

May 15, 1989

LB 285

breatholyzer, the Department of Motor Vehicles has an administrative law judge. And that is really the difference.

SENATOR WITHEM: Okay.

SENATOR ABOUD: They have a judge that just deals with implied consent.

SENATOR WITHEM: I'm not concerned about that aspect. What I am concerned about are things like the individuals denied driver's license because of vision tests, and they think that their vision is adequate. Under existing or previous statute, existing procedures...what steps does that person take versus what would happen if we allowed last year's LB 352 to go into effect?

SENATOR ABOUD: Do you want me to answer the question?

SENATOR WITHEM: Yeah, sure do.

SENATOR ABOUD: Okay. What this would deal with, as far as from what I understand from the Department of Motor Vehicles, it is dealing...in this administrative process we are talking about right here, dealing with people that already have a license, so you would only be dealing with people for point revocation, breatholyzer and any other instance where the Department of Motor Vehicle administratively pulls that license away...pulls that license from the person. So it wouldn't deal, let's say, with the denial of the...they would still have a certain process that they would use..

SENATOR WITHEM: Okay.

SENATOR ABOUD: ...the current process for a person that couldn't pass the eye test of a license. The procedures involved in an appeal don't change. The only change would be in who would be actually judging it. Instead of hiring...going out and hiring a lot of administrative law judges, which the department would have to do if we didn't make this change, it would go to...

SENATOR WITHEM: Okay.

SENATOR ABOUD: ...district court.