

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 504

Introduced by Cavanaugh, J., 9; McKinney, 11.

Read first time January 19, 2021

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act;
- 2 to amend sections 60-4,108 and 60-4,109, Revised Statutes Cumulative
- 3 Supplement, 2020; to change certain penalty provisions for the
- 4 suspension, revocation, or impoundment of an operator's license; and
- 5 to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-4,108, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 60-4,108 (1) It shall be unlawful for any person to operate a motor
4 vehicle during any period that he or she is subject to a court order not
5 to operate any motor vehicle for any purpose or during any period that
6 his or her operator's license has been revoked or impounded pursuant to
7 conviction or convictions for violation of any law or laws of this state,
8 by an order of any court, or by an administrative order of the director.
9 Except as otherwise provided by subsection (3) of this section or by
10 other law, any person so offending shall (a) for a first such offense, be
11 guilty of a Class IV ~~II~~ misdemeanor, and the court ~~may shall~~, as a part
12 of the judgment of conviction, order such person not to operate any motor
13 vehicle for any purpose for a period of six months ~~one year~~ from the date
14 ordered by the court and also order the operator's license of such person
15 to be revoked for a like period, ~~unless the person was placed on~~
16 ~~probation, then revocation may be ordered at the court's discretion,~~ (b)
17 for a second or third such offense, be guilty of a Class III ~~II~~
18 misdemeanor, and the court ~~may shall~~, as a part of the judgment of
19 conviction, order such person not to operate any motor vehicle for any
20 purpose for a period of one year ~~two years~~ from the date ordered by the
21 court and also order the operator's license of such person to be revoked
22 for a like period, and (c) for a fourth or subsequent such offense, be
23 guilty of a Class II ~~I~~ misdemeanor, and the court ~~may shall~~, as a part of
24 the judgment of conviction, order such person not to operate any motor
25 vehicle for any purpose for a period of two years from the date ordered
26 by the court and also order the operator's license of such person to be
27 revoked for a like period. Such orders of the court shall be administered
28 upon sentencing, upon final judgment of any appeal or review, or upon the
29 date that any probation is revoked.

30 (2) It shall be unlawful for any person to operate a motor vehicle
31 (a) during any period that his or her operator's license has been

1 suspended, (b) after a period of revocation but before issuance of a new
2 license, or (c) after a period of impoundment but before the return of
3 the license. Except as provided in subsection (3) of this section, any
4 person so offending shall (i) for a first offense, be guilty of a Class V
5 ~~III~~ misdemeanor, (ii) for a second or third such offense, be guilty of a
6 Class IV misdemeanor, and the court may, as a part of the judgment of
7 conviction, order such person not to operate any motor vehicle for any
8 purpose for a period of six months from the date ordered by the court and
9 also order the operator's license of such person to be revoked for a like
10 period, except that if the person at the time of sentencing shows proof
11 of reinstatement of his or her suspended operator's license, proof of
12 issuance of a new license, or proof of return of the impounded license,
13 the person shall only be fined in an amount not to exceed one hundred
14 dollars, and (iii) for a fourth or subsequent such offense, be guilty of
15 a Class III misdemeanor, and the court may, as a part of the judgment of
16 conviction, order such person not to operate any motor vehicle for any
17 purpose for a period of one year from the date ordered by the court and
18 also order the operator's license of such person to be revoked for a like
19 period, except that if the person at the time of sentencing shows proof
20 of reinstatement of his or her suspended operator's license, proof of
21 issuance of a new license, or proof of return of the impounded license,
22 the person shall only be fined in an amount not to exceed one hundred
23 dollars. Such orders of the court shall be administered upon sentencing,
24 upon final judgment of any appeal or review, or upon the date that any
25 probation is revoked and the court may, as a part of the judgment of
26 conviction, order such person not to operate any motor vehicle for any
27 purpose for a period of one year from the date ordered by the court,
28 except that if the person at the time of sentencing shows proof of
29 reinstatement of his or her suspended operator's license, proof of
30 issuance of a new license, or proof of return of the impounded license,
31 the person shall only be fined in an amount not to exceed one hundred

1 ~~dollars~~. If the court orders the person not to operate a motor vehicle
2 for a period of six months ~~one year~~ from the date ordered by the court,
3 the court shall also order the operator's license of such person to be
4 revoked for a like period. Such orders of the court shall be administered
5 upon sentencing, upon final judgment of any appeal or review, or upon the
6 date that any probation is revoked.

7 (3) If a juvenile whose operator's license or permit has been
8 impounded by a juvenile court operates a motor vehicle during any period
9 that he or she is subject to the court order not to operate any motor
10 vehicle or after a period of impoundment but before return of the license
11 or permit, such violation shall be handled in the juvenile court and not
12 as a violation of this section.

13 Sec. 2. Section 60-4,109, Revised Statutes Cumulative Supplement,
14 2020, is amended to read:

15 60-4,109 (1) Upon conviction of any person in any court within this
16 state of a violation of any city or village ordinance pertaining to the
17 operation of a motor vehicle by such person during any period that he or
18 she is subject to a court order not to operate any motor vehicle for any
19 purpose or during any period that his or her operator's license has been
20 revoked or impounded pursuant to any law of this state, such person shall
21 (a) for a first such offense, be guilty of a Class V ~~II~~ misdemeanor, (b)
22 for a second or third such offense, be guilty of a Class IV misdemeanor,
23 and the court may shall, as a part of the judgment of conviction, order
24 such person not to operate any motor vehicle for any purpose for a period
25 of six months ~~one year~~ from the date ordered by the court and also order
26 the operator's license of such person to be revoked for a like period,
27 except that if the person at the time of sentencing shows proof of
28 reinstatement of his or her suspended operator's license, proof of
29 issuance of a new license, or proof of return of the impounded license,
30 the person shall only be fined in an amount not to exceed one hundred
31 dollars, unless the person was placed on probation, then revocation may

1 ~~be ordered at the court's discretion,~~ and (c) ~~(b)~~ for a fourth or each
2 subsequent such offense, be guilty of a Class III ~~II~~ misdemeanor, and the
3 court ~~may shall~~, as a part of the judgment of conviction, order such
4 person not to operate any motor vehicle for any purpose for a period of
5 one year ~~two years~~ from the date ordered by the court and also order the
6 operator's license of such person to be revoked for a like period, except
7 that if the person at the time of sentencing shows proof of reinstatement
8 of his or her suspended operator's license, proof of issuance of a new
9 license, or proof of return of the impounded license, the person shall
10 only be fined in an amount not to exceed one hundred dollars. Such orders
11 of the court shall be administered upon sentencing, upon final judgment
12 of any appeal or review, or upon the date that any probation is revoked.

13 (2) Upon conviction of any person in any court within this state of
14 a violation of any city or village ordinance pertaining to the operation
15 of a motor vehicle by such person (a) during any period that his or her
16 operator's license has been suspended pursuant to any law of this state,
17 (b) after a period of revocation but before issuance of a new license, or
18 (c) after a period of impoundment but before the return of the license,
19 such person shall (i) for a first offense be guilty of a Class V ~~III~~
20 misdemeanor, (ii) for a second or third offense, be guilty of a Class IV
21 misdemeanor, and the court may, as a part of the judgment of conviction,
22 order such person not to operate any motor vehicle for any purpose for a
23 period of six months ~~one year~~ from the date ordered by the court and also
24 order the operator's license of such person to be revoked for a like
25 period, except that if the person at the time of sentencing shows proof
26 of reinstatement of his or her suspended operator's license, proof of
27 issuance of a new license, or proof of return of the impounded license,
28 the person shall only be fined in an amount not to exceed one hundred
29 dollars, and for a fourth or subsequent such offense, be guilty of a
30 Class III misdemeanor, and the court may, as a part of the judgment of
31 conviction, order such . ~~If the court orders the person not to operate a~~

1 motor vehicle for a period of one year from ~~after~~ the date ordered by the
2 court and ~~, the court shall~~ also order the operator's license of such
3 person to be revoked for a like period, except that if the person at the
4 time of sentencing shows proof of reinstatement of his or her suspended
5 operator's license, proof of issuance of a new license, or proof of
6 return of the impounded license, the person shall only be fined in an
7 amount not to exceed one hundred dollars. Such orders of the court shall
8 be administered upon sentencing, upon final judgment of any appeal or
9 review, or upon the date that any probation is revoked.

10 Sec. 3. Original sections 60-4,108 and 60-4,109, Revised Statutes
11 Cumulative Supplement, 2020, are repealed.