

SENATOR BEYER: Well, Mr. Speaker, and colleagues, we are all well aware of the terrible cost in terms of human tragedy caused by driving under the influence of alcohol. We are also well aware of the backlogs in our court systems which cause the wheels of justice to move very slowly. The average time from the arrest for driving under the influence until a license is actually suspended can run from anywhere from a three months to a six to an eight months delay. Driving a motor vehicle is a privilege, not a right, and as such, each of us has the responsibility to make sure that by exercising this privilege, we do not cause harm to others. Those who drive under the influence of alcohol are a danger to each and every one of us and our families, and it is my belief that a swift and sure suspension of driving privileges would tend to defer those to whom the privilege of driving is important. A diagram of how the proposed administrative process would work under LB 799 has been prepared and passed out to each of you, and also a comparison of how the current administrative process for implied consent hearings would compare with the procedures outlined in LB 799. Briefly, this is how administrative per se under this bill would work. An officer who had reason to believe that a person was operating a motor vehicle under the influence of alcohol would request that person to submit to a test to determine their blood alcohol content. If a person refuses to submit to the test or if he or she is determined to be legally intoxicated, the officer would then immediately impound the driver's license of that person. The officer returns the ticket issued which serves as a temporary license and advises the driver that their license will be revoked and that such revocation will be effective 30 days from the date of arrest unless a request for a hearing is filed with the Department of Motor Vehicles within 10 days. The officer is then required to send the driver's license to the Department of Motor Vehicles with a sworn statement indicating that the driver either refused to take a chemical test or failed it. In an effort to make sure that the administrative hearings are held in a timely manner, the bill requires an administrative hearing to be held within 20 days of the request, and a decision must be rendered within seven days of the request...of the hearing. The periods of revocation are one year for the first offense, three years for the second offense, and five years for the third offense. Let me emphasize that this bill provides only for administrative revocation of driving privileges and has nothing to do with the criminal sanctions which may be imposed by the court when the