

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Chapter 10.16 of the Lincoln Municipal Code, Driving  
 2 While Intoxicated, Unlicensed, and Uninsured, by amending Section 10.16.060 to delete  
 3 existing language relating to suspended licenses; adding a new section numbered 10.16.063  
 4 relating to operation of a motor vehicle when an operator's privilege has been suspended or  
 5 revoked by a court pursuant to law or by the Director of the State Department of Motor Vehicles;  
 6 adding a new section numbered 10.16.065 relating to operation of a motor vehicle when an  
 7 operator's privilege has been suspended but is otherwise capable of being reinstated; and  
 8 repealing Section 10.16.060 of the Lincoln Municipal Code as hitherto existing.

9 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

10 Section 1. That Section 10.16.060 of the Lincoln Municipal Code be amended  
 11 to read as follows:

12 **10.16.060 Operator Must be Licensed.**

13 (a) It shall be unlawful for any person to operate a motor vehicle, except a farm  
 14 tractor, minibike, or snowmobile, upon any street, alley, or highway within the city, except as  
 15 otherwise provided in this chapter, without having on his or her person and in full force and  
 16 effect an operator's license or learner's permit to operate it as provided by the laws of the State  
 17 of Nebraska.

18 (b) It shall be unlawful for any person to operate a motorcycle upon any street, alley,  
 19 or highway within the city unless such person shall have on his or her person and in full force  
 20 and effect a motorcycle operator's license, as provided by the laws of the State of Nebraska.

1           ~~(c) — It shall be unlawful for any person to operate a motor vehicle upon any street,~~  
2 ~~alley, or highway within the city during any period that his or her motor vehicle operator's license~~  
3 ~~has been suspended or revoked pursuant to any law of the State of Nebraska, or after such~~  
4 ~~suspension or revocation but before reinstatement of his or her license or issuance of a new~~  
5 ~~Nebraska license. Upon conviction for a violation thereof, such person shall be deemed guilty~~  
6 ~~of a misdemeanor and shall be punished as follows:~~

7           ~~————— (1) — For a first offense, such person shall be imprisoned in the county jail for~~  
8 ~~not more than three months, or shall be fined in an amount not to exceed \$500.00, or both such~~  
9 ~~a fine and imprisonment, recoverable with costs, and the court shall, as part of the judgment of~~  
10 ~~conviction, order such person not to operate any motor vehicle for any purpose for a period of~~  
11 ~~one year from the date of his or her final discharge from the jail, or the date of payment or satis-~~  
12 ~~faction of such fine, whichever is the later; and~~

13           ~~————— (2) — For each subsequent offense, such person shall be imprisoned in jail for~~  
14 ~~not more than three months, or shall be fined in an amount not to exceed \$500.00, or both such~~  
15 ~~a fine and imprisonment, recoverable with costs, and the court shall, as part of the judgment of~~  
16 ~~conviction, order such person not to operate a motor vehicle for any purpose for a period of two~~  
17 ~~years from the date of his or her final discharge from jail, or the date of payment or satisfaction~~  
18 ~~of such fine, whichever is the later.~~

19           Section 2. That Chapter 10.16 of the Lincoln Municipal Code be amended by  
20 adding a new section numbered 10.16.063 to read as follows:

21           **10.16.063    Operation of a Motor Vehicle While Operator's Privilege Revoked or**  
22           **Impounded and Not Eligible for Reinstatement; Prohibited.**

23           It shall be unlawful for any person to operate a motor vehicle upon any street, alley, or  
24 highway within the city during any period that he or she is subject to a court order not to operate

1 any motor vehicle for any purpose or during any period that his or her operator's license has  
2 been revoked or impounded pursuant to conviction or convictions for violation of any law or  
3 laws of this state, by an order of any court, or by an administrative order of the Director of the  
4 State Department of Motor Vehicles. Upon conviction for a violation thereof, such person shall  
5 be deemed guilty of a misdemeanor and shall be punished as follows:

6 (a) For a first offense, such person shall be imprisoned in the county jail for not more  
7 than six months, or shall be fined in an amount not to exceed \$500.00, or both such a fine and  
8 imprisonment, recoverable with costs, and the court shall, as part of the judgment of conviction,  
9 order such person not to operate any motor vehicle for any purpose for a period of one year  
10 from the date of his or her final discharge from the jail, or the date of payment or satisfaction of  
11 such fine, whichever is the later, and also order the operator's license of such person revoked  
12 for a like period; and

13 (b) For each subsequent offense, such person shall be imprisoned in jail for not more  
14 than six months, or shall be fined in an amount not to exceed \$500.00, or both such a fine and  
15 imprisonment, recoverable with costs, and the court shall, as part of the judgment of conviction,  
16 order such person not to operate a motor vehicle for any purpose for a period of two years from  
17 the date of his or her final discharge from jail, or the date of payment or satisfaction of such fine,  
18 whichever is the later, and also order the operator's license of such person revoked for a like  
19 period.

20 (c) Such orders of the court as they relate to operation of a motor vehicle and  
21 revocation of the operator's license shall be administered upon sentencing, upon final judgment  
22 of any appeal or review, or upon the date that any probation is revoked, whichever is later.

1 Section 3. That Chapter 10.16 of the Lincoln Municipal Code be amended by  
2 adding a new section numbered 10.16.065 to read as follows:

3 **10.16.065 Operation of Motor Vehicle While Operator's Privilege Suspended and**  
4 **Eligible for Reinstatement; Prohibited.**

5 It shall be unlawful for any person to operate a motor vehicle upon any street, alley, or  
6 highway within the City (i) during any period that his or her operator's license has been  
7 suspended, (ii) after a period of revocation but before issuance of a new license, or (iii) after a  
8 period of impoundment but before the return of the license. Upon conviction for a violation  
9 thereof, such person shall be deemed guilty of a misdemeanor and shall punished as follows:

10 (a) Such person shall be imprisoned in the county jail for not more than three months  
11 or shall be fined in an amount not to exceed \$500.00 or both such fine and imprisonment,  
12 recoverable with costs and the court may, as a part of the judgment of conviction, order such  
13 person not to operate any motor vehicle for any purpose for a period of one year from the date  
14 ordered by the court.

15 (b) If the person at the time of sentencing shows proof of reinstatement of his or her  
16 suspended operator's license, proof of issuance of a new license, or proof of return of the  
17 impounded license, the person shall only be fined in an amount not to exceed one hundred  
18 dollars.

19 (c) If the court orders the person not to operate a motor vehicle for a period of one  
20 year from the date ordered by the court, the court shall also order the operator's license of such  
21 person to be revoked for a like period. Such orders of the court shall be administered upon  
22 sentencing, upon final judgment of any appeal or review, or upon the date that any probation  
23 is revoked, whichever is later.

1                   Section 4. That Section 10.16.060 of the Lincoln Municipal Code as hitherto  
2 existing be and the same is hereby repealed.

3                   Section 5. That this ordinance shall take effect and be in force from and after its  
4 passage and publication according to law.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Staff Review Completed:

\_\_\_\_\_  
Administrative Assistant

Approved this \_\_\_\_ day of \_\_\_\_\_,  
2002:

\_\_\_\_\_  
\_\_\_\_\_  
**Mayor**