the ignition interlock permit and use an ignition interlock device
6 for a period of time not to exceed any period of revocation the
7 applicant is subject to at the time the application for a license
8 reinstatement is made.

9 (2) Any person ordered by the Board of Pardons to operate
10 only motor vehicles equipped with such an ignition interlock device
11 shall make application to the director for the issuance of an
12 ignition interlock permit pursuant to section 60-4,118.06.

13 (3) Any such person restricted to operating a motor
14 vehicle equipped with such an ignition interlock device who operates
15 upon the highways of this state a motor vehicle without such an
16 ignition interlock device, who operates a motor vehicle equipped with
17 such an ignition interlock device which has been disabled, bypassed,
18 or altered in any way, or who operates a motor vehicle equipped with
19 such an ignition interlock device without obtaining an ignition
20 interlock permit, is guilty of a Class IV felony. The court shall, as
21 a part of the judgment of conviction, report the abstract of the
22 judgment of conviction to the Department of Motor Vehicles for
23 operator's license revocation action. The Director of Motor Vehicles
24 shall, upon receipt of such abstract, immediately order such person
25 not to drive any motor vehicle for any purpose for a period of

1 ~~fifteen years from the date ordered by the court. The court shall~~
2 ~~also order that the operator's license of such person be revoked for~~
3 ~~a like period of fifteen years from the date ordered by the court.~~
4 The revocation shall be administered upon sentencing, upon the final
5 judgment of any appeal or review, or upon the date that any probation
6 is revoked.

7 Sec. 22. Original sections 60-476.01, 60-496, 60-497,
8 60-497.03, 60-498, 60-4,120.02, 60-4,125, 60-694.01, 60-696,
9 60-6,216, 60-6,217, 60-6,218, and 83-1,127.02, Reissue Revised
10 Statutes of Nebraska, and sections 28-306, 28-394, 60-698,
11 60-6,197.02, 60-6,197.03, 60-6,197.05, 60-6,198, and 60-6,211.05,
12 Revised Statutes Supplement, 2011, are repealed.