

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1077

Introduced by Pansing Brooks, 28.

Read first time January 20, 2016

Committee:

- 1 A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act;
- 2 to amend section 60-4,109, Reissue Revised Statutes of Nebraska, and
- 3 section 60-4,108, Revised Statutes Cumulative Supplement, 2014; to
- 4 change provisions relating to operator's license revocation; and to
- 5 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 2014, 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6 his or her operator's license has been revoked or impounded pursuant to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 II misdemeanor, and the court shall, as a part of the
12 judgment of conviction, order such person not to operate any motor
13 vehicle for any purpose for a period of one year from the date ordered by
14 the court and also order the operator's license of such person to be
15 revoked for a like period, unless the defendant was placed on probation,
16 then revocation may be ordered at the court's discretion, (b) for a
17 second or third such offense, be guilty of a Class II misdemeanor, and
18 the court shall, as a part of the judgment of conviction, order such
19 person not to operate any motor vehicle for any purpose for a period of
20 two years from the date ordered by the court and also order the
21 operator's license of such person to be revoked for a like period, and
22 (c) for a fourth or subsequent such offense, be guilty of a Class I
23 misdemeanor, and the court shall, as a part of the judgment of
24 conviction, order such person not to operate any motor vehicle for any
25 purpose for a period of two years from the date ordered by the court and
26 also order the operator's license of such person to be revoked for a like
27 period. Such orders of the court shall be administered upon sentencing,
28 upon final judgment of any appeal or review, or upon the date that any
29 probation is revoked, ~~whichever is later.~~

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 be guilty of a Class III misdemeanor, and the
5 court may, as a part of the judgment of conviction, order such person not
6 to operate any motor vehicle for any purpose for a period of one year
7 from the date ordered by the court, except that if the person at the time
8 of sentencing shows proof of reinstatement of his or her suspended
9 operator's license, proof of issuance of a new license, or proof of
10 return of the impounded license, the person shall only be fined in an
11 amount not to exceed one hundred dollars. If the court orders the person
12 not to operate a motor vehicle for a period of one year from the date
13 ordered by the court, the court shall also order the operator's license
14 of such person to be revoked for a like period. Such orders of the court
15 shall be administered upon sentencing, upon final judgment of any appeal
16 or review, or upon the date that any probation is revoked, ~~whichever is~~
17 later.

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

24 Sec. 2. Section 60-4,109, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 60-4,109 (1) Upon conviction of any person in any court within this
27 state of a violation of any city or village ordinance pertaining to the
28 operation of a motor vehicle by such person during any period that he or
29 she is subject to a court order not to operate any motor vehicle for any
30 purpose or during any period that his or her operator's license has been
31 revoked or impounded pursuant to any law of this state, such person shall

1 (a) for a first such offense, be guilty of a Class II misdemeanor, and
2 the court shall, as a part of the judgment of conviction, order such
3 person not to operate any motor vehicle for any purpose for a period of
4 one year from the date ordered by the court and also order the operator's
5 license of such person to be revoked for a like period, unless the
6 defendant was placed on probation, then revocation may be ordered at the
7 court's discretion, and (b) for each subsequent such offense, be guilty
8 of a Class II misdemeanor, and the court shall, as a part of the judgment
9 of conviction, order such person not to operate any motor vehicle for any
10 purpose for a period of two years from the date ordered by the court and
11 also order the operator's license of such person to be revoked for a like
12 period. Such orders of the court shall be administered upon sentencing,
13 upon final judgment of any appeal or review, or upon the date that any
14 probation is revoked, ~~whichever is later.~~

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

1 shall be administered upon sentencing, upon final judgment of any appeal
2 or review, or upon the date that any probation is revoked, ~~whichever is~~
3 ~~later.~~

4 Sec. 3. Original section 60-4,109, Reissue Revised Statutes of
5 Nebraska, and section 60-4,108, Revised Statutes Cumulative Supplement,
6 2014, are repealed.