

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 335**

Introduced by Hansen, M., 26.

Read first time January 16, 2019

Committee:

- 1 A BILL FOR AN ACT relating to bail; to amend sections 29-901, 60-480,  
2 60-498.01, 60-4,115, 60-6,197.05, 60-6,197.06, and 60-6,211.11,  
3 Revised Statutes Cumulative Supplement, 2018; to adopt the 24/7  
4 Sobriety Program Act; to authorize a 24/7 sobriety program permit  
5 for operating a motor vehicle as a condition of bond as prescribed;  
6 to provide penalties; to harmonize provisions; and to repeal the  
7 original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 6 of this act shall be known and may be  
2 cited as the 24/7 Sobriety Program Act.

3           Sec. 2. (1) The Legislature finds and declares that there are many  
4 different approaches to assist individuals who struggle with substance  
5 abuse. Alternatives to incarceration should be considered in order to  
6 reduce the cost to the taxpayers, successfully rehabilitate offenders,  
7 ensure public safety, and minimize risk to society. Ignition interlock  
8 devices, which are required to be installed for those who are charged  
9 with or have been convicted of certain offenses, while effective, may be  
10 a financial burden to those who cannot afford the costs of installation  
11 or maintenance of such devices. In this state, ignition interlock devices  
12 have been proven to be an effective means of preventing drivers from  
13 operating motor vehicles while under the influence of alcohol. Other  
14 states have implemented 24/7 sobriety programs. States that implement  
15 24/7 sobriety programs have seen success with such programs in that  
16 participants have higher rates of maintaining sobriety, have lower rates  
17 of recidivism, are more likely to become productive members of society,  
18 and are less likely to be a continued public risk. Therefore, it is in  
19 the best interests of the State of Nebraska to establish 24/7 sobriety  
20 programs.

21           (2) A 24/7 sobriety program shall coordinate efforts among various  
22 state and local governmental agencies for finding and implementing  
23 alternatives to incarceration for offenses that involve operating a motor  
24 vehicle under the influence of alcohol or other drugs.

25           Sec. 3. For purposes of the 24/7 Sobriety Program Act:

26           (1) 24/7 sobriety program means a program that, as a condition of  
27 bond, requires an individual who was arrested to:

28           (a) Totally abstain from alcohol or drugs for a specified period of  
29 time; and

30           (b) Be subject to testing for alcohol or drugs at least twice per  
31 day at a testing location by use of a continuous alcohol monitoring

1 device, by drug patch, by urinalysis, by ignition interlock device  
2 provided the device is able to test twice a day without motor vehicle  
3 operation, or by a preliminary breath testing device;

4 (2) Department means the Department of Motor Vehicles; and

5 (3) Director means the Director of Motor Vehicles.

6 Sec. 4. (1) Each county, through its county sheriff, may  
7 participate in a 24/7 sobriety program. If a sheriff is unwilling or  
8 unable to participate in a 24/7 sobriety program, the sheriff may  
9 designate an entity willing to provide the service.

10 (2) A 24/7 sobriety program shall have the following minimum program  
11 requirements:

12 (a) A testing location or testing locations established by the  
13 county sheriff or designated entity;

14 (b) Participants shall enter into a participation agreement with the  
15 sheriff or designated entity;

16 (c) Testing of participants shall be at approximate twelve-hour  
17 intervals;

18 (d) Participants in the program shall not consume alcohol or any  
19 drug not prescribed by a physician; and

20 (e) Testing shall occur twice a day, every day.

21 (3) If a test in violation of the 24/7 sobriety program occurs:

22 (a) The first sanction against a participant shall be a continuous  
23 twelve-hour sanction and release back into the program. The twelve-hour  
24 sanction may be served in jail, or in a detoxification center;

25 (b) The second sanction against a participant shall be twenty-four  
26 hours and shall be served in jail with release back into the program;

27 (c) The third sanction through the fifth sanction against a  
28 participant shall be forty-eight hours and shall be served in jail and  
29 with the participant's bond reset by the court; and

30 (d) The sixth sanction against a participant shall be removal from  
31 the 24/7 sobriety program and the participant shall be ineligible for

1 further participation in the program for that case.

2 (4) Upon court approval, participants may request sobriety tests be  
3 accomplished by the use of a continuous alcohol monitoring device.

4 Participants shall be responsible for the cost of such device, and such  
5 costs shall be set out in the participation agreement.

6 (5) Each sheriff or designated entity shall separately account for  
7 all fees collected by a 24/7 sobriety program.

8 (6) A reasonable fee of no more than three dollars per day shall be  
9 established by the sheriff or designated agency to cover the setup and  
10 operation of a 24/7 sobriety program for all participants. Reasonable  
11 program and testing fees may be charged. Test costs may be higher if the  
12 participant is utilizing a continuous alcohol monitoring device or is  
13 involved in the program due to a non-alcohol, drug-related offense.  
14 Program costs shall be set forth in the participation agreement. These  
15 costs and fees may be waived by the court if the participant has made a  
16 showing to the court of an inability to pay.

17 Sec. 5. (1) If an individual has been arrested for a violation of  
18 section 60-6,196 or 60-6,197 and is participating in a 24/7 sobriety  
19 program, he or she may petition the court for an order allowing him or  
20 her to apply for a 24/7 sobriety program permit as set forth in section 6  
21 of this act.

22 (2) The court shall only issue an order under subsection (1) of this  
23 section if the court has sufficient proof the individual is enrolled in a  
24 24/7 sobriety program and has gone at least thirty consecutive days  
25 without any sanctions being imposed.

26 (3) If, after the issuance of an order allowing an individual to  
27 apply for a 24/7 sobriety program permit, the individual withdraws or is  
28 terminated from the 24/7 sobriety program, the court shall immediately  
29 issue an order revoking the 24/7 sobriety program permit and cause a copy  
30 of the order to be sent to the director.

31 (4) The holder of a commercial driver's license under the Motor

1 Vehicle Operator's License Act is not eligible for a 24/7 sobriety  
2 program permit.

3       Sec. 6. (1) Upon receipt by the director of (a) a certified copy of  
4 a court order issued under subsection (1) of section 5 of this act, (b)  
5 sufficient evidence that the person has surrendered his or her operator's  
6 license to the department, and (c) payment of the fee provided in section  
7 60-4,115, such person may apply for a 24/7 sobriety program permit. All  
8 permits issued pursuant to this section shall indicate that the permit is  
9 not valid for the operation of a commercial motor vehicle.

10       (2) A 24/7 sobriety program permit shall only be available to a  
11 holder of a Class M or O operator's license.

12       (3) The director shall revoke a person's 24/7 sobriety program  
13 permit issued under this section upon receipt of an (a) abstract of  
14 conviction indicating that the person had his or her operating privileges  
15 revoked or (b) order from a court revoking the person's 24/7 sobriety  
16 program permit.

17       Sec. 7. Section 29-901, Revised Statutes Cumulative Supplement,  
18 2018, is amended to read:

19       29-901 (1) Any bailable defendant shall be ordered released from  
20 custody pending judgment on his or her personal recognizance unless the  
21 judge determines in the exercise of his or her discretion that such a  
22 release will not reasonably assure the appearance of the defendant as  
23 required or that such a release could jeopardize the safety and  
24 maintenance of evidence or the safety of victims, witnesses, or other  
25 persons in the community. The court shall consider all methods of bond  
26 and conditions of release to avoid pretrial incarceration. If the judge  
27 determines that the defendant shall not be released on his or her  
28 personal recognizance, the judge shall consider the defendant's financial  
29 ability to pay a bond and shall impose the least onerous of the following  
30 conditions that will reasonably assure the defendant's appearance or that  
31 will eliminate or minimize the risk of harm to others or the public at

1 large:

2 (a) Place the defendant in the custody of a designated person or  
3 organization agreeing to supervise the defendant;

4 (b) Place restrictions on the travel, association, or place of abode  
5 of the defendant during the period of such release; or

6 (c) Require, at the option of any bailable defendant, either of the  
7 following:

8 (i) The execution of an appearance bond in a specified amount and  
9 the deposit with the clerk of the court in cash of a sum not to exceed  
10 ten percent of the amount of the bond, ninety percent of such deposit to  
11 be returned to the defendant upon the performance of the appearance or  
12 appearances and ten percent to be retained by the clerk as appearance  
13 bond costs, except that when no charge is subsequently filed against the  
14 defendant or if the charge or charges which are filed are dropped before  
15 the appearance of the defendant which the bond was to assure, the entire  
16 deposit shall be returned to the defendant. If the bond is subsequently  
17 reduced by the court after the original bond has been posted, no  
18 additional appearance bond costs shall be retained by the clerk. The  
19 difference in the appearance bond costs between the original bond and the  
20 reduced bond shall be returned to the defendant. In no event shall the  
21 deposit be less than twenty-five dollars. Whenever jurisdiction is  
22 transferred from a court requiring an appearance bond under this  
23 subdivision to another state court, the transferring court shall transfer  
24 the ninety percent of the deposit remaining after the appearance bond  
25 costs have been retained. No further costs shall be levied or collected  
26 by the court acquiring jurisdiction; or

27 (ii) The execution of a bail bond with such surety or sureties as  
28 shall seem proper to the judge or, in lieu of such surety or sureties, at  
29 the option of such person, a cash deposit of such sum so fixed,  
30 conditioned for his or her appearance before the proper court, to answer  
31 the offense with which he or she may be charged and to appear at such

1 times thereafter as may be ordered by the proper court. The cash deposit  
2 shall be returned to the defendant upon the performance of all  
3 appearances.

4 (2) If the amount of bail is deemed insufficient by the court before  
5 which the offense is pending, the court may order an increase of such  
6 bail and the defendant shall provide the additional undertaking, written  
7 or cash, to secure his or her release. All recognizances in criminal  
8 cases shall be in writing and be continuous from term to term until final  
9 judgment of the court in such cases and shall also extend, when the court  
10 has suspended execution of sentence for a limited time, as provided in  
11 section 29-2202, or, when the court has suspended execution of sentence  
12 to enable the defendant to apply for a writ of error to the Supreme Court  
13 or Court of Appeals, as provided in section 29-2301, until the period of  
14 suspension has expired. When two or more indictments or informations are  
15 returned against the same person at the same term of court, the  
16 recognizance given may be made to include all offenses charged therein.  
17 Each surety on such recognizance shall be required to justify under oath  
18 in a sum twice the amount of such recognizance and give the description  
19 of real estate owned by him or her of a value above encumbrance equal to  
20 the amount of such justification and shall name all other cases pending  
21 in which he or she is a surety. No one shall be accepted as surety on  
22 recognizance aggregating a sum in excess of his or her equity in the real  
23 estate, but such recognizance shall not constitute a lien on the real  
24 estate described therein until judgment is entered thereon against such  
25 surety.

26 (3) In order to assure compliance with the conditions of release  
27 referred to in subsection (1) of this section, the court may order a  
28 defendant to be supervised by a person, an organization, or a pretrial  
29 services program approved by the county board. A court shall waive any  
30 fees or costs associated with the conditions of release or supervision if  
31 the court finds the defendant is unable to pay for such costs.

1 Eligibility for release or supervision by such pretrial release program  
2 shall under no circumstances be conditioned upon the defendant's ability  
3 to pay. While under supervision of an approved entity, and in addition to  
4 the conditions of release referred to in subsection (1) of this section,  
5 the court may impose the following conditions:

6 (a) Periodic telephone contact by the defendant with the  
7 organization or pretrial services program;

8 (b) Periodic office visits by the defendant to the organization or  
9 pretrial services program;

10 (c) Periodic visits to the defendant's home by the organization or  
11 pretrial services program;

12 (d) Mental health or substance abuse treatment for the defendant,  
13 including residential treatment, if the defendant consents or agrees to  
14 the treatment;

15 (e) Periodic alcohol or drug testing of the defendant;

16 (f) Domestic violence counseling for the defendant, if the defendant  
17 consents or agrees to the counseling;

18 (g) Electronic or global-positioning monitoring of the defendant;  
19 and

20 (h) Participation in a 24/7 sobriety program under the 24/7 Sobriety  
21 Program Act; and

22 (i) ~~(h)~~ Any other supervision techniques shown by research to  
23 increase court appearance and public safety rates for defendants released  
24 on bond.

25 (4) The incriminating results of any drug or alcohol test or any  
26 information learned by a representative of an organization or program  
27 shall not be admissible in any proceeding, except for a proceeding  
28 relating to revocation or amendment of conditions of bond release.

29 Sec. 8. Section 60-480, Revised Statutes Cumulative Supplement,  
30 2018, is amended to read:

31 60-480 (1) Operators' licenses issued by the department pursuant to



1 the Motor Vehicle Operator's License Act shall be classified as follows:

2 (a) Class 0 license. The operator's license which authorizes the  
3 person to whom it is issued to operate on highways any motor vehicle  
4 except a commercial motor vehicle or motorcycle;

5 (b) Class M license. The operator's license or endorsement on a  
6 Class 0 license, provisional operator's permit, learner's permit, school  
7 permit, or commercial driver's license which authorizes the person to  
8 whom it is issued to operate a motorcycle on highways;

9 (c) CDL-commercial driver's license. The operator's license which  
10 authorizes the person to whom it is issued to operate a class of  
11 commercial motor vehicle or any motor vehicle, except a motorcycle, on  
12 highways;

13 (d) CLP-commercial learner's permit. A permit which when carried  
14 with a Class 0 license authorizes an individual to operate a class of  
15 commercial motor vehicle when accompanied by a holder of a valid  
16 commercial driver's license for purposes of behind-the-wheel training.  
17 When issued to a commercial driver's license holder, a CLP-commercial  
18 learner's permit serves as authorization for accompanied behind-the-wheel  
19 training in a commercial motor vehicle for which the holder's current  
20 commercial driver's license is not valid;

21 (e) RCDL-restricted commercial driver's license. The class of  
22 commercial driver's license which, when held with an annual seasonal  
23 permit, authorizes a seasonal commercial motor vehicle operator as  
24 defined in section 60-4,146.01 to operate any Class B Heavy Straight  
25 Vehicle or Class C Small Vehicle commercial motor vehicle for purposes of  
26 a farm-related or ranch-related service industry as defined in such  
27 section within one hundred fifty miles of the employer's place of  
28 business or the farm or ranch currently being served as provided in such  
29 section or any other motor vehicle, except a motorcycle, on highways;

30 (f) POP-provisional operator's permit. A motor vehicle operating  
31 permit with restrictions issued pursuant to section 60-4,120.01 to a

1 person who is at least sixteen years of age but less than eighteen years  
2 of age which authorizes the person to operate any motor vehicle except a  
3 commercial motor vehicle or motorcycle;

4 (g) SCP-school permit. A permit issued to a student between fourteen  
5 years and two months of age and sixteen years of age for the purpose of  
6 driving in accordance with the requirements of section 60-4,124;

7 (h) FMP-farm permit. A permit issued to a person for purposes of  
8 operating farm tractors and other motorized implements of farm husbandry  
9 on highways in accordance with the requirements of section 60-4,126;

10 (i) LPD-learner's permit. A permit issued in accordance with the  
11 requirements of section 60-4,123 to a person at least fifteen years of  
12 age which authorizes the person to operate a motor vehicle, except a  
13 commercial motor vehicle, for learning purposes when accompanied by a  
14 licensed operator who is at least twenty-one years of age and who  
15 possesses a valid operator's license issued by this state or another  
16 state;

17 (j) LPE-learner's permit. A permit issued to a person at least  
18 fourteen years of age which authorizes the person to operate a motor  
19 vehicle, except a commercial motor vehicle, while learning to drive in  
20 preparation for application for a school permit;

21 (k) EDP-employment driving permit. A permit issued to a person which  
22 authorizes the person to operate a motor vehicle, except a commercial  
23 motor vehicle, pursuant to the requirements of sections 60-4,129 and  
24 60-4,130;

25 (l) IIP-ignition interlock permit. A permit issued to a person which  
26 authorizes the person to operate a motor vehicle, except a commercial  
27 motor vehicle, which is equipped with an ignition interlock device;

28 (m) SEP-seasonal permit. A permit issued to a person who holds a  
29 restricted commercial driver's license authorizing the person to operate  
30 a commercial motor vehicle, as prescribed by section 60-4,146.01, for no  
31 more than one hundred eighty consecutive days in any twelve-month period.

1 The seasonal permit shall be valid and run from the date of original  
2 issuance of the permit for one hundred eighty days and from the date of  
3 annual revalidation of the permit;~~and~~

4 (n) MHP-medical hardship driving permit. A permit issued to a person  
5 which authorizes the person to operate a motor vehicle, except a  
6 commercial motor vehicle, pursuant to the requirements of sections  
7 60-4,130.01 and 60-4,130.02; ~~and~~ -

8 (o) SPP-24/7 sobriety program permit. A permit issued to a person  
9 which authorizes the person to operate a motor vehicle, except a  
10 commercial motor vehicle, pursuant to the 24/7 Sobriety Program Act.

11 (2) For purposes of this section, motorcycle does not include an  
12 autocycle.

13 Sec. 9. Section 60-498.01, Revised Statutes Cumulative Supplement,  
14 2018, is amended to read:

15 60-498.01 (1) Because persons who drive while under the influence of  
16 alcohol present a hazard to the health and safety of all persons using  
17 the highways, a procedure is needed for the swift and certain revocation  
18 of the operator's license of any person who has shown himself or herself  
19 to be a health and safety hazard (a) by driving with an excessive  
20 concentration of alcohol in his or her body or (b) by driving while under  
21 the influence of alcohol.

22 (2) If a person arrested as described in subsection (2) of section  
23 60-6,197 refuses to submit to the chemical test of blood, breath, or  
24 urine required by section 60-6,197, the test shall not be given except as  
25 provided in section 60-6,210 for the purpose of medical treatment and the  
26 arresting peace officer, as agent for the director, shall verbally serve  
27 notice to the arrested person of the intention to immediately confiscate  
28 and revoke the operator's license of such person and that the revocation  
29 will be automatic fifteen days after the date of arrest. The arresting  
30 peace officer shall within ten days forward to the director a sworn  
31 report stating (a) that the person was arrested as described in

1 subsection (2) of section 60-6,197 and the reasons for such arrest, (b)  
2 that the person was requested to submit to the required test, and (c)  
3 that the person refused to submit to the required test. The director may  
4 accept a sworn report submitted electronically.

5 (3) If a person arrested as described in subsection (2) of section  
6 60-6,197 submits to the chemical test of blood or breath required by  
7 section 60-6,197, the test discloses the presence of alcohol in any of  
8 the concentrations specified in section 60-6,196, and the test results  
9 are available to the arresting peace officer while the arrested person is  
10 still in custody, the arresting peace officer, as agent for the director,  
11 shall verbally serve notice to the arrested person of the intention to  
12 immediately confiscate and revoke the operator's license of such person  
13 and that the revocation will be automatic fifteen days after the date of  
14 arrest. The arresting peace officer shall within ten days forward to the  
15 director a sworn report stating (a) that the person was arrested as  
16 described in subsection (2) of section 60-6,197 and the reasons for such  
17 arrest, (b) that the person was requested to submit to the required test,  
18 and (c) that the person submitted to a test, the type of test to which he  
19 or she submitted, and that such test revealed the presence of alcohol in  
20 a concentration specified in section 60-6,196. The director may accept a  
21 sworn report submitted electronically.

22 (4) On behalf of the director, the arresting peace officer  
23 submitting a sworn report under subsection (2) or (3) of this section  
24 shall serve notice of the revocation on the arrested person, and the  
25 revocation shall be effective fifteen days after the date of arrest. The  
26 notice of revocation shall contain a statement explaining the operation  
27 of the administrative license revocation procedure. The peace officer  
28 shall also provide to the arrested person information prepared and  
29 approved by the director describing how to request an administrative  
30 license revocation hearing or apply for an ignition interlock permit or a  
31 24/7 sobriety program permit ~~from the department~~. A petition for an

1 administrative license revocation hearing must be completed and delivered  
2 to the department or postmarked within ten days after the person's arrest  
3 or the person's right to an administrative license revocation hearing to  
4 contest the revocation will be foreclosed. The director shall prepare and  
5 approve the information form, the application for an ignition interlock  
6 permit, and the notice of revocation and shall provide them to law  
7 enforcement agencies.

8 If the person has an operator's license, the arresting peace officer  
9 shall take possession of the license and issue a temporary operator's  
10 license valid for fifteen days. The arresting peace officer shall forward  
11 the operator's license to the department along with the sworn report made  
12 under subsection (2) or (3) of this section.

13 (5)(a) If the results of a chemical test indicate the presence of  
14 alcohol in a concentration specified in section 60-6,196, the results are  
15 not available to the arresting peace officer while the arrested person is  
16 in custody, and the notice of revocation has not been served as required  
17 by subsection (4) of this section, the peace officer shall forward to the  
18 director a sworn report containing the information prescribed by  
19 subsection (3) of this section within ten days after receipt of the  
20 results of the chemical test. If the sworn report is not received within  
21 ten days, the revocation shall not take effect. The director may accept a  
22 sworn report submitted electronically.

23 (b) Upon receipt of the report, the director shall serve the notice  
24 of revocation on the arrested person by mail to the address appearing on  
25 the records of the director. If the address on the director's records  
26 differs from the address on the arresting peace officer's report, the  
27 notice shall be sent to both addresses. The notice of revocation shall  
28 contain a statement explaining the operation of the administrative  
29 license revocation procedure. The director shall also provide to the  
30 arrested person information prepared and approved by the director  
31 describing how to request an administrative license revocation hearing

1 and an application for an ignition interlock permit. A petition for an  
2 administrative license revocation hearing must be completed and delivered  
3 to the department or postmarked within ten days after the mailing of the  
4 notice of revocation or the person's right to an administrative license  
5 revocation hearing to contest the revocation will be foreclosed. The  
6 director shall prepare and approve the ignition interlock permit  
7 application and the notice of revocation. The revocation shall be  
8 effective fifteen days after the date of mailing.

9 (c) If the records of the director indicate that the arrested person  
10 possesses an operator's license, the director shall include with the  
11 notice of revocation a temporary operator's license which expires fifteen  
12 days after the date of mailing. Any arrested person who desires an  
13 administrative license revocation hearing and has been served a notice of  
14 revocation pursuant to this subsection shall return his or her operator's  
15 license with the petition requesting the hearing. If the operator's  
16 license is not included with the petition requesting the hearing, the  
17 director shall deny the petition.

18 (6)(a) An arrested person's operator's license confiscated pursuant  
19 to subsection (4) of this section shall be automatically revoked upon the  
20 expiration of fifteen days after the date of arrest, and the petition  
21 requesting the hearing shall be completed and delivered to the department  
22 or postmarked within ten days after the person's arrest. An arrested  
23 person's operator's license confiscated pursuant to subsection (5) of  
24 this section shall be automatically revoked upon the expiration of  
25 fifteen days after the date of mailing of the notice of revocation by the  
26 director, and the arrested person shall postmark or return to the  
27 director a petition within ten days after the mailing of the notice of  
28 revocation if the arrested person desires an administrative license  
29 revocation hearing. The petition shall be in writing and shall state the  
30 grounds on which the person is relying to prevent the revocation from  
31 becoming effective. The hearing and any prehearing conference may be

1 conducted in person or by telephone, television, or other electronic  
2 means at the discretion of the director, and all parties may participate  
3 by such means at the discretion of the director.

4 (b) The director shall conduct the hearing within twenty days after  
5 a petition is received by the director. Upon receipt of a petition, the  
6 director shall notify the petitioner of the date and location for the  
7 hearing by mail postmarked at least seven days prior to the hearing date.  
8 The filing of the petition shall not prevent the automatic revocation of  
9 the petitioner's operator's license at the expiration of the fifteen-day  
10 period. A continuance of the hearing to a date beyond the expiration of  
11 the temporary operator's license shall stay the expiration of the  
12 temporary license when the request for continuance is made by the  
13 director.

14 (c) At hearing the issues under dispute shall be limited to:

15 (i) In the case of a refusal to submit to a chemical test of blood,  
16 breath, or urine:

17 (A) Did the peace officer have probable cause to believe the person  
18 was operating or in the actual physical control of a motor vehicle in  
19 violation of section 60-6,196 or a city or village ordinance enacted in  
20 conformance with such section; and

21 (B) Did the person refuse to submit to or fail to complete a  
22 chemical test after being requested to do so by the peace officer; or

23 (ii) If the chemical test discloses the presence of alcohol in a  
24 concentration specified in section 60-6,196:

25 (A) Did the peace officer have probable cause to believe the person  
26 was operating or in the actual physical control of a motor vehicle in  
27 violation of section 60-6,196 or a city or village ordinance enacted in  
28 conformance with such section; and

29 (B) Was the person operating or in the actual physical control of a  
30 motor vehicle while having an alcohol concentration in violation of  
31 subsection (1) of section 60-6,196.

1           (7)(a) Any arrested person who submits an application for an  
2 ignition interlock permit in lieu of a petition for an administrative  
3 license revocation hearing regarding the revocation of his or her  
4 operator's license pursuant to this section shall complete the  
5 application for an ignition interlock permit in which such person  
6 acknowledges that he or she understands that he or she will have his or  
7 her license administratively revoked pursuant to this section, that he or  
8 she waives his or her right to a hearing to contest the revocation, and  
9 that he or she understands that he or she is required to have an ignition  
10 interlock permit in order to operate a motor vehicle for the period of  
11 the revocation and shall include sufficient evidence that an ignition  
12 interlock device is installed on one or more vehicles that will be  
13 operated by the arrested person. Upon the arrested person's completion of  
14 the ignition interlock permit application process, the department shall  
15 issue the person an ignition interlock permit, subject to any applicable  
16 requirements and any applicable no-drive period if the person is  
17 otherwise eligible.

18           (b) An arrested person who is issued an ignition interlock permit  
19 pursuant to this section or a 24/7 sobriety program permit under the 24/7  
20 Sobriety Program Act as a condition of his or her bond shall receive day-  
21 for-day credit for the period he or she has a valid ignition interlock  
22 permit or valid 24/7 sobriety program permit against the license  
23 revocation period imposed by the court arising from the same incident.

24           (c) If a person files a completed application for an ignition  
25 interlock permit, the person waives his or her right to contest the  
26 revocation of his or her operator's license.

27           (8) Any person who has not petitioned for an administrative license  
28 revocation hearing and is subject to an administrative license revocation  
29 may immediately apply for an ignition interlock permit or a 24/7 sobriety  
30 program permit under the 24/7 Sobriety Program Act to use during the  
31 applicable period of revocation set forth in section 60-498.02, subject



1 to the following additional restrictions:

2        (a)(i) ~~(a)~~ If such person submitted to a chemical test which  
3 disclosed the presence of a concentration of alcohol in violation of  
4 section 60-6,196 and has no prior administrative license revocations on  
5 which final orders have been issued during the immediately preceding  
6 fifteen-year period at the time the order of revocation is issued, the  
7 ignition interlock permit will be immediately available fifteen days  
8 after the date of arrest or the date notice of revocation was provided to  
9 the arrested person, as long as he or she is otherwise eligible for an  
10 ignition interlock permit, upon completion of an application process for  
11 an ignition interlock permit; or

12        (ii) If such person is enrolled in a 24/7 sobriety program under the  
13 24/7 Sobriety Program Act and has not violated any program conditions for  
14 drugs or alcohol after thirty consecutive days of testing, he or she may  
15 apply for a 24/7 sobriety program permit as a condition of his or her  
16 bond under the 24/7 Sobriety Program Act;

17        (b)(i) ~~(b)~~ If such person submitted to a chemical test which  
18 disclosed the presence of a concentration of alcohol in violation of  
19 section 60-6,196 and has one or more prior administrative license  
20 revocations on which final orders have been issued during the immediately  
21 preceding fifteen-year period at the time the order of revocation is  
22 issued, the ignition interlock permit or 24/7 sobriety program permit  
23 will be available beginning fifteen days after the date of arrest or the  
24 date notice of revocation was provided to the arrested person plus forty-  
25 five additional days of no driving, as long as he or she is otherwise  
26 eligible for an ignition interlock permit, upon completion of an  
27 application process for an ignition interlock permit; or

28        (ii) If such person is enrolled in the 24/7 sobriety program under  
29 the 24/7 Sobriety Program Act and has not violated any program conditions  
30 for drugs or alcohol after thirty consecutive days of testing, he or she  
31 may apply for a 24/7 sobriety program permit as a condition of his or her

1 bond under the 24/7 Sobriety Program Act before the expiration of the  
2 forty-five day no driving period;

3 (c)(i) (c) If such person refused to submit to a chemical test of  
4 blood, breath, or urine as required by section 60-6,197, the ignition  
5 interlock permit or 24/7 sobriety program permit will be available  
6 beginning fifteen days after the date of arrest plus ninety additional  
7 days of no driving, as long as he or she is otherwise eligible for an  
8 ignition interlock permit, upon completion of an application process for  
9 an ignition interlock permit; or and

10 (ii) If such person is enrolled in the 24/7 sobriety program under  
11 the 24/7 Sobriety Program Act and has not violated any program conditions  
12 for drugs or alcohol after thirty consecutive days of testing, he or she  
13 may apply for a 24/7 sobriety program permit as a condition of his or her  
14 bond under the 24/7 Sobriety Program Act before the expiration of the  
15 ninety days of no driving period; and

16 (d) Any person who petitions for an administrative license  
17 revocation hearing shall not be eligible for an ignition interlock permit  
18 unless ordered by the court at the time of sentencing for the related  
19 criminal proceeding.

20 (9) The director shall adopt and promulgate rules and regulations to  
21 govern the conduct of the administrative license revocation hearing and  
22 insure that the hearing will proceed in an orderly manner. The director  
23 may appoint a hearing officer to preside at the hearing, administer  
24 oaths, examine witnesses, take testimony, and report to the director. Any  
25 motion for discovery filed by the petitioner shall entitle the prosecutor  
26 to receive full statutory discovery from the petitioner upon a  
27 prosecutor's request to the relevant court pursuant to section 29-1912 in  
28 any criminal proceeding arising from the same arrest. A copy of the  
29 motion for discovery shall be filed with the department and a copy  
30 provided to the prosecutor in the jurisdiction in which the petitioner  
31 was arrested. Incomplete discovery shall not stay the hearing unless the

1 petitioner requests a continuance. All proceedings before the hearing  
2 officer shall be recorded. Upon receipt of the arresting peace officer's  
3 sworn report, the director's order of revocation has prima facie validity  
4 and it becomes the petitioner's burden to establish by a preponderance of  
5 the evidence grounds upon which the operator's license revocation should  
6 not take effect. The director shall make a determination of the issue  
7 within seven days after the conclusion of the hearing. A person whose  
8 operator's license is revoked following a hearing requested pursuant to  
9 this section may appeal the order of revocation as provided in section  
10 60-498.04.

11 (10) Any person who tampers with or circumvents an ignition  
12 interlock device installed pursuant to sections 60-498.01 to 60-498.04 or  
13 who operates a motor vehicle not equipped with a functioning ignition  
14 interlock device required pursuant to such sections or otherwise is in  
15 violation of the purposes for operation indicated on the ignition  
16 interlock permit under such sections shall, in addition to any possible  
17 criminal charges, have his or her revocation period and ignition  
18 interlock permit extended for six months beyond the end of the original  
19 revocation period.

20 (11) A person under the age of eighteen years who holds any license  
21 or permit issued under the Motor Vehicle Operator's License Act and has  
22 violated subdivision (3)(b) or (c) of section 28-306, subdivision (3)(b)  
23 or (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197, or  
24 60-6,197.06 shall not be eligible for an ignition interlock permit.

25 Sec. 10. Section 60-4,115, Revised Statutes Cumulative Supplement,  
26 2018, is amended to read:

27 60-4,115 (1) Fees for operators' licenses and state identification  
28 cards shall be collected by department personnel or the county treasurer  
29 and distributed according to the table in subsection (2) of this section,  
30 except for the ignition interlock permit and associated fees as outlined  
31 in subsection (4) of this section and the 24/7 sobriety program permit

1 and associated fees as outlined in subsection (5) of this section. County  
 2 officials shall remit the county portion of the fees collected to the  
 3 county treasurer for placement in the county general fund. All other fees  
 4 collected shall be remitted to the State Treasurer for credit to the  
 5 appropriate fund.

6 (2) The fees provided in this subsection in the following dollar  
 7 amounts apply for operators' licenses and state identification cards.

		Department		
		County	of Motor	State
10	Document	General	Vehicles	General
11		Fund	Cash Fund	Fund
12	Total			
	Fee			
12	State identification card:			
13	Valid for 1 year or less	5.00	2.75	1.25
14	Valid for more than 1 year			
15	but not more than 2 years	10.00	2.75	4.00
16	Valid for more than 2 years			
17	but not more than 3 years	14.00	2.75	5.25
18	Valid for more than 3 years			
19	but not more than 4 years	19.00	2.75	8.00
20	Valid for more than 4 years			
21	for person under 21	24.00	2.75	10.25
22	Valid for 5 years	24.00	3.50	10.25
23	Replacement	11.00	2.75	6.00
24	Class O or M operator's			
25	license:			
26	Valid for 1 year or less	5.00	2.75	1.25
27	Valid for more than 1 year			
28	but not more than 2 years	10.00	2.75	4.00
29	Valid for more than 2 years			
30	but not more than 3 years	14.00	2.75	5.25

1	Valid for more than 3 years				
2	but not more than 4 years	19.00	2.75	8.00	8.25
3	Valid for 5 years	24.00	3.50	10.25	10.25
4	Bioptic or telescopic lens				
5	restriction:				
6	Valid for 1 year or less	5.00	0	5.00	0
7	Valid for more than 1 year				
8	but not more than 2 years	10.00	2.75	4.00	3.25
9	Replacement	11.00	2.75	6.00	2.25
10	Add, change, or remove class,				
11	endorsement, or restriction	5.00	0	5.00	0
12	Provisional operator's permit:				
13	Original	15.00	2.75	12.25	0
14	Bioptic or telescopic lens				
15	restriction:				
16	Valid for 1 year or less	5.00	0	5.00	0
17	Valid for more than 1 year				
18	but not more than 2 years	15.00	2.75	12.25	0
19	Replacement	11.00	2.75	6.00	2.25
20	Add, change, or remove class,				
21	endorsement, or restriction	5.00	0	5.00	0
22	LPD-learner's permit:				
23	Original	8.00	.25	5.00	2.75
24	Replacement	11.00	2.75	6.00	2.25
25	Add, change, or remove class,				
26	endorsement, or restriction	5.00	0	5.00	0
27	LPE-learner's permit:				
28	Original	8.00	.25	5.00	2.75
29	Replacement	11.00	2.75	6.00	2.25
30	Add, change, or remove class,				

1	endorsement, or restriction	5.00	0	5.00	0
2	School permit:				
3	Original	8.00	.25	5.00	2.75
4	Replacement	11.00	2.75	6.00	2.25
5	Add, change, or remove class,				
6	endorsement, or restriction	5.00	0	5.00	0
7	Farm permit:				
8	Original or renewal	5.00	.25	0	4.75
9	Replacement	5.00	.25	0	4.75
10	Temporary	5.00	.25	0	4.75
11	Add, change, or remove class,				
12	endorsement, or restriction	5.00	0	5.00	0
13	Driving permits:				
14	Employment	45.00	0	5.00	40.00
15	Medical hardship	45.00	0	5.00	40.00
16	Replacement	10.00	.25	5.00	4.75
17	Add, change, or remove class,				
18	endorsement, or restriction	5.00	0	5.00	0
19	Commercial driver's license:				
20	Valid for 1 year or less	11.00	1.75	5.00	4.25
21	Valid for more than 1 year				
22	but not more than 2 years	22.00	1.75	5.00	15.25
23	Valid for more than 2 years				
24	but not more than 3 years	33.00	1.75	5.00	26.25
25	Valid for more than 3 years				
26	but not more than 4 years	44.00	1.75	5.00	37.25
27	Valid for 5 years	55.00	1.75	5.00	48.25
28	Bioptic or telescopic lens				
29	restriction:				
30	Valid for one year or less	11.00	1.75	5.00	4.25

1	Valid for more than 1 year				
2	but not more than 2 years	22.00	1.75	5.00	15.25
3	Replacement	11.00	2.75	6.00	2.25
4	Add, change, or remove class,				
5	endorsement, or restriction	10.00	1.75	5.00	3.25
6	CLP-commercial learner's				
7	permit:				
8	Original or renewal	10.00	.25	5.00	4.75
9	Replacement	10.00	.25	5.00	4.75
10	Add, change, or remove class,				
11	endorsement, or restriction	10.00	.25	5.00	4.75
12	Seasonal permit:				
13	Original or renewal	10.00	.25	5.00	4.75
14	Replacement	10.00	.25	5.00	4.75
15	Add, change, or remove class,				
16	endorsement, or restriction	10.00	.25	5.00	4.75

17 (3) If the department issues an operator's license or a state  
 18 identification card and collects the fees, the department shall remit the  
 19 county portion of the fees to the State Treasurer for credit to the  
 20 Department of Motor Vehicles Cash Fund.

21 (4)(a) The fee for an ignition interlock permit shall be forty-five  
 22 dollars. Five dollars of the fee shall be remitted to the State Treasurer  
 23 for credit to the Department of Motor Vehicles Cash Fund. Forty dollars  
 24 of the fee shall be remitted to the State Treasurer for credit to the  
 25 Department of Motor Vehicles Ignition Interlock Fund.

26 (b) The fee for a replacement ignition interlock permit shall be  
 27 eleven dollars. Two dollars and seventy-five cents of the fee shall be  
 28 remitted to the county treasurer for credit to the county general fund.  
 29 Six dollars of the fee shall be remitted to the State Treasurer for  
 30 credit to the Department of Motor Vehicles Cash Fund. Two dollars and  
 31 twenty-five cents of the fee shall be remitted to the State Treasurer for

1 credit to the General Fund.

2 (c) The fee for adding, changing, or removing a class, endorsement,  
3 or restriction on an ignition interlock permit shall be five dollars. The  
4 fee shall be remitted to the State Treasurer for credit to the Department  
5 of Motor Vehicles Cash Fund.

6 (5)(a) The fee for a 24/7 sobriety program permit shall be fifteen  
7 dollars. Five dollars of the fee shall be remitted to the State Treasurer  
8 for credit to the Department of Motor Vehicles Cash Fund. Ten dollars of  
9 the fee shall be remitted to the State Treasurer for credit to the  
10 Department of Motor Vehicles Ignition Interlock Fund.

11 (b) The fee for a replacement 24/7 sobriety program permit shall be  
12 eleven dollars. Two dollars and seventy-five cents of the fee shall be  
13 remitted to the county treasurer for credit to the county general fund.  
14 Six dollars of the fee shall be remitted to the State Treasurer for  
15 credit to the Department of Motor Vehicles Cash Fund. Two dollars and  
16 twenty-five cents of the fee shall be remitted to the State Treasurer for  
17 credit to the General Fund.

18 (c) The fee for adding, changing, or removing a class, endorsement,  
19 or restriction on a 24/7 sobriety program permit shall be five dollars.  
20 The fee shall be remitted to the State Treasurer for credit to the  
21 Department of Motor Vehicles Cash Fund.

22 (6) ~~(5)~~ The department and its agents may collect an identity  
23 security surcharge to cover the cost of security and technology practices  
24 used to protect the identity of applicants for and holders of operators'  
25 licenses and state identification cards and to reduce identity theft,  
26 fraud, and forgery and counterfeiting of such licenses and cards to the  
27 maximum extent possible. The surcharge shall be in addition to all other  
28 required fees for operators' licenses and state identification cards. The  
29 amount of the surcharge shall be determined by the department. The  
30 surcharge shall not exceed eight dollars. The surcharge shall be remitted  
31 to the State Treasurer for credit to the Department of Motor Vehicles



1 Cash Fund.

2 Sec. 11. Section 60-6,197.05, Revised Statutes Cumulative  
3 Supplement, 2018, is amended to read:

4 60-6,197.05 Any period of revocation imposed by the court for a  
5 violation of section 60-6,196 or 60-6,197 shall be reduced by any period  
6 of revocation imposed under sections 60-498.01 to 60-498.04, including  
7 any period during which a person has a valid ignition interlock permit or  
8 24/7 sobriety program permit, arising from the same incident.

9 Sec. 12. Section 60-6,197.06, Revised Statutes Cumulative  
10 Supplement, 2018, is amended to read:

11 60-6,197.06 (1) Unless otherwise provided by law pursuant to an  
12 ignition interlock permit or a 24/7 sobriety program permit, any person  
13 operating a motor vehicle on the highways or streets of this state while  
14 his or her operator's license has been revoked pursuant to section  
15 28-306, section 60-698, subdivision (4), (5), (6), (7), (8), (9), or (10)  
16 of section 60-6,197.03, or section 60-6,198, or pursuant to subdivision  
17 (2)(c) or (2)(d) of section 60-6,196 or subdivision (4)(c) or (4)(d) of  
18 section 60-6,197 as such subdivisions existed prior to July 16, 2004,  
19 shall be guilty of a Class IV felony, and the court shall, as part of the  
20 judgment of conviction, revoke the operator's license of such person for  
21 a period of fifteen years from the date ordered by the court and shall  
22 issue an order pursuant to section 60-6,197.01. Such revocation and order  
23 shall be administered upon sentencing, upon final judgment of any appeal  
24 or review, or upon the date that any probation is revoked.

25 (2) If such person has had a conviction under this section or under  
26 subsection (6) of section 60-6,196 or subsection (7) of section 60-6,197,  
27 as such subsections existed prior to July 16, 2004, and operates a motor  
28 vehicle on the highways or streets of this state while his or her  
29 operator's license has been revoked pursuant to such conviction, such  
30 person shall be guilty of a Class IIA felony, and the court shall, as  
31 part of the judgment of conviction, revoke the operator's license of such

1 person for an additional period of fifteen years from the date ordered by  
2 the court and shall issue an order pursuant to section 60-6,197.01. Such  
3 revocation and order shall be administered upon sentencing, upon final  
4 judgment of any appeal or review, or upon the date that any probation is  
5 revoked.

6 Sec. 13. Section 60-6,211.11, Revised Statutes Cumulative  
7 Supplement, 2018, is amended to read:

8 60-6,211.11 (1) Except as provided in subsection (2) of this  
9 section, any person ordered by a court or the Department of Motor  
10 Vehicles to operate only motor vehicles equipped with an ignition  
11 interlock device is guilty of a Class I misdemeanor if he or she (a)  
12 tampers with or circumvents and then operates a motor vehicle equipped  
13 with an ignition interlock device installed under the court order or  
14 Department of Motor Vehicles order while the order is in effect or (b)  
15 operates a motor vehicle which is not equipped with an ignition interlock  
16 device in violation of the court order or Department of Motor Vehicles  
17 order.

18 (2) Any person ordered by a court or the Department of Motor  
19 Vehicles to operate only motor vehicles equipped with an ignition  
20 interlock device is guilty of a Class IV felony if he or she (a)(i)  
21 tampers with or circumvents and then operates a motor vehicle equipped  
22 with an ignition interlock device installed under the court order or  
23 Department of Motor Vehicles order while the order is in effect or (ii)  
24 operates a motor vehicle which is not equipped with an ignition interlock  
25 device in violation of the court order or Department of Motor Vehicles  
26 order and (b) operates the motor vehicle as described in subdivision (a)  
27 (i) or (ii) of this subsection when he or she has a concentration of two-  
28 hundredths of one gram or more by weight of alcohol per one hundred  
29 milliliters of his or her blood or a concentration of two-hundredths of  
30 one gram or more by weight of alcohol per two hundred ten liters of his  
31 or her breath.

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

5           (4) Any person who has applied for and received a 24/7 sobriety  
6 program permit and operates a motor vehicle when he or she has a  
7 concentration of two-hundredths of one gram or more by weight of alcohol  
8 per one hundred milliliters of his or her blood or a concentration of  
9 two-hundredths of one gram or more by weight of alcohol per two hundred  
10 ten liters of his or her breath, or who refuses a chemical test, shall be  
11 guilty of a Class IV felony.

12           Sec. 14. Original sections 29-901, 60-480, 60-498.01, 60-4,115,  
13 60-6,197.05, 60-6,197.06, and 60-6,211.11, Revised Statutes Cumulative  
14 Supplement, 2018, are repealed.