

## NEBRASKA DUI OFFENSES

### DUI AND THE DMV:

The Nebraska DMV will revoke your driving privileges upon submission of a Notice of Administrative License Revocation (“the Yellow Sheet of Paper”) if received from Law Enforcement within 15 days of arrest or citation.

#### 1st OFFENSE DUI with a TEST:

- You can drive for 15 days from arrest or citation, and the Yellow Sheet of Paper is your temporary license.
- After 15 days, you will begin to serve a 6-Month Administrative License Revocation (ALR).

#### 2nd or SUBSEQUENT DUI with a TEST:

- You can drive for 15 days from arrest or citation, and the Yellow Sheet of Paper is your temporary license.
- After 15 days you will NOT be able to drive at all for 45 more days.
- After 45 days, your license will be revoked for the remainder of 1 year from the expiration of your 15 day temporary license.

#### DUI with a REFUSAL OF CHEMICAL TEST:

- You can drive for 15 days from arrest or citation, and the Yellow Sheet of Paper is your temporary license.
- After 15 days you will NOT be able to drive at all for 90 more days.
- After 90 days, your license will be revoked for the remainder of 1 year from the expiration of your 15 day temporary license.

TO CHECK THE STATUS OF YOUR ALR VISIT:  
[www.nebraska.gov/dmv/reinstatements](http://www.nebraska.gov/dmv/reinstatements)

### DUI and IGNITION INTERLOCK PERMIT (IIP)

*When your Driver’s License is subject to an ALR the only way to legally drive is to install and approved Ignition Interlock Device (IID) in your vehicle and to obtain and IIP.*

#### OBTAINING AND IIP:

15 days after your arrest or citation, AND if your Notice of Administrative License Revocation is submitted to the DMV you become eligible to apply for an IIP.

In order to obtain an IIP you must do the following:

- Schedule and appointment to have an IID installed in your vehicle
- Assure an application for IIP and a certificate of installation of the IID is submitted to the DMV.

- Your IID installer can assist you in submitting your application and certificate of installation to the DMV.
- Once your IID is installed and your documents are submitted to the DMV you should schedule an appointment with the Nebraska DMV to obtain your IIP. You may have to complete driver’s license testing to obtain the IIP.

**ONCE YOU OBTAIN AN IIP YOU MAY ONLY OPERATE A VEHICLE WITH THE IGNITION INTERLOCK DEVICE INSTALLED.**

### DUI AND THE COURTS:

#### DUI PENALTIES:

##### DUI 1st Offense - .08

- 7 to 60 days in Jail
- Fine of up to \$500
- 6 month license revocation
- If you receive probation, there is no required jail time and the license revocation is reduced to 60 days.
- Must complete any Administrative License Revocation period.

##### DUI 1st Offense Aggravated - .15 or Refusal

- 7 to 60 days in Jail
- Fine of up to \$500
- 1 year license revocation
- If you receive probation, there is 2 days or 120 hours of community service.
- Complete any ALR period.

#### DUI 2nd Offense - .08

- 30 days to 6 months in Jail
- Fine of up to \$500
- 18 month license revocation
- If you receive probation, there is 10 days or 240 hours of community service.

#### DUI 2nd Offense Aggravated - .15 or Refusal

- 90 days to 1 year in Jail
- \$1000 fine
- 18 months to 15 year license revocation
- If you receive probation, there is 30 days in jail.

#### DUI 3rd Offense - .08

- 90 days to 1 year in Jail
- \$1000 fine
- 15 year license revocation
- If you receive probation, there is 30 days in jail, and a 2 to 15 year license revocation.

#### DUI 3rd Offense Aggravated - .15 or Refusal

- 180 days to 3 years in Jail
- \$10,000 fine or both jail and fine
- 15 year license revocation
- If you receive probation, there is 60 days in jail, and a 5 to 15 year license revocation.

#### DUI 4th Offense .08

- 180 days to 3 years in Jail
- \$10,000 fine or both jail and fine
- 15 year license revocation
- If you receive probation there is 90 days in jail, and a 15 year revocation.

#### DUI 4th Offense Aggravated - .15 or Refusal

- 1 to 20 years in Jail
- 15 year license revocation
- If you receive probation, there is 120 days in jail, a \$2000 fine and a 15 year license revocation

#### DUI 5th Offense - .08

- 2 to 20 years in Jail
- 15 year license revocation
- If you receive probation, there is 180 days in jail, a \$2000 fine and a 15 year license revocation

#### DUI 5th Offense Aggravated - .15 or Refusal

- 2 to 50 years in Jail
- 15 year license revocation
- If you receive probation, there is 180 days in jail, a \$2000 fine and a 15 year license revocation

### WHAT CAN I DO TO HELP ACHIEVE A FAVORABLE OUTCOME ON MY DUI?

*Obtain a Substance Abuse Evaluation with a Licensed Drug and Alcohol Counselor (LDAC).*

The Evaluator will recommend a level or treatment which could include one more of the following: Drug and Alcohol Classes, Outpatient Treatment, Intensive Outpatient Treatment, or Inpatient Treatment.

Generally, the least restrictive treatment will be recommended and graduated as needed.

*Attend an 8-10 hour Drug and Alcohol Class either online or in Person.*

*Attend AA or NA meetings and maintain a record of attended sessions.*

*Maintain employment or educational enrollment throughout the case.*

### \*ADDITIONAL RESOURCES

#### Licensed Drug and Alcohol Counselors:

- Jessica Segoviano, Infinite Avenues Counseling 1-402-301-6813
- Trisha Troia, Trisha Troia Counseling 1-402-290-0543

#### Ignition Interlock Installers:

- ROADGUARD Interlock:  
1-800-332-6858  
[www.draegerinterlock.com](http://www.draegerinterlock.com)
- INTOXALOCK:  
1-877-270-5743

\*Miltenberger Law Offices is NOT affiliated with any of the additional resource entities.

*The previously stated information is not legal advice, and you should consult with your attorney if you have any questions regarding your criminal case.*

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