

AMENDMENTS TO LB998

(Amendments to Standing Committee amendments, AM2079)

Introduced by Harr

1 1. Insert the following new section:

2 Section 1. Section 60-6,209, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 60-6,209 (1) Any person whose operator's license has
5 been revoked pursuant to a conviction for a violation of sections
6 60-6,196, 60-6,197, and 60-6,199 to 60-6,204 for a third or
7 subsequent time for a period of fifteen years may apply to
8 the Department of Motor Vehicles not more often than once per
9 calendar year, on forms prescribed by the department, requesting
10 the department to make a recommendation to the Board of Pardons for
11 reinstatement of his or her eligibility for an operator's license.
12 Upon receipt of the application and a nonrefundable application fee
13 of one hundred dollars, the Director of Motor Vehicles shall review
14 the application ~~if such person has served at least seven years of~~
15 ~~such revocation~~ and make a recommendation for reinstatement or for
16 denial of reinstatement. The department may recommend reinstatement
17 if such person shows the following:

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

22 (b) Such person has not been convicted, since the date

1 of the revocation order, of any subsequent violations of section
2 60-6,196 or 60-6,197 or any comparable city or village ordinance
3 and the applicant has not, since the date of the revocation
4 order, submitted to a chemical test under section 60-6,197 that
5 indicated an alcohol concentration in violation of section 60-6,196
6 or refused to submit to a chemical test under section 60-6,197;

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

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

14 (e) Such person's operator's license is not currently
15 subject to suspension or revocation for any other reason; ~~and-~~

16 (f) Such person has agreed that, if the Board of
17 Pardons reinstates such person's eligibility to apply for an
18 ignition interlock permit, such person must provide proof, to
19 the satisfaction of the department, that an ignition interlock
20 device has been installed and is maintained on one or more motor
21 vehicles such person operates for the duration of the original
22 fifteen-year revocation period and such person must operate only
23 motor vehicles so equipped for the duration of the original
24 fifteen-year revocation period.

25 (2) In addition, the department may require other
26 evidence from such person to show that restoring such person's
27 privilege to drive will not present a danger to the health and

1 safety of other persons using the highways.

2 (3) Upon review of the application, the director shall
3 make the recommendation to the Board of Pardons in writing and
4 shall briefly state the reasons for the recommendations. The
5 recommendation shall include the original application and other
6 evidence submitted by such person. The recommendation shall also
7 include any record of any other applications such person has
8 previously filed under this section.

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

15 (5) If the Board of Pardons reinstates such person's
16 eligibility for an operator's license or an ignition interlock
17 permit or orders a reprieve of such person's motor vehicle
18 operator's license revocation, such reinstatement or reprieve
19 may be conditioned for the duration of the original revocation
20 period on such person's continued recovery and, if such person is
21 a holder of an ignition interlock permit, shall be conditioned
22 for the duration of the original revocation period on such
23 person's operation of only motor vehicles equipped with an ignition
24 interlock device. If such person is convicted of any subsequent
25 violation of section 60-6,196 or 60-6,197, the reinstatement of
26 the person's eligibility for an operator's license shall be
27 withdrawn and such person's operator's license will be revoked

1 by the Department of Motor Vehicles for the time remaining under
2 the original revocation, independent of any sentence imposed by
3 the court, after thirty days' written notice to the person by
4 first-class mail at his or her last-known mailing address as shown
5 by the records of the department.

6 (6) If the Board of Pardons reinstates a person's
7 eligibility for an operator's license or an ignition interlock
8 permit or orders a reprieve of such person's motor vehicle
9 operator's license revocation, the board shall notify the
10 Department of Motor Vehicles of the reinstatement or reprieve.
11 Such person may apply for an operator's license upon payment of a
12 fee of one hundred twenty-five dollars and the filing of proof of
13 financial responsibility. The fees paid pursuant to this section
14 shall be collected by the department and remitted to the State
15 Treasurer. The State Treasurer shall credit seventy-five dollars of
16 each fee to the General Fund and fifty dollars of each fee to the
17 Department of Motor Vehicles Cash Fund.

18 2. Renumber the remaining sections and correct the
19 repealer accordingly.