



28-693

## Reckless driving; violation; classification; license; surrender; aiding and abetting

### **A. A person who drives a vehicle in reckless disregard for the safety of persons or property is guilty of reckless driving.**

B. A person who is convicted of reckless driving is guilty of a class 2 misdemeanor.

C. In addition, the judge may require the surrender to a police officer of any driver license of the convicted person, shall report the conviction to the department and may order the driving privileges of the person to be suspended for a period of not more than ninety days. On receipt of the abstract of conviction and order, the department shall suspend the driving privilege of the person for the period of time ordered by the judge.

D. If a person who is convicted of a violation of this section has been previously convicted of a violation of this section, section 13-1102 or section 13-1103, subsection A, paragraph 1, in the driving of a vehicle, or section 28-694, 28-708, 28-1381, 28-1382 or 28-1383 within a period of twenty-four months:

1. The person is guilty of a class 1 misdemeanor.
2. The person is not eligible for probation, pardon, suspension of sentence or release on any basis until the person has served not less than twenty days in jail.
3. The judge may require the surrender to a police officer of any driver license of the person and shall immediately forward the abstract of conviction to the department.
4. On receipt of the abstract of conviction, the department shall suspend the driving privilege of the person for one year.

E. A person who knowingly aids or abets another person in the commission of a violation of this section is guilty of a class 2 misdemeanor, except that a second or subsequent violation within a period of twenty-four months is a class 1 misdemeanor.

F. In applying the twenty-four month period provision of subsection D of this section, the dates of the commission of the offense shall be the determining factor, irrespective of the sequence in which the offenses were committed. A second or subsequent violation for which a conviction occurs as provided in this section does not include a conviction for an offense arising out of the same series of acts.

G. On pronouncement of a jail sentence under this section, and after the court receives confirmation that the person is employed or is a student, the court may provide in the sentence that if the defendant is employed or is a student the defendant can continue employment or schooling for not more than twelve hours per day nor more than five days per week. The defendant shall spend the remaining days or parts of days in jail until the sentence is served and shall be allowed out of jail only long enough to complete the defendant's actual hours of employment or schooling.

H. After completing not less than forty-five consecutive days of the suspension period required by subsection D of this section, a person whose driving privilege is suspended for a violation of this section and who is sentenced pursuant to subsection D of this section may apply to the department for a restricted driver license that allows the person to operate a motor vehicle during the period of suspension subject to the restrictions described in section 28-144.