

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 998

Introduced by Karpisek, 32.

Read first time January 21, 2014

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Nebraska Rules of the Road; to amend
2 section 83-1,127.02, Reissue Revised Statutes of
3 Nebraska, and section 60-6,211.11, Revised Statutes
4 Cumulative Supplement, 2012; to change provisions and
5 penalties relating to prohibited acts regarding ignition
6 interlock devices; and to repeal the original sections.

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

1 Section 1. Section 60-6,211.11, Revised Statutes
2 Cumulative Supplement, 2012, is amended to read:

3 60-6,211.11 (1) Any person who tampers with or
4 circumvents an ignition interlock device installed under a court
5 order or Department of Motor Vehicles order while the order is in
6 effect ~~or who operates a motor vehicle which is not equipped with an~~
7 ~~ignition interlock device in violation of a court order or Department~~
8 ~~of Motor Vehicles order~~ shall be guilty of a Class IV felony.

9 (2) Any person who otherwise operates a motor vehicle
10 equipped with an ignition interlock device in violation of the
11 requirements of the court order or Department of Motor Vehicles order
12 under which the device was installed shall be guilty of a Class III
13 misdemeanor.

14 (3) Except as provided in subsection (4) of this section,
15 any person who operates a motor vehicle which is not equipped with an
16 ignition interlock device in violation of a court order or Department
17 of Motor Vehicles order shall be guilty of a Class I misdemeanor.

18 (4) Any person who operates a motor vehicle which is not
19 equipped with an ignition interlock device in violation of a court
20 order or Department of Motor Vehicles order, when such person has a
21 concentration of two-hundredths of one gram or more by weight of
22 alcohol per one hundred milliliters of his or her blood or a
23 concentration of two-hundredths of one gram or more by weight of
24 alcohol per two hundred ten liters of his or her breath, shall be
25 guilty of a Class IV felony.

1 Sec. 2. Section 83-1,127.02, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 83-1,127.02 (1) The Board of Pardons may, in its sole
4 discretion, when granting a reprieve to any person who has made
5 application pursuant to section 60-6,209, order such person to obtain
6 an ignition interlock permit and to operate only motor vehicles
7 equipped with an ignition interlock device approved by the Director
8 of Motor Vehicles. The Board of Pardons may order the person to hold
9 the ignition interlock permit and use an ignition interlock device
10 for a period of time not to exceed any period of revocation the
11 applicant is subject to at the time the application for a license
12 reinstatement is made.

13 (2) Any person ordered by the Board of Pardons to operate
14 only motor vehicles equipped with such an ignition interlock device
15 shall make application to the director for the issuance of an
16 ignition interlock permit pursuant to section 60-4,118.06.

17 ~~(3) (a)~~ Any such person restricted to operating a
18 motor vehicle equipped with such an ignition interlock device ~~who~~
19 ~~operates upon the highways of this state a motor vehicle without such~~
20 ~~an ignition interlock device, who~~ operates a motor vehicle equipped
21 with such an ignition interlock device which has been disabled,
22 bypassed, or altered in any way, or who operates a motor vehicle
23 equipped with such an ignition interlock device without obtaining an
24 ignition interlock permit, is guilty of a Class IV felony.

25 (b) Except as provided in subdivision (c) of this

1 subsection, any person who operates a motor vehicle which is not
2 equipped with an ignition interlock device in violation of a Board of
3 Pardons' order shall be guilty of a Class I misdemeanor.

4 (c) Any person who operates a motor vehicle which is not
5 equipped with an ignition interlock device in violation of a Board of
6 Pardons' order, when such person has a concentration of two-
7 hundredths of one gram or more by weight of alcohol per one hundred
8 milliliters of his or her blood or a concentration of two-hundredths
9 of one gram or more by weight of alcohol per two hundred ten liters
10 of his or her breath, shall be guilty of a Class IV felony.

11 (4) The court shall, as a part of the judgment of
12 conviction for a violation of this subsection, order such person not
13 to drive any motor vehicle for any purpose for a period of fifteen
14 years from the date ordered by the court. The court shall also order
15 that the operator's license of such person be revoked for a like
16 period. The revocation shall be administered upon sentencing, upon
17 the final judgment of any appeal or review, or upon the date that any
18 probation is revoked.

19 Sec. 3. Original section 83-1,127.02, Reissue Revised
20 Statutes of Nebraska, and section 60-6,211.11, Revised Statutes
21 Cumulative Supplement, 2012, are repealed.