

*Part of the new law, LB 667, is that DUI offenders can either have an administrative license revocation hearing with the Department of Motor Vehicles or request the installation of an ignition interlock device in their vehicles.*

LINCOLN (AP) — A new Nebraska law aimed at drunken drivers should improve roadway safety when it takes effect on Jan. 1, the director of the Department of Motor Vehicles said on Dec. 14.

Beverly Neth said the new law gives offenders the option to request the ignition-based breath sensors in lieu of an administrative hearing to revoke their licenses.

The ignition interlocks are installed on a vehicle's dashboard, and require drivers to blow into a sensor to start the vehicle. The device prevents a car or truck from starting if it registers a blood alcohol concentration higher than 0.03.

"We have found a way to ensure public safety and effective monitoring of the DUI [drinking under the influence] offender and to reduce the cost of the administrative program for law enforcement, the courts and the DMV," Neth said.

Alcohol-related crashes killed 53 people in Nebraska last year and injured another 790, according to state accident data.

Neth pointed to research that shows the ignition interlock devices reduced repeat drunken driving offenses by 64 percent. Preliminary data collected in the wake of a 2002 New Mexico law showed that alcohol-related injury crashes fell by 32 percent.

The new law extends the interlock option to first- and second-offense drunken drivers and creates strong incentives for them to accept, instead of challenging their license revocation in court.

A deluge of hearings have strained the Department of Motor Vehicles, local courts and police agencies that have to pay officers if they testify during off-hours.

Speaker of the Legislature Mike Flood said the law will help offenders in rural areas who often have to travel long distances to work, school, substance abuse counseling or probation meetings.

"You'll wait a lifetime for a bus or a taxi in Plainview, Nebraska," Flood said. "We simply don't have the infrastructure for transportation in certain parts of the state."

Lawmakers and Nebraska Gov. Dave Heineman approved the law in May.

Heineman said the law closes a loophole that had allowed accused drunken drivers to stay on the road by appealing a ruling of the administrative law judge to their local district court.

The DMV conducts about 6,000 administrative hearings annually, and Neth said about 500 were appealed. The appeal triggers an automatic stay on the order to revoke a driver's license, and the court hearings could be delayed.

"We do not want these repeat offenders on the road," Heineman said. "We've lost too many lives."

Heineman highlighted the law as part of a statewide effort to reduce drunken driving. The state is launching a publicity campaign that includes 30-second television ads, a three-minute instructional video online, brochures and posters.

Nebraska recorded 13,000 driving-under-the-influence arrests in 2009, with an 86 percent conviction rate, according to the group MADD Nebraska. Simera Reynolds, the group's executive director, has said the state only required interlock ignition devices on 1,800 vehicles

that year.

The law also extends boating-while-intoxicated laws to personal watercraft, and makes it a crime to refuse a blood, breath or urine test if the officer has “reasonable suspicion” to believe a person was under the influence while manning the controls.

Heineman has also signed into law a proposal that increases penalties for repeated drunken driving offenses. The bill by Omaha Sen. Pete Pirsch, LB 675, creates a new offense for anyone convicted of felony drunken driving who is caught with a blood-alcohol content of .02 or higher.

Current state law requires a .08 blood alcohol content for first-offense driving while intoxicated.