

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 803**

Introduced by Lautenbaugh, 18.

Read first time January 05, 2012

Committee:

A BILL

1 FOR AN ACT relating to the Nebraska Rules of the Road; to amend  
2 section 60-601, Revised Statutes Supplement, 2011; to  
3 require presentment of an operator's license and proof of  
4 financial responsibility to a peace officer by a driver  
5 involved in an accident; to provide for impoundment of a  
6 vehicle as prescribed; to harmonize provisions; and to  
7 repeal the original section.

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

1           Section 1. Section 60-601, Revised Statutes Supplement,  
2   2011, is amended to read:

3           60-601 Sections 60-601 to 60-6,380 and section 2 of this  
4 act shall be known and may be cited as the Nebraska Rules of the  
5 Road.

6           Sec. 2. (1) The driver of any vehicle involved in an  
7 accident as described in section 60-696 or 60-697 to which a peace  
8 officer is called shall provide the peace officer with the driver's  
9 name, address, and telephone number and the driver's operator's  
10 license and proof of financial responsibility as defined in section  
11 60-501.

12           (2) Any driver who fails to comply with subsection (1) of  
13 this section shall be guilty of a Class II misdemeanor. If a driver  
14 has had one or more convictions under this section in the twelve  
15 years prior to the date of the current conviction under this section,  
16 such person is guilty of a Class I misdemeanor. As part of any  
17 sentence, suspended sentence, or judgment of conviction under this  
18 section, the court may order the defendant not to drive any motor  
19 vehicle for any purpose in the State of Nebraska for a period of up  
20 to one year from the date ordered by the court. If the court orders  
21 the defendant not to drive any motor vehicle for any purpose in the  
22 State of Nebraska for a period of up to one year from the date  
23 ordered by the court, the court shall also order that the operator's  
24 license of such person be revoked for a like period.

25           (3)(a) Any driver who fails to comply with subsection (1)

1 of this section shall have his or her vehicle immediately impounded  
2 until such time as the operator's license and proof of financial  
3 responsibility is provided to a peace officer.

4 (b) Any vehicle impounded under this subsection shall be  
5 released:

6 (i) To the holder of a bona fide lien on the vehicle  
7 executed prior to such impoundment when possession of the vehicle is  
8 requested as provided by law by such lienholder for purposes of  
9 foreclosing and satisfying his or her lien on the vehicle;

10 (ii) To the titled owner of the vehicle when the titled  
11 owner is a lessor. Upon learning the address or telephone number of  
12 the rental or leasing company which owns the vehicle, the impounding  
13 law enforcement agency shall immediately contact the company and  
14 inform it that the vehicle is available for the company to take  
15 possession; or

16 (iii) To the registered owner, a registered co-owner, or  
17 a spouse of the owner upon good cause shown by an affidavit or  
18 otherwise to the court before which the complaint is pending against  
19 the driver that the impounded vehicle is essential to the livelihood  
20 of the owner, co-owner, or spouse or the dependents of such owner,  
21 co-owner, or spouse.

22 (c) Any person who, at the direction of a peace officer,  
23 tows and stores a vehicle pursuant to this section shall have a lien  
24 upon such vehicle while in his or her possession for reasonable  
25 towing and storage charges and shall have a right to retain such

1 vehicle until such charges are paid.

2 (d) If the registered owner of a vehicle was not the  
3 driver of the vehicle whose actions caused the vehicle to be  
4 impounded, the registered owner of the vehicle may recover civilly  
5 from the driver of the vehicle all expenses incurred by reason of the  
6 impoundment. In the case of a criminal action, the court may order  
7 such driver of the vehicle to pay restitution to the registered owner  
8 in an amount equal to any expenses incurred with respect to  
9 impoundment.

10 (4) The offense punishable under this section shall be  
11 treated as a separate and distinct offense from any other offense  
12 arising out of acts alleged to have been committed while the driver  
13 was in violation of this section.

14 Sec. 3. Original section 60-601, Revised Statutes  
15 Supplement, 2011, is repealed.