

LEGISLATIVE BILL 10

Approved by the Governor April 21, 1997

Introduced by Coordsen, 32

AN ACT relating to motor vehicles; to amend sections 60-4,100, 60-507, and 60-531, Reissue Revised Statutes of Nebraska; to change provisions relating to suspension and revocation of operator's licenses; to change notice requirements; to waive certain reinstatement fees after seven years; to change nonresident proof of financial responsibility requirements; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 60-4,100, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,100. The director may suspend ~~or revoke~~ the operator's license of any resident of this state:

(1) Upon receiving a copy of the judgment of the conviction of such person in another state of an offense therein which, if committed in this state, would be grounds for the suspension ~~or revocation~~ of the license of such operator by any trial judge or magistrate in this state;

(2) Who has violated a promise to comply with the terms of a traffic citation issued by a law enforcement officer for a moving violation in any jurisdiction outside this state pursuant to the Nonresident Violator Compact of 1977 until satisfactory evidence of compliance with the terms of the citation has been furnished to the director; or

(3) Who has violated a promise to comply with the terms of a traffic citation issued on ~~or after July 1, 1986,~~ by a law enforcement officer for a moving violation in any jurisdiction inside this state until satisfactory evidence of compliance with the terms of the citation has been furnished to the director.

The court having jurisdiction over the offense for which the citation has been issued shall notify the director of a violation of a promise to comply with the terms of the citation only after twenty working days have elapsed from the date of the failure to comply.

Upon notice to the director that a resident has violated a promise to comply with the terms of a traffic citation as provided in this section, the director shall not suspend ~~or revoke~~ such resident's license until he or she has sent written notice to such resident by registered or certified mail to the resident's last-known address first-class mail to the person's last-known mailing address or, if such address is unknown, to the last-known residence address of such person as shown by the records of the Department of Motor Vehicles. Such notice shall state that such resident has twenty working days from after the date of the notice to show the director that the resident has complied with the terms of such traffic citation. No suspension ~~or revocation~~ shall be entered by the director if the resident complies with the terms of a citation during such twenty working days. If the resident fails to comply on or before twenty working days after the date of notice, the director shall summarily suspend the operator's license and issue an order. The order shall be sent by registered or certified mail to the person's last-known mailing address as shown by the records of the department.

Upon the expiration of any license ~~revocation~~ suspension ordered pursuant to this section, a resident may have his or her license reinstated upon payment of a fee of ninety-five dollars. The fee shall be waived if seven years have passed since expiration of the license suspension order. The fees paid pursuant to this section shall be remitted to the State Treasurer. The State Treasurer shall credit fifty dollars of each fee to the General Fund and forty-five dollars of each fee to the Department of Motor Vehicles Cash Fund.

Sec. 2. Section 60-507, Reissue Revised Statutes of Nebraska, is amended to read:

60-507. (1) Within ninety days after the receipt by the Department of Roads of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person, including such operator, to an apparent extent in excess of five hundred dollars, the Department of Motor Vehicles shall suspend (a) the license of each operator of a motor vehicle in any manner involved in such accident and (b) the privilege, if such operator is a nonresident, of operating a motor vehicle within this state, unless such operator shall

deposit deposits security in a sum which shall be sufficient, in the judgment of the Department of Motor Vehicles, to satisfy any judgment or judgments for damages resulting from such accident which may be recovered against such operator; and unless such operator shall give gives proof of financial responsibility.

Notice of such suspension shall be sent by the Department of Motor Vehicles by certified first-class mail to such operator not less than twenty days prior to the effective date of such suspension at his or her last-known mailing address as shown by the records of the department and shall state the amount required as security and the requirement of proof of financial responsibility. In the event a person involved in a motor vehicle accident within this state fails to make a report to the Department of Motor Vehicles indicating the extent of his or her injuries or the damage to his or her property within thirty days after the accident, and the department does not have sufficient information on which to base an evaluation of such injury or damage, the department, after reasonable notice to such person, may not require any deposit of security for the benefit or protection of such person. If the operator fails to respond to the notice on or before twenty days after the date of the notice, the director shall summarily suspend the operator's license or privilege and issue an order of suspension.

(2) The order of suspension provided for in subsection (1) of this section shall not be entered by the Department of Motor Vehicles if the department determines that in its judgment there is no reasonable possibility of a judgment being rendered against such operator.

(3) In determining whether there is a reasonable possibility of judgment being rendered against such operator, the department shall consider all reports and information filed in connection with the accident.

(4) The order of suspension provided for in subsection (1) of this section shall advise the operator that he or she has a right to appeal the order of suspension in accordance with the provisions set forth in section 60-503.

(5) The order of suspension provided for in subsection (1) of this section shall be sent by registered or certified mail to the person's last-known mailing address as shown by the records of the department.

Sec. 3. Section 60-531, Reissue Revised Statutes of Nebraska, is amended to read:

60-531. The nonresident owner of a motor vehicle not registered in this state may give proof of financial responsibility by filing with the department a written certificate or certificates of an insurance carrier authorized to transact business in the this state or any other state in which the motor vehicle or motor vehicles described in such certificate are registered or, if such nonresident does not own a motor vehicle, in the state in which the insured resides. The ~~7~~ if such certificate otherwise conforms to the provisions of sections 60-501 to 60-569, and the department shall accept the same upon condition that said ~~the~~ insurance carrier complies with the following provisions with respect to the policies so certified: (1) ~~The said~~ insurance carrier shall execute an acknowledgment that the carrier shall be amenable to process issued by a court of this state in any action upon such policy; and (2) ~~the said~~ insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued herein.

Sec. 4. Original sections 60-4,100, 60-507, and 60-531, Reissue Revised Statutes of Nebraska, are repealed.