

272 NAC Chapter 4- Operations

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the Nebraska State Patrol will hold the following rulemaking hearings at the Nebraska State Patrol Headquarters, 1600 Nebraska Highway 2, Lincoln, Nebraska. The purpose of the proposed changes is to eliminate obsolete provisions and provisions that mirror statute(s), reduce regulatory burden, and to simplify and clarify the rules. There is no expected fiscal impact on state agencies, political subdivisions, or persons being regulated.

The purpose of these hearings is to take testimony and evidence concerning adoption of proposed changes to the following chapters of Title 272, which will be heard on the dates and times listed below:

Monday, February 1, 2021:

9:00 a.m.: Chapter 1 Rules of Practice and Procedure for Hearings in Contested Cases before the Patrol

10:00 a.m.: Chapter 2 Administration of the Security, Privacy, and Dissemination of the Criminal History Information Act

11:00 a.m.: Chapter 3 Carrier Enforcement Division

1:00 p.m.: Chapter 4 Operations

2:00 p.m.: Chapter 13 Severability

Wednesday February 3, 2021:

9:00 a.m.: Chapter 14 Amendment or Repeal

10:00 a.m.: Chapter 15 Effective Date and Repeal of Earlier Rules

11:00 a.m.: Chapter 16 Procedures for Negotiated Rulemaking

1:00 p.m.: Chapter 17- Petitioning for Rulemaking

2:00 p.m.: Chapter 18- Regulations and Procedures Governing Agency Declaratory Orders

3:00 p.m.: Chapter 23 - Missing Persons Information Clearinghouse

Friday, February 5, 2021:

9:00 a.m.: Chapter 19 - Sexual Offender Registration

Copies of the proposed regulations and the Fiscal Impact Statements shall be available for public inspection at the Office of the Secretary of State and on their website at: <https://sos.nebraska.gov/regulations/rules-and-regulations-division>

NOTE: Due to the current public health crisis, the agency will enforce any Directed Health Measure Order on the size of gatherings that is in effect at the time of the hearing. In order to encourage participation in this public hearing, a phone conference line will be set up for any member of the public to call in and provide comments. Interested persons may provide verbal comments by calling 1-888-820-1398; Participant code: 6366586#. Interested persons may provide written comments by mail or email no later than the day of the hearing to: NSP Legal Office, PO Box 94907, Lincoln, NE 68509-4907 or nsp.regulations@nebraska.gov. Any written comments will be part of the record and will be considered.

FISCAL IMPACT STATEMENT

Agency: Nebraska State Patrol	
Title: 272 NAC	Prepared by: Mark Boyer
Chapter: 4	Date prepared: January 14, 2020
Subject: Use/ Purpose/ Contents of Citation and Violation/ Warning Cards	Telephone: 402-480-9312

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	X	X	X
Increased Costs			
Decreased Costs			
Increased Revenue			
Decreased Revenue			
Indeterminable			

Description of Impact:

State Agency: There is no fiscal impact related to the proposed changes.

Political Subdivision: There is no fiscal impact related to the proposed changes.

Regulated Public: There is no fiscal impact related to the proposed changes.

Title 272—NEBRASKA STATE PATROL

Chapter 4—Operations

001 RULES AND REGULATIONS GOVERNING THE USE, PURPOSE AND CONTENTS OF VIOLATION AND WARNING CARDS, AND THE UNIFORM CITATION AND COMPLAINT

001.01 Violation Cards

- 001.01A The violation card is used by the Nebraska State Patrol, including its Carrier Enforcement Division, for violations of the statutes of Nebraska or the rules and regulations of the Director of Motor Vehicles.
- 001.01B When a violation card is issued, the officer shall enter thereon all required information, including the name and address of the driver, the violation, and the date and time of the violation.
- 001.01C A motorist issued a violation card is required to correct the violation as soon as possible. The violation card does not constitute permission or authorization to operate the vehicle without correcting the violation within five days allotted to return the card, nor does the violation card authorize or permit the motorist to operate any motor vehicle without carrying their operator's license within the five days allotted to return the card when the violation card is issued for failing to carry or present an operator's license.
- 001.01D After the violation has been corrected, the motorist must have a duly authorized state, county or municipal law enforcement officer sign the card, certifying that the violation has been corrected. The card must then be mailed postage prepaid to the Nebraska State Patrol within five days from the day the card was received.

001.02 Warning Cards

- 001.02A The warning card is used by the Nebraska State Patrol, including

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its Carrier Enforcement Division, for violations where, according to the officer's judgment, the violation does not warrant a citation and complaint in light of the vehicle and operator, the time in which the violation occurred (day or night), the number of other motor vehicles being operated in the immediate area, or the seriousness of the offense.

001.02B When a warning card is issued by the Nebraska State Patrol, the officer shall enter thereon all required information, including the name and address of the violator, the violation and the date and time of the violation.

001.03 Uniform Citation and Complaint

001.03A The Uniform Citation and Complaint is used by the Nebraska State Patrol, except for its Carrier Enforcement Division, for traffic and other violations observed or detected. (Through the use of the Uniform Citation and Complaint,) the violator appears in court in accordance with the notice given to him under the provisions of §§29-423 through 29-426, Neb. Rev. Stat. and §39-667, Neb. Rev. Stat.

001.03B The Uniform Citation and Complaint is used by the Carrier Enforcement Division of the Nebraska State Patrol for violations of the laws specified in §60-1306. (Through the use of the Uniform Citation and Complaint,) the violator appears in court in accordance with the notice given to him under the provisions of §§29-423 through 29-426, Neb. Rev. Stat. and §§60-1307, Neb. Rev. Stat.

ANNOTATION

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Section 001

Enabling Legislation
§81-2003, Neb. Rev.
Stat.