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FLOOR DEBATE

February 10, 2006 LB 853

Next amendment, Mr. President, Senator Flood would offer FA440.
(Legislative Journal page 620.)

SENATOR CUDABACK: Senator Flood, to open on your amendment, FA440.

SENATOR FLOOD: Thank you, Mr. President. Members, this amendment, FA440, is in response to some of the concerns raised by Senator Chambers and a couple of the changes that I thought maybe we'd make while we're in the middle of looking at Section 5 of what was AM1986, the committee amendments that were amended into LB 853. On page 5...or, first of all, just kind of an overview of the reasoning for this section of the bill. Right now, the Department of Motor Vehicles works with folks in the trucking business across the state and each year there are certain taxes that are set to be paid to the Department of Motor Vehicles to operate the truck, and you'll have a company or an owner-operator send in a check for a lot of money, sometimes \$40,000, and it bounces. Under the current regulations, as we have it right now, there's an administrative procedure where the department has to notify the trucker that...or the company that the check has come back as insufficient funds, and then the licensee, essentially, has 30 or, I believe, 20 days to answer back, and the whole process can go on for awhile if they request a hearing. You may ask yourself, well, why not call the county attorney and have them charged as a felony bad check writer under Chapter 28 of the Nebraska Revised Statutes? Well, here in Lancaster County, the county attorney's office is reluctant to do that, and I had first wondered why, but when I looked at the statute in Chapter 28, bad checks written for goods and services can be...are prosecutable; however, I can see where a county attorney would look at that statute and say, we'd have a hard time accomplishing that in a criminal court under Chapter 28 for a bad check written to the state of Nebraska Department of Motor Vehicles. So that brings us to where we're at now. This essentially allows the department, as prescribed, to revoke, immediately suspend the license of a licensee if they fail to cure a bad check within seven days. Senator Chambers and I talked about some of the issues found on page 5, sub (b) there at the end, lines 19 through 23, and this is what happens if the licensee makes good on their check within seven days