

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 822

Introduced by Hansen, M., 26.

Read first time January 06, 2022

Committee:

- 1 A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act;
- 2 to amend section 60-4,100, Reissue Revised Statutes of Nebraska; to
- 3 change provisions relating to reinstatement fees for operator's
- 4 licenses; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

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

3 60-4,100 (1) Any resident of this state who has violated a promise
4 to comply with the terms of a traffic citation issued by a law
5 enforcement officer for a moving violation in any jurisdiction outside
6 this state pursuant to the Nonresident Violator Compact of 1977 or in any
7 jurisdiction inside this state shall be subject to having his or her
8 operator's license suspended pursuant to this section.

9 (2) The court having jurisdiction over the offense for which the
10 citation has been issued shall notify the director of a resident's
11 violation of a promise to comply with the terms of the citation after
12 thirty working days have elapsed from the date of the failure to comply,
13 unless within such thirty working days the resident appears before the
14 clerk of the county court having jurisdiction over the offense to request
15 a hearing pursuant to subsection (3) of this section to establish that
16 such resident lacks the financial ability to pay the citation.

17 (3) A hearing requested under subsection (2) of this section shall
18 be set before the court or magistrate on the first regularly scheduled
19 court date following the request. At the hearing, the resident shall have
20 the opportunity to present information as to his or her income, assets,
21 debts, or other matters affecting his or her financial ability to pay the
22 citation. Following the hearing, the court or magistrate shall determine
23 the resident's financial ability to pay the citation, including his or
24 her financial ability to pay in installments.

25 (4)(a) Except as provided in subdivision (4)(c) of this section, if
26 the court or magistrate determines under subsection (3) of this section
27 that the resident is financially able to pay the citation and the
28 resident refuses to pay, the court or magistrate shall either:

29 (i) Notify the director of the resident's violation of a promise to
30 comply with the terms of the citation; or

31 (ii) Postpone the hearing for a period of no more than one month

1 during which period the court or magistrate may order the resident to
2 complete such hours of community service as the court or magistrate deems
3 appropriate, subject to a total limit of twenty hours. At the end of such
4 period, if the resident has completed such community service to the
5 satisfaction of the court or magistrate, the court or magistrate shall
6 enter an order pursuant to subsection (5) of this section discharging the
7 resident of the obligation to pay such citation and shall notify the
8 director. If the resident has not completed such community service to the
9 satisfaction of the court or magistrate, the court or magistrate shall
10 notify the director of the resident's violation of a promise to comply
11 with the terms of the citation. A hearing may only be postponed once
12 under this subdivision.

13 (b) If the court or magistrate determines under subsection (3) of
14 this section that the resident is financially unable to pay the citation,
15 the court or magistrate shall either:

16 (i) Enter an order pursuant to subsection (5) of this section
17 discharging the resident of the obligation to pay such citation;

18 (ii) Postpone the hearing for a period of no more than one month
19 during which period the court or magistrate may order the resident to
20 complete such hours of community service as the court or magistrate deems
21 appropriate, subject to a total limit of twenty hours. At the end of such
22 period, if the resident has completed such community service to the
23 satisfaction of the court or magistrate, the court or magistrate shall
24 enter an order pursuant to subsection (5) of this section discharging the
25 resident of the obligation to pay such citation and shall notify the
26 director. If the resident has not completed such community service to the
27 satisfaction of the court or magistrate, the court or magistrate shall
28 notify the director of the resident's violation of a promise to comply
29 with the terms of the citation. A hearing may only be postponed once
30 under this subdivision.

31 (c) If the court or magistrate determines under subsection (3) of

1 this section that the resident is financially able to pay in installments
2 and the resident agrees to make such payments, the court or magistrate
3 shall make arrangements suitable to the court or magistrate and to the
4 resident by which the resident may pay in installments. The court or
5 magistrate shall enter an order specifying the terms of such arrangements
6 and the dates on which payments are to be made. If the resident fails to
7 pay an installment, the court or magistrate shall notify the director of
8 the resident's violation of a promise to comply with the terms of the
9 citation unless the resident requests a hearing from the clerk of the
10 county court on or before ten working days after such installment was
11 due. At the hearing, the resident shall show good cause for such failure,
12 including financial inability to pay. If, following such hearing, the
13 court or magistrate finds:

14 (i) That the resident has not demonstrated good cause for such
15 failure, the court or magistrate shall either notify the director of the
16 resident's violation of a promise to comply with the terms of the
17 citation or postpone the hearing and order community service pursuant to
18 subdivision (4)(a)(ii) of this section;

19 (ii) That the resident remains financially able to pay but has
20 demonstrated good cause for such missed installment, the court or
21 magistrate shall make any necessary modifications to the order specifying
22 the terms of the installment payments; or

23 (iii) That the resident has become financially unable to pay, the
24 court or magistrate shall enter an order pursuant to subsection (5) of
25 this section discharging the resident of the obligation to pay such
26 citation and shall notify the director.

27 (5) An order discharging the resident of the obligation to pay a
28 traffic citation shall be set forth in or accompanied by a judgment
29 entry. Such order shall operate as a complete release of such payment
30 obligation.

31 (6) Upon notice to the director that a resident has violated a

1 promise to comply with the terms of a traffic citation as provided in
2 this section, the director shall send written notice to such resident by
3 regular United States mail to the resident's last-known mailing address
4 or, if such address is unknown, to the last-known residence address of
5 such resident as shown by the records of the department. Such notice
6 shall state that such resident has twenty working days after the date of
7 the notice to show the director that the resident has complied with the
8 terms of such traffic citation. If the resident fails to show the
9 director that he or she has complied with the terms of such traffic
10 citation on or before twenty working days after the date of the notice,
11 the director shall summarily suspend the operator's license and issue an
12 order. The order shall be sent by regular United States mail to the
13 resident's last-known mailing address as shown by the records of the
14 department. The suspension shall continue until the resident has
15 furnished the director with satisfactory evidence of compliance with the
16 terms of the citation.

17 (7) The reinstatement fee required under section 60-4,100.01 shall
18 be waived for any license reinstated following a ~~if five years have~~
19 ~~passed since issuance of the license suspension order~~ under this section.

20 (8) The performance or completion of an order to complete community
21 service under this section may be supervised or confirmed by a community
22 correctional facility or program or another similar entity as ordered by
23 the court or magistrate.

24 (9) For purposes of this section:

25 (a) Agency means any public or governmental unit, institution,
26 division, or agency or any private nonprofit organization which provides
27 services intended to enhance the social welfare or general well-being of
28 the community, which agrees to accept community service from residents
29 under this section and to supervise and report the progress of such
30 community service to the court or magistrate;

31 (b) Community correctional facility or program has the same meaning

1 as in section 47-621; and

2 (c) Community service means uncompensated labor for an agency to be
3 performed by a resident when the resident is not working or attending
4 school.

5 Sec. 2. Original section 60-4,100, Reissue Revised Statutes of
6 Nebraska, is repealed.