

LEGISLATIVE BILL 4

Approved by the Governor January 24, 1973

Introduced by Luedtke, 28

AN ACT to amend sections 60-419 and 60-427, Revised Statutes Supplement, 1972, relating to motor vehicles; to remove the provisions for proceedings before magistrates as prescribed; and to repeal the original sections.

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

Section 1. That section 60-419, Revised Statutes Supplement, 1972, be amended to read as follows:

60-419. (1) The director shall forthwith revoke, without receipt of a certified copy of a judgment of conviction from a judge, ~~or magistrate~~, the license to operate a motor vehicle issued to any person committed to or incarcerated in any state institution, penal or otherwise; Provided, any offender sentenced to the custody of the Division of Corrections may, upon the written application of the warden or other chief officer of the institution in which such inmate is confined, have his license to operate a motor vehicle restored, during the time he is incarcerated in such institution, for the limited purpose of driving vehicles at the direction of and at such times and under such conditions as may be prescribed by the warden or other chief officer in charge of such institution; and provided further, that any person committed to or incarcerated in any state institution for mentally ill, under the terms and provisions of section 83-324 shall not suffer revocation of his license as provided in this section unless the superintendent of such institution shall affirmatively certify that said person is not competent to operate a motor vehicle.

(2) A person, committed or incarcerated as set forth in subsection (1) of this section, shall stand examination the same as any new applicant if he shall desire to have his license to operate a motor vehicle reinstated after he has been granted his release from said institution by parole or otherwise; Provided, that any person committed to or incarcerated in any state institution for mentally ill shall furnish a certificate of competence to operate a motor vehicle, to be issued by and at the discretion of the superintendent or titular head of such institution, in addition to the examination heretofore provided. It shall be the duty of the warden,

superintendent, or other titular head of each and every state institution, penal or otherwise, daily to furnish said director with an accurate list of the names, true and alias, and the addresses of each resident patient or inmate received or discharged from the institution under his supervision to the end that the provisions of this section and section 60-418 may be strictly enforced.

Sec. 2. That section 60-427, Revised Statutes Supplement, 1972, be amended to read as follows:

60-427. Upon conviction of any person in any court within this state of any violation of (1) any law of this state pertaining to the operation of motor vehicles or (2) any city or village ordinance pertaining to the operation of a motor vehicle in such a manner as to endanger life, limb, or property, except for operating a motor vehicle while under the influence of alcoholic liquor or any drug, the ~~magistrate-or~~ judge of such court may, in his discretion, suspend the license of such convicted person to operate a motor vehicle for any purpose for a period of time not less than ten days nor more than one year, unless a greater period of suspension or revocation be made mandatory by other provisions of law, or may impound the license for a period of not more than ninety days and order that such person not operate a motor vehicle during the period such license is impounded. Upon conviction of any person in any court within this state of any city or village ordinance pertaining to the operation of a motor vehicle while under the influence of alcoholic liquor or any drug, the ~~magistrate-or~~ judge of such court shall suspend the license of such convicted person to operate a motor vehicle for any purpose for a period of six months from his release from confinement adjudged or payment of any fine imposed, whichever is later. Such ~~magistrate--or~~ judge shall forthwith notify in detail the Director of Motor Vehicles, of the action and findings of the court as provided for in sections 39-794 to 39-797. If the judgment of conviction contains an order that the defendant shall not drive a motor vehicle for any period of time and also suspends or revokes defendant's license, then the director shall forthwith revoke or suspend the same and notify the superintendent of law enforcement and public safety of such revocation or suspension. It shall then be the duty of the Nebraska State Patrol to enforce the conditions of such revocation or suspension recited in any judgment of conviction.

Sec. 3. That original sections 60-419 and 60-427, Revised Statutes Supplement, 1972, are repealed.