

# ALR Information Instructions

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This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

**Legal Division**

**October 1, 2016**

## TEMPORARY LICENSE

You must surrender all Nebraska or out-of-state operator's Licenses or permits in your possession. This temporary license is valid for 15 days from the day you received it (provided you surrendered a valid license to the officer or DMV Legal Division.) If your license or motor vehicle operating privileges were invalid or you did not surrender a license, the temporary license is not valid for driving. Effective Jan. 1, 2013, a person may only hold one valid NE DMV document at a time. If you apply for and are issued an ID card, it will remove any driving privileges you may have with this temporary license.

### NOTICE OF ADMINISTRATIVE LICENSE REVOCATION (ALR)

Neb.Rev.Stat. §60-498.01 requires the Nebraska DMV to automatically revoke your operator's license and/or operating privilege in this state if you were in operation or physical control of a motor vehicle and: (1) If you refused a chemical test for alcohol or drugs, or (2) If you submitted to a chemical test for alcohol and the test revealed an alcohol concentration of 0.08 or more gram/100 ml blood or gram/210 L breath.

Notice is hereby given that your motor vehicle operator's license and/or operating privilege will be administratively revoked in 15 days for a period of:

- 180 days, if your test result was 0.08 or more BAC and you do not have a prior ALR revocation.
- One year, if your test result was 0.08 or more BAC and you have prior ALR revocation(s) within 15 years.
- One year, if you refused a chemical test for alcohol or drugs.

### TO DRIVE DURING THIS REVOCATION: Ignition Interlock

An ignition interlock permit (IIP) will allow you to drive a vehicle equipped with an ignition interlock during revocation. The following no-drive periods will apply before an IIP may be issued:

- None – if you failed a chemical test for alcohol and have no prior ALR.
- 45 days from the expiration of your temporary license – if you failed a chemical test for alcohol and have prior ALR revocation(s).
- 90 days from the expiration of your temporary license – if you refused a chemical test for alcohol or drugs.

Prior to issuance of an IIP your license must be valid aside from this revocation. You may check your license status and download an IIP application from [www.dmv.ne.gov](http://www.dmv.ne.gov), or call DMV Financial Responsibility Division at (402) 471-3985. The IIP application is also available from law enforcement agencies.

### OPERATION OF ADMINISTRATIVE LICENSE REVOCATION (ALR) — HOW TO REQUEST A HEARING

You may ask for a hearing to contest this revocation. If you ask for a hearing, you cannot apply for an IIP until ordered by the court at the time of sentencing for your DUI. You must present evidence at the hearing that shows:

- (A) The peace officer did not have probable cause to believe you were operating or in the actual physical control of a motor vehicle in violation of section 60-6,196 or a city or village ordinance enacted in conformance with such section; and
- In the case of a refusal to submit to a chemical test: (B) You did not refuse to submit to or fail to complete a chemical test after being requested to do so by the peace officer, or,
- In the case of an alcohol test result of 0.08 or more BAC: (B) You were not operating or in the actual physical control of a motor vehicle while having an alcohol concentration in violation of Neb.Rev.Stat. § 60-6,196(1).

You must file a petition at the DMV to request a hearing. It must be postmarked within 10 days of the arrest (or mailed Notice of Administrative Revocation, in the case of a blood test). You may download a petition form here: <http://www.dmv.ne.gov/frd/pdf/petition.pdf>. Follow the instructions on the form.

If you file a Petition, you will be mailed a Notice of Hearing. A hearing officer will conduct the hearing by teleconference. Read the instructions on the Notice of Hearing carefully. Hearing procedures are governed by 247 NAC 1; available at the Secretary of State's Office; or online at [www.sos.ne.gov](http://www.sos.ne.gov) under rules and regulations. More information is available from [www.dmv.ne.gov](http://www.dmv.ne.gov), or phone (402) 471-9593.