

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 17, 2003 LB 209

Out of that 4,500 that requested the hearings, approximately 30 percent, or about 1,400 of them were dismissed. The biggest reason for those dismissals was because of the lack of the personal appearance of the arresting officer and some technicalities. It wasn't, you know, an incorrectly calibrated breath analyzer or anything like that. They were dismissed on various other reasons. And, of course, as DMV said, if there was a problem with the arrest, fine. They reinstated the license and it was dismissed entirely. But of that 4,500 that requested hearings, about 70 percent of them are confirmed. The problem is that people have taken advantage of this being the only state in the Union that automatically reinstates a license if you appeal your ruling from the hearing officer to the district court, the only state. The problem is the growing number of people who do appeal that to district court. It started at 30 percent, the percent of cases that were requested or had appeals to the district court. It's now up to 43 percent. People are taking advantage of this fact that we are the only state in the Union that automatically raises a suspension of revocation on your license if you appeal to district court. And that's why we came back, had the hearing. This was not working. Actually what really precipitated this was all the costs associated with the hearings that were being handled by the county attorneys. And I know when Business and Labor got the claims, we, as I recall, we disallowed them or didn't... simply didn't pay them at the time. And then we had the interim study last summer. We get all the numbers, could see the problem, this bill addressed the problem. In spite of what Senator Chambers says, it's unique that Nebraska has this. We're the only state out of 50 states that has this automatic reinstatement of a license if you appeal your revocation. We've got to repeat once again. This is a privilege. We take away driver's licenses for all sorts of things. You can take them away because of age. You can't see well, can't hear well, you lose your driver's license. Take them away when you can't... you go in to renew and can't pass the test, the written test to get your driver's license, you can't get a new one. Take drivers' licenses away for points. You may have been picked up a number of times for speeding. What do they do? They simply take your driver's license away from you until you get some points earned back. As far as pandering to people out there in the rotunda or