

LEGISLATIVE BILL 1303

Approved by the Governor April 8, 1972

Introduced by C. W. Holmquist, 16th District

AN ACT to amend sections 60-503, 60-507, and 60-519, Reissue Revised Statutes of Nebraska, 1943, relating to the Motor Vehicle Safety Responsibility Act; to revise provisions for supervision of licenses and privileges as prescribed; and to repeal the original sections.

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

Section 1. That section 60-503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-503. Any person aggrieved by an order or act of the department, under the provisions of sections 60-501 to 60-569, may, within ten ~~twenty~~ days after notice thereof, file a petition in the district court of the county where the aggrieved person resides but in the event the aggrieved person is a nonresident, then said petition shall be filed in the district court of Lancaster County for a review thereof, and ~~;~~ ~~but~~ the filing of such a petition shall ~~not~~ suspend the order or act ~~unless a stay thereof shall be allowed by a judge of said court~~ pending a final determination of the review; Provided, the license or registration of any person claiming to be aggrieved shall not be restored to such person in the event the final judgment of a court finds against such person until the full time of revocation as fixed by the department shall have elapsed. The court shall summarily hear the petition as a case in equity without a jury and may make any appropriate order or decree.

Sec. 2. That section 60-507, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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 one hundred dollars, the Department of Motor Vehicles shall suspend ~~(1)~~ (a) the license of each operator ~~and owner and all registrations of each owner~~ of

a motor vehicle in any manner involved in such accident, and (2) (b) the privilege, if such operator is a nonresident, of operating a motor vehicle within this state, and of the use within this state of any motor vehicle owned by him; unless such operator, owner, or operator and owner shall deposit security in a sum which shall be sufficient, in the judgment of the Department of Motor Vehicles, and in no event less than five hundred dollars; to satisfy any judgment or judgments for damages resulting from such accident which may be recovered against such operator, owner, or operator and owner, and unless such operator and owner shall give proof of financial responsibility; Provided, notice of such suspension shall be sent by the Department of Motor Vehicles by certified mail to such operator and owner not less than ten twenty days prior to the effective date of such suspension and shall state the amount required as security and the requirement of proof of financial responsibility; and provided further, that 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 injuries or the damage to his 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.

(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 has a right to appeal the order of suspension in accordance with the provisions set forth in section 60-503.

Sec. 3. That section 60-519, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-519. Such license, registration and nonresident's operating privilege shall, except as

provided in sections 60-521 to 60-523, remain so suspended and shall not be renewed, nor shall any such license or registration be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is stayed, satisfied or discharged, ~~except--that--a--discharge--in bankruptcy--shall--not--be--deemed--a--satisfaction--of--such judgment;~~ and until the said person gives proof of financial responsibility.

Sec. 4. That original sections 60-503, 60-507, and 60-519, Reissue Revised Statutes of Nebraska, 1943, are repealed.