

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1077**

Introduced by Pansing Brooks, 28.

Read first time January 20, 2016

Committee: Transportation and Telecommunications

- 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6 his or her operator's license has been revoked or impounded pursuant to  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.