

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 625

Introduced by Fulton, 29.

Read first time January 19, 2011

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to driving under the influence; to amend sections
2 60-6,197.03 and 60-6,197.06, Reissue Revised Statutes of
3 Nebraska; to change and eliminate certain penalties
4 relating to driving under the influence; to provide a
5 penalty for driving under the influence with a child in
6 the motor vehicle; to harmonize provisions; to repeal the
7 original sections; and to outright repeal section
8 60-6,197.01, Reissue Revised Statutes of Nebraska.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,197.03, Reissue Revised Statutes
2 of Nebraska, is amended to read:

3 60-6,197.03 Any person convicted of a violation of
4 section 60-6,196 or 60-6,197 shall be punished as follows:

5 (1) Except as provided in subdivision (2) or (11) of this
6 section, if such person has not had a prior conviction, such person
7 shall be guilty of a Class W misdemeanor, and the court shall, as
8 part of the judgment of conviction, order that the operator's license
9 of such person be revoked ~~or impounded~~ for a period of six months
10 from the date ordered by the court. ~~If the court orders the person's~~
11 ~~operator's license impounded, the court shall also order that the~~
12 ~~person shall not operate a motor vehicle for a period of six months~~
13 ~~and shall not order the installation of an ignition interlock device~~
14 ~~or an ignition interlock permit. If the court orders the person's~~
15 ~~operator's license revoked, the revocation period shall be for six~~
16 ~~months.~~ The revocation order shall require that the person not drive
17 for a period of thirty days, after which the court ~~may~~ shall order
18 ~~that~~ the person to apply for an ignition interlock permit for the
19 remainder of the revocation period and have an ignition interlock
20 device installed on any motor vehicle he or she operates during the
21 remainder of the revocation period. No ignition interlock permit may
22 be issued until sufficient evidence is presented to the Department of
23 Motor Vehicles that an ignition interlock device is installed on any
24 motor vehicle the person operates and that the person is eligible for
25 use of an ignition interlock device. Such revocation or impoundment

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

3 If the court places such person on probation or suspends
4 the sentence for any reason, the court shall, as one of the
5 conditions of probation or sentence suspension, order that the
6 operator's license of such person be revoked for a period of sixty
7 days from the date ordered by the court. The court ~~may~~shall order
8 that during the period of revocation the person apply for an ignition
9 interlock permit and the installation of an ignition interlock device
10 pursuant to section 60-6,211.05. Such order of probation or sentence
11 suspension shall also include, as one of its conditions, the payment
12 of a four-hundred-dollar fine;

13 (2) ~~If~~Except as provided in subdivision (11) of this
14 section, if such person has not had a prior conviction and, as part
15 of the current violation, had a concentration of fifteen-hundredths
16 of one gram or more by weight of alcohol per one hundred milliliters
17 of his or her blood or fifteen-hundredths of one gram or more by
18 weight of alcohol per two hundred ten liters of his or her breath,
19 such person shall be guilty of a Class W misdemeanor, and the court
20 shall, as part of the judgment of conviction, revoke the operator's
21 license of such person for a period of one year from the date ordered
22 by the court. The revocation order shall require that the person not
23 drive for a period of ~~sixty~~forty-five days, after which the court
24 ~~may~~shall order ~~that~~ the person to apply for an ignition interlock
25 permit ~~pursuant to subdivision (1)(b) of section 60-6,197.01~~ for the

1 remainder of the revocation period and have an ignition interlock
2 device installed on any motor vehicle he or she operates during the
3 remainder of the revocation period. No ignition interlock permit may
4 be issued until sufficient evidence is presented to the Department of
5 Motor Vehicles that an ignition interlock device is installed on any
6 motor vehicle the person operates and that the person is eligible for
7 use of an ignition interlock device. Such revocation shall be
8 administered upon sentencing, upon final judgment of any appeal or
9 review, or upon the date that any probation is revoked.

10 If the court places such person on probation or suspends
11 the sentence for any reason, the court shall, as one of the
12 conditions of probation or sentence suspension, order that the
13 operator's license of such person be revoked for a period of one year
14 from the date ordered by the court. The revocation order shall
15 require that the person not drive for a period of forty-five days,
16 after which the court ~~may~~shall order that during the period of
17 revocation the person apply for an ignition interlock permit and
18 installment of an ignition interlock device pursuant to section
19 60-6,211.05. ~~pursuant to subdivision (1)(b) of section 60-6,197.01~~
20 ~~for the remainder of the revocation period and have an ignition~~
21 ~~interlock device installed on any motor vehicle he or she operates~~
22 ~~during the remainder of the revocation period.~~ Such revocation shall
23 be administered upon sentencing, upon final judgment of any appeal or
24 review, or upon the date that any probation is revoked. Such order of
25 probation or sentence suspension shall also include, as conditions,

1 the payment of a five-hundred-dollar fine and either confinement in
2 the city or county jail for two days or the imposition of not less
3 than one hundred twenty hours of community service;

4 (3) Except as provided in subdivision ~~(5)~~(11) of this
5 section, if such person has had one prior conviction, such person
6 shall be guilty of a Class W misdemeanor, and the court shall, as
7 part of the judgment of conviction, order that the operator's license
8 of such person be revoked for a period of one year from the date
9 ordered by the court. The revocation order shall require that the
10 person not drive for a period of ~~sixty~~forty-five days, after which
11 the court ~~may~~shall order ~~that~~ the person to apply for an ignition
12 interlock permit for the remainder of the revocation period and have
13 an ignition interlock device installed on any motor vehicle he or she
14 owns or operates during the remainder of the revocation period. No
15 ignition interlock permit may be issued until sufficient evidence is
16 presented to the Department of Motor Vehicles that an ignition
17 interlock device is installed on any motor vehicle the person
18 operates and that the person is eligible for use of an ignition
19 interlock device. and shall issue an order pursuant to subdivision
20 ~~(1)(b) of section 60-6,197.01.~~ Such revocation shall be administered
21 upon sentencing, upon final judgment of any appeal or review, or upon
22 the date that any probation is revoked.

23 If the court places such person on probation or suspends
24 the sentence for any reason, the court shall, as one of the
25 conditions of probation or sentence suspension, order that the

1 operator's license of such person be revoked for a period of one year
2 from the date ordered by the court. The revocation order shall
3 require that the person not drive for a period of forty-five days,
4 after which the court ~~may~~shall order that during the period of
5 revocation the person apply for an ignition interlock permit and
6 installation of an ignition interlock device pursuant to section
7 60-6,211.05. ~~and shall issue an order pursuant to subdivision (1)(b)~~
8 ~~of section 60-6,197.01.~~ Such order of probation or sentence
9 suspension shall also include, as conditions, the payment of a five-
10 hundred-dollar fine and either confinement in the city or county jail
11 for ten days or the imposition of not less than two hundred forty
12 hours of community service;

13 (4) Except as provided in subdivision ~~(6)~~(11) of this
14 section, if such person has had two prior convictions, such person
15 shall be guilty of a Class W misdemeanor, and the court shall, as
16 part of the judgment of conviction, order that the operator's license
17 of such person be revoked for a period of fifteen years from the date
18 ordered by the court. The revocation order shall require that the
19 person not drive for a period of at least forty-five days, after
20 which the court shall order the person to apply for an ignition
21 interlock permit for the remainder of the revocation period and leave
22 an ignition interlock device installed on any motor vehicle he or she
23 owns or operates during the remainder of the revocation period. No
24 ignition interlock permit may be issued until sufficient evidence is
25 presented to the Department of Motor Vehicles that an ignition

1 interlock device is installed on any motor vehicle the person
2 operates and that the person is eligible for use of an ignition
3 interlock device. and shall issue an order pursuant to section
4 60-6,197.01. Such ~~orders~~ revocation shall be administered upon
5 sentencing, upon final judgment of any appeal or review, or upon the
6 date that any probation is revoked.

7 If the court places such person on probation or suspends
8 the sentence for any reason, the court shall, as one of the
9 conditions of probation or sentence suspension, order that the
10 operator's license of such person be revoked for a period of at least
11 two years but not more than fifteen years from the date ordered by
12 the court. The revocation order shall require that the person not
13 drive for a period of forty-five days, after which the court ~~may~~
14 shall order that during the period of revocation the person apply for
15 an ignition interlock permit and installation of an ignition
16 interlock device issued pursuant to section 60-6,211.05. ~~and shall~~
17 ~~issue an order pursuant to subdivision (1)(b) of section 60-6,197.01.~~
18 Such order of probation or sentence suspension shall also include, as
19 conditions, the payment of a six-hundred-dollar fine and confinement
20 in the city or county jail for thirty days;

21 ~~(5) If such person has had one prior conviction and, as~~
22 ~~part of the current violation, had a concentration of fifteen-~~
23 ~~hundredths of one gram or more by weight of alcohol per one hundred~~
24 ~~milliliters of his or her blood or fifteen hundredths of one gram or~~
25 ~~more by weight of alcohol per two hundred ten liters of his or her~~

1 ~~breath or refused to submit to a test as required under section~~
2 ~~60-6,197, such person shall be guilty of a Class I misdemeanor, and~~
3 ~~the court shall, as part of the judgment of conviction, revoke the~~
4 ~~operator's license of such person for a period of at least one year~~
5 ~~but not more than fifteen years from the date ordered by the court~~
6 ~~and shall issue an order pursuant to section 60-6,197.01. Such~~
7 ~~revocation and order shall be administered upon sentencing, upon~~
8 ~~final judgment of any appeal or review, or upon the date that any~~
9 ~~probation is revoked. The court shall also sentence such person to~~
10 ~~serve at least ninety days' imprisonment in the city or county jail~~
11 ~~or an adult correctional facility.~~

12 ~~If the court places such person on probation or suspends~~
13 ~~the sentence for any reason, the court shall, as one of the~~
14 ~~conditions of probation or sentence suspension, order that the~~
15 ~~operator's license of such person be revoked for a period of at least~~
16 ~~one year but not more than fifteen years from the date ordered by the~~
17 ~~court. The revocation order shall require that the person not drive~~
18 ~~for a period of forty five days, after which the court may order that~~
19 ~~during the period of revocation the person apply for an ignition~~
20 ~~interlock permit and installation of an ignition interlock device~~
21 ~~issued pursuant to section 60-6,211.05 and shall issue an order~~
22 ~~pursuant to subdivision (1)(b) of section 60-6,197.01. Such order of~~
23 ~~probation or sentence suspension shall also include, as conditions,~~
24 ~~the payment of a one thousand dollar fine and confinement in the city~~
25 ~~or county jail for thirty days;~~

1 ~~(6) If such person has had two prior convictions and, as~~
2 ~~part of the current violation, had a concentration of fifteen-~~
3 ~~hundredths of one gram or more by weight of alcohol per one hundred~~
4 ~~milliliters of his or her blood or fifteen hundredths of one gram or~~
5 ~~more by weight of alcohol per two hundred ten liters of his or her~~
6 ~~breath or refused to submit to a test as required under section~~
7 ~~60-6,197, such person shall be guilty of a Class IIIA felony, and the~~
8 ~~court shall, as part of the judgment of conviction, revoke the~~
9 ~~operator's license of such person for a period of fifteen years from~~
10 ~~the date ordered by the court and shall issue an order pursuant to~~
11 ~~section 60-6,197.01. Such revocation and order shall be administered~~
12 ~~upon sentencing, upon final judgment of any appeal or review, or upon~~
13 ~~the date that any probation is revoked. The court shall also sentence~~
14 ~~such person to serve at least one hundred eighty days' imprisonment~~
15 ~~in the city or county jail or an adult correctional facility.~~

16 ~~If the court places such person on probation or suspends~~
17 ~~the sentence for any reason, the court shall, as one of the~~
18 ~~conditions of probation or sentence suspension, order that the~~
19 ~~operator's license of such person be revoked for a period of at least~~
20 ~~five years but not more than fifteen years from the date ordered by~~
21 ~~the court. The revocation order shall require that the person not~~
22 ~~drive for a period of forty five days, after which the court may~~
23 ~~order that during the period of revocation the person apply for an~~
24 ~~ignition interlock permit and installation of an ignition interlock~~
25 ~~device issued pursuant to section 60-6,211.05 and shall issue an~~

1 ~~order pursuant to subdivision (1)(b) of section 60-6,197.01. Such~~
2 ~~order of probation or sentence suspension shall also include, as~~
3 ~~conditions, the payment of a one thousand dollar fine and confinement~~
4 ~~in the city or county jail for sixty days;~~

5 ~~(7) Except as provided in subdivision (8) of this~~
6 ~~section, if (5) If such person has had three prior convictions, such~~
7 ~~person shall be guilty of a Class IIIA felony, and the court shall,~~
8 ~~as part of the judgment of conviction, order that the operator's~~
9 ~~license of such person be revoked for a period of fifteen years from~~
10 ~~the date ordered by the court. The revocation order shall require~~
11 ~~that the person not drive for a period of at least one year, after~~
12 ~~which the court shall order that the person may apply for an ignition~~
13 ~~interlock permit for the remainder of the revocation period and leave~~
14 ~~an ignition interlock device installed on any motor vehicle he or she~~
15 ~~owns or operates during the remainder of the revocation period. No~~
16 ~~ignition interlock permit may be issued until sufficient evidence is~~
17 ~~presented to the Department of Motor Vehicles that an ignition~~
18 ~~interlock device is installed on any motor vehicle the person~~
19 ~~operates and that the person is eligible for use of an ignition~~
20 ~~interlock device. and shall issue an order pursuant to section~~
21 ~~60-6,197.01. Such orders shall be administered upon sentencing, upon~~
22 ~~final judgment of any appeal or review, or upon the date that any~~
23 ~~probation is revoked. The court shall also sentence such person to~~
24 ~~serve at least one hundred eighty days' imprisonment in the city or~~
25 ~~county jail or an adult correctional facility.~~

1 If the court places such person on probation or suspends
2 the sentence for any reason, the court shall, as one of the
3 conditions of probation or sentence suspension, order that the
4 operator's license of such person be revoked for a period of fifteen
5 years from the date ordered by the court. The revocation order shall
6 require that the person not drive for a period of forty-five days,
7 after which the court ~~may~~shall order that during the period of
8 revocation the person apply for an ignition interlock permit and
9 installation of an ignition interlock device issued pursuant to
10 section 60-6,211.05. ~~and shall issue an order pursuant to subdivision~~
11 ~~(1)(b) of section 60-6,197.01.~~ Such order of probation or sentence
12 suspension shall also include, as conditions, the payment of a one-
13 thousand-dollar fine and confinement in the city or county jail for
14 ninety days;

15 ~~(8) If such person has had three prior convictions and,~~
16 ~~as part of the current violation, had a concentration of fifteen-~~
17 ~~hundredths of one gram or more by weight of alcohol per one hundred~~
18 ~~milliliters of his or her blood or fifteen hundredths of one gram or~~
19 ~~more by weight of alcohol per two hundred ten liters of his or her~~
20 ~~breath or refused to submit to a test as required under section~~
21 ~~60-6,197, such person shall be guilty of a Class III felony, and the~~
22 ~~court shall, as part of the judgment of conviction, revoke the~~
23 ~~operator's license of such person for a period of fifteen years from~~
24 ~~the date ordered by the court and shall issue an order pursuant to~~
25 ~~section 60-6,197.01. Such revocation and order shall be administered~~

1 upon sentencing, upon final judgment of any appeal or review, or upon
2 the date that any probation is revoked.

3 ~~If the court places such person on probation or suspends~~
4 ~~the sentence for any reason, the court shall, as one of the~~
5 ~~conditions of probation or sentence suspension, order that the~~
6 ~~operator's license of such person be revoked for a period of fifteen~~
7 ~~years from the date ordered by the court. The revocation order shall~~
8 ~~require that the person not drive for a period of forty five days,~~
9 ~~after which the court may order that during the period of revocation~~
10 ~~the person apply for an ignition interlock permit and installation of~~
11 ~~an ignition interlock device issued pursuant to section 60-6,211.05~~
12 ~~and shall issue an order pursuant to subdivision (1)(b) of section~~
13 ~~60-6,197.01. Such order of probation or sentence suspension shall~~
14 ~~also include, as conditions, the payment of a one thousand dollar~~
15 ~~fine and confinement in the city or county jail for one hundred~~
16 ~~twenty days;~~

17 ~~(9) Except as provided in subdivision (10) of this~~
18 ~~section, if (6) If such person has had four or more prior~~
19 ~~convictions, such person shall be guilty of a Class III felony, and~~
20 ~~the court shall, as part of the judgment of conviction, order that~~
21 ~~the operator's license of such person be revoked for a period of~~
22 ~~fifteen years from the date ordered by the court. The revocation~~
23 ~~order shall require that the person not drive for a period of at~~
24 ~~least one year, after which the court shall order that the person may~~
25 ~~apply for an ignition interlock permit for the remainder of the~~

1 revocation period and leave an ignition interlock device installed on
2 any motor vehicle he or she owns or operates during the remainder of
3 the revocation period. No ignition interlock permit may be issued
4 until sufficient evidence is presented to the Department of Motor
5 Vehicles that an ignition interlock device is installed on any motor
6 vehicle the person operates and that the person is eligible for use
7 of an ignition interlock device. and shall issue an order pursuant to
8 ~~section 60-6,197.01.~~ Such orders shall be administered upon
9 sentencing, upon final judgment of any appeal or review, or upon the
10 date that any probation is revoked.

11 If the court places such person on probation or suspends
12 the sentence for any reason, the court shall, as one of the
13 conditions of probation or sentence suspension, order that the
14 operator's license of such person be revoked for a period of fifteen
15 years from the date ordered by the court. The revocation order shall
16 require that the person not drive for a period of forty-five days,
17 after which the court ~~may~~ shall order that during the period of
18 revocation the person apply for an ignition interlock permit and
19 installation of an ignition interlock device issued pursuant to
20 section 60-6,211.05. ~~and shall issue an order pursuant to subdivision~~
21 ~~(1)(b) of section 60-6,197.01.~~ Such order of probation or sentence
22 suspension shall also include, as conditions, the payment of a one-
23 thousand-dollar fine and confinement in the city or county jail for
24 one hundred eighty days; ~~and~~

25 ~~(10) If such person has had four or more prior~~

1 ~~convictions and, as part of the current violation, had a~~
2 ~~concentration of fifteen hundredths of one gram or more by weight of~~
3 ~~alcohol per one hundred milliliters of his or her blood or fifteen-~~
4 ~~hundredths of one gram or more by weight of alcohol per two hundred~~
5 ~~ten liters of his or her breath or refused to submit to a test as~~
6 ~~required under section 60-6,197, such person shall be guilty of a~~
7 ~~Class II felony and the court shall, as part of the judgment of~~
8 ~~conviction, revoke the operator's license of such person for a period~~
9 ~~of fifteen years from the date ordered by the court and shall issue~~
10 ~~an order pursuant to section 60-6,197.01. Such revocation and order~~
11 ~~shall be administered upon sentencing, upon final judgment of any~~
12 ~~appeal or review, or upon the date that any probation is revoked.~~

13 ~~If the court places such person on probation or suspends~~
14 ~~the sentence for any reason, the court shall, as one of the~~
15 ~~conditions of probation or sentence suspension, order that the~~
16 ~~operator's license of such person be revoked for a period of fifteen~~
17 ~~years from the date ordered by the court. The revocation order shall~~
18 ~~require that the person not drive for a period of forty five days,~~
19 ~~after which the court may order that during the period of revocation~~
20 ~~the person apply for an ignition interlock permit and installation of~~
21 ~~an ignition interlock device issued pursuant to section 60-6,211.05~~
22 ~~and shall issue an order pursuant to subdivision (1)(b) of section~~
23 ~~60-6,197.01. Such order of probation or sentence suspension shall~~
24 ~~also include, as conditions, the payment of a one thousand dollar~~
25 ~~fine and confinement in the city or county jail for one hundred~~

1 ~~eighty days.~~

2 (7) If such person, as part of the current violation,
3 operated the motor vehicle with a child fifteen years of age or
4 younger as a passenger in such motor vehicle, such person shall be
5 guilty of a Class IV felony and the court shall, as part of the
6 judgment of conviction, revoke the operator's license of such person
7 for a period of at least two years but not more than fifteen years
8 from the date ordered by the court. The revocation order shall
9 require that the person not drive for a period of at least forty-five
10 days, after which the court shall order that the person may apply for
11 an ignition interlock permit for the remainder of the revocation
12 period and leave an ignition interlock device installed on any motor
13 vehicle he or she owns or operates during the remainder of the
14 revocation period. No ignition interlock permit may be issued until
15 sufficient evidence is presented to the Department of Motor Vehicles
16 that an ignition interlock device is installed on any motor vehicle
17 the person operates and that the person is eligible for use of an
18 ignition interlock device. Such revocation and order shall be
19 administered upon sentencing, upon final judgment of any appeal or
20 review, or upon the date that any probation is revoked. The court
21 shall also sentence such person to serve at least one hundred twenty
22 days' imprisonment in the city or county jail or an adult
23 correctional facility.

24 If the court places such person on probation or suspends
25 the sentence for any reason, the court shall, as one of the

1 conditions of probation or sentence suspension, order that the
2 operator's license of such person be revoked for a period of at least
3 one year but not more than fifteen years from the date ordered by the
4 court. The revocation order shall require that the person not drive
5 for a period of forty-five days, after which the court shall order
6 that during the period of revocation the person apply for an ignition
7 interlock permit and installation of an ignition interlock device
8 issued pursuant to section 60-6,211.05. Such order of probation or
9 sentence suspension shall also include, as conditions, the payment of
10 a one-thousand-dollar fine and confinement in the city or county jail
11 for sixty days.

12 (8) Whenever a person whose driving privileges have been
13 restricted under this section seeks to have his or her unrestricted
14 driving privileges restored, the Department of Motor Vehicles shall
15 certify that none of the following incidents have occurred in the
16 three months immediately prior to the restoration:

17 (a) That no attempt was made by the person to start his
18 or her motor vehicle with a concentration of eight-hundredths of one
19 gram or more by weight of alcohol per two hundred ten liters of his
20 or her breath or more;

21 (b) That the person did not fail to take or pass any
22 required retest; or

23 (c) That the person did not fail to appear at an ignition
24 interlock device vendor when required for maintenance, repair,
25 calibration, monitoring, inspection, or replacement of the ignition

1 interlock device.

2 Sec. 2. Section 60-6,197.06, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 60-6,197.06 (1) Unless otherwise provided by law pursuant
5 to an ignition interlock permit, any person operating a motor vehicle
6 on the highways or streets of this state while his or her operator's
7 license has been revoked pursuant to section 28-306, section 60-698,
8 subdivision (4), (5), (6), or (7), (8), (9), or (10) of section
9 60-6,197.03, or section 60-6,198, or pursuant to subdivision (2)(c)
10 or (2)(d) of section 60-6,196 or subdivision (4)(c) or (4)(d) of
11 section 60-6,197 as such subdivisions existed prior to July 16, 2004,
12 shall be guilty of a Class IV felony, and the court shall, as part of
13 the judgment of conviction, revoke the operator's license of such
14 person for a period of fifteen years from the date ordered by the
15 court. The revocation order shall require that the person not drive
16 for a period of at least one year, after which the court shall order
17 the person to apply for an ignition interlock permit for the
18 remainder of the revocation period and leave an ignition interlock
19 device installed on any motor vehicle he or she owns or operates
20 during the remainder of the revocation period. No ignition interlock
21 permit may be issued until sufficient evidence is presented to the
22 Department of Motor Vehicles that an ignition interlock device is
23 installed on any motor vehicle the person operates and that the
24 person is eligible for use of an ignition interlock device. and shall
25 issue an order pursuant to section 60-6,197.01. Such revocation and

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

3 (2) If such person has had a conviction under this
4 section or under subsection (6) of section 60-6,196 or subsection (7)
5 of section 60-6,197, as such subsections existed prior to July 16,
6 2004, prior to the date of the current conviction under this section,
7 such person shall be guilty of a Class III felony, and the court
8 shall, as part of the judgment of conviction, revoke the operator's
9 license of such person for a period of fifteen years from the date
10 ordered by the court. The revocation order shall require that the
11 person not drive for a period of at least one year, after which the
12 court shall order the person to apply for an ignition interlock
13 permit for the remainder of the revocation period and leave an
14 ignition interlock device installed on any motor vehicle he or she
15 owns or operates during the remainder of the revocation period. No
16 ignition interlock permit may be issued until sufficient evidence is
17 presented to the Department of Motor Vehicles from the ignition
18 interlock vendor, on a form prescribed by the department, that an
19 ignition interlock device is installed on any motor vehicle the
20 person operates and that the person is eligible for use of an
21 ignition interlock device. and shall issue an order pursuant to
22 section 60-6,197.01. Such revocation and order shall be administered
23 upon sentencing, upon final judgment of any appeal or review, or upon
24 the date that any probation is revoked.

25 (3) Whenever a person whose driving privileges have been

1 restricted under this section seeks to have his or her unrestricted
2 driving privileges restored, the Department of Motor Vehicles shall
3 certify that none of the following incidents have occurred in the
4 three months immediately prior to the restoration:

5 (a) That no attempt was made by the person to start his
6 or her motor vehicle with a concentration of eight-hundredths of one
7 gram or more by weight of alcohol per two hundred ten liters of his
8 or her breath or more;

9 (b) That the person did not fail to take or pass any
10 required retest; or

11 (c) That the person did not fail to appear at an ignition
12 interlock device vendor when required for maintenance, repair,
13 calibration, monitoring, inspection, or replacement of the ignition
14 interlock device.

15 Sec. 3. Original sections 60-6,197.03 and 60-6,197.06,
16 Reissue Revised Statutes of Nebraska, are repealed.

17 Sec. 4. The following section is outright repealed:
18 Section 60-6,197.01, Reissue Revised Statutes of Nebraska.