

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 401**

Introduced by Schimek, 27; Fulton, 29;

Read first time January 16, 2007

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Motor Vehicle Operator's License Act;  
2 to amend sections 60-493, 60-494, 60-4,117, 60-4,151,  
3 and 60-4,181, Reissue Revised Statutes of Nebraska,  
4 and sections 60-484 and 60-4,144, Revised Statutes  
5 Cumulative Supplement, 2006; to provide for notation  
6 of advance medical directives on motor vehicle operators'  
7 licenses and state identification cards; to provide for  
8 distribution of brochures on advance medical directives;  
9 to harmonize provisions; to provide an operative date;  
10 and to repeal the original sections.  
11 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 60-484, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           60-484 (1) Except as otherwise provided in the Motor  
4 Vehicle Operator's License Act, no resident of the State of  
5 Nebraska shall operate a motor vehicle upon the alleys or highways  
6 of the State of Nebraska until the person has obtained an  
7 operator's license for that purpose.

8           (2) Application for an operator's license may be made  
9 in a manner prescribed by the Department of Motor Vehicles. Such  
10 application may be made to an examiner in any county. The examiner  
11 shall personally conduct the examination of the applicant and  
12 deliver to each successful applicant an examiner's certificate  
13 containing the statements made pursuant to subsection (3) of this  
14 section.

15           (3) In addition to any other information and questions  
16 necessary to comply with the requirements and purposes of the act,  
17 the applicant (a) shall provide his or her name, age, post office  
18 address, place of residence unless the applicant is a program  
19 participant under the Address Confidentiality Act, date of birth,  
20 sex, social security number, and brief description of himself or  
21 herself, (b) may complete the voter registration portion pursuant  
22 to section 32-308, (c) shall be provided the advisement language  
23 required by subsection (5) of section 60-6,197, (d) shall answer  
24 the following:

25           (i) Have you within the last three months (e.g. due

1 to diabetes, epilepsy, mental illness, head injury, stroke, heart  
2 condition, neurological disease, etc.):

3 (A) lost voluntary control or consciousness ... yes ...  
4 no

5 (B) experienced vertigo or multiple episodes of dizziness  
6 or fainting ... yes ... no

7 (C) experienced disorientation ... yes ... no

8 (D) experienced seizures ... yes ... no

9 (E) experienced impairment of memory, memory loss ... yes  
10 ... no

11 Please explain: .....

12 (ii) Do you experience any condition which affects your  
13 ability to operate a motor vehicle? (e.g. due to loss of, or  
14 impairment of, foot, leg, hand, arm; neurological or neuromuscular  
15 disease, etc.) ... yes ... no

16 Please explain: .....

17 (iii) Since the issuance of your last driver's  
18 license/permit has your health or medical condition changed or  
19 worsened? ... yes ... no

20 Please explain, including how the above affects your  
21 ability to drive: ....., and (e) may answer the  
22 following:

23 (i) Do you wish to register to vote as part of this  
24 application process?

25 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE

1 FOLLOWING QUESTIONS:

2 (ii) Do you wish to be an organ and tissue donor?

3 (iii) Do you wish to receive any additional specific  
4 information regarding organ and tissue donation and the Donor  
5 Registry of Nebraska?

6 (iv) Do you wish to donate \$1 to promote the Organ and  
7 Tissue Donor Awareness and Education Fund?

8 (v) Do you have an advance medical directive that you  
9 wish to be noted on your license?

10 (4) Application for an operator's license shall be made  
11 under oath or affirmation of the applicant.

12 (5) The social security number shall not be printed on  
13 the operator's license and shall be used only (a) to furnish driver  
14 record information to the United States Selective Service System  
15 under section 60-483, (b) with the permission of the director in  
16 connection with the verification of the status of an individual's  
17 driving record in this state or any other state, (c) for purposes  
18 of child support enforcement pursuant to section 42-358.08 or  
19 43-512.06, or (d) beginning on an implementation date designated by  
20 the director, to furnish information regarding an applicant for or  
21 holder of a commercial driver's license with a hazardous materials  
22 endorsement to the Transportation Security Administration of the  
23 United States Department of Homeland Security or its agent.

24 (6) (a) Except for an individual under the age of eighteen  
25 years, each individual applying for an operator's license or a

1 state identification card shall furnish proof of date of birth  
2 and identity by a valid Nebraska operator's license, a valid  
3 Nebraska learner's permit, a valid Nebraska school permit, a  
4 valid operator's license from another state or jurisdiction of the  
5 United States, a certified birth certificate, a certified birth  
6 registration, a valid United States passport, a valid United States  
7 military identification card, United States military discharge  
8 papers, other United States-based identification as approved by  
9 the director, or information preserved in the digital system  
10 implemented under section 60-484.01.

11 (b) Any individual under the age of eighteen years  
12 applying for an operator's license or a state identification card  
13 shall provide a certified copy of his or her birth certificate,  
14 a certified birth registration, or other reliable proof of his or  
15 her identity and age accompanied by a certification signed by a  
16 parent or guardian explaining the inability to produce a copy of  
17 such birth certificate. The applicant may be required to furnish  
18 proof to the examiner that the parent or guardian signing the  
19 certification is in fact the parent or guardian of such applicant.

20 Sec. 2. Section 60-493, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 60-493 (1) When a person applies for an operator's  
23 license or state identification card, the county treasurer or  
24 examiner of the Department of Motor Vehicles shall distribute a to  
25 each person applying for a new or renewal license or card:

1           (a) A brochure provided by an organ and tissue  
2 procurement organization and approved by the Department of  
3 Health and Human Services Regulation and Licensure containing a  
4 description and explanation of the Uniform Anatomical Gift Act; and  
5 to each person applying for a new or renewal license or card.

6           (b) A brochure provided by the Department of Health and  
7 Human Services containing a description and explanation of advance  
8 medical directives, including, but not limited to, a power of  
9 attorney for health care executed pursuant to sections 30-3401 to  
10 30-3432.

11           (2) If an individual desires to receive additional  
12 specific information regarding organ and tissue donation and the  
13 Donor Registry of Nebraska as indicated on an application or  
14 examiner's certificate under section 60-484, 60-4,144, or 60-4,181,  
15 the department shall notify a representative of the federally  
16 designated organ procurement organization in Nebraska within five  
17 working days of the name and address of such individual.

18           Sec. 3. Section 60-494, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           60-494   (1)   Each operator's license and state  
21 identification card shall include a special notation on the  
22 front of the license or card if the licensee or cardholder  
23 indicates If a holder of an operator's license or state  
24 identification card has indicated on the application or examiner's  
25 certificate under section 60-484, 60-4,144, or 60-4,181 his or her

1 ~~wish~~ that (a) he or she wishes to be an organ donor, a tissue  
2 donor, or both or (b) he or she has an advance medical directive,  
3 each license or card shall include such information as a special  
4 notation on the front of the license or card.

5 (2) The status as an organ donor, a tissue donor, or  
6 both shall be renewed upon renewal of each license or card if  
7 the licensee or cardholder, at the time of renewal, indicates  
8 the desire to renew the status and the notation authorized in  
9 subsection (1) of this section has been marked. The status as  
10 an organ donor, a tissue donor, or both is not changed by the  
11 suspension, cancellation, revocation, or impoundment of the license  
12 or card.

13 (3) The existence of an advance medical directive shall  
14 be confirmed upon renewal of each license or card if the licensee  
15 or cardholder, at the time of renewal, indicates the desire to  
16 confirm its existence and the notation authorized in subsection  
17 (1) of this section has been marked. The status of an advance  
18 medical directive is not changed by the suspension, cancellation,  
19 revocation, or impoundment of the license or card.

20 ~~(3)~~ (4) Any person whose operator's license or state  
21 identification card indicates his or her status as an organ  
22 donor, a tissue donor, or both includes a special notation under  
23 subsection (1) of this section may obtain a replacement license  
24 or card without a notation of such status. such notation. The fee  
25 for such replacement license or card shall be the fee provided in

1 section 60-4,115.

2 ~~(4)~~ (5) A licensee or cardholder may also change his or  
3 her status as a donor by (a) Internet access to the Donor Registry  
4 of Nebraska, (b) telephone request to the registry, or (c) other  
5 methods approved by the federally designated organ procurement  
6 organization in Nebraska.

7 ~~(5)~~ (6) The Department of Motor Vehicles shall  
8 electronically transfer to the federally designated organ  
9 procurement organization in Nebraska all information which appears  
10 on the face of an original or replacement operator's license or  
11 state identification card except the image and signature of each  
12 person whose license or card includes the notation described in  
13 subsection (1) of this section.

14 Sec. 4. Section 60-4,117, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 60-4,117 (1) Upon presentation of the certificate for an  
17 operator's license issued by the examining officer to the applicant  
18 for such license, the county treasurer shall issue such license to  
19 the applicant. The license shall be in full force and effect until  
20 the expiration date thereon, until officially revoked, suspended,  
21 canceled by an order of the director, or until ordered revoked or  
22 impounded by a court of competent jurisdiction.

23 (2) The operator's license shall be in a form prescribed  
24 by the Department of Motor Vehicles. The license may include  
25 security features prescribed by the department. The license shall



1 be conspicuously marked Nebraska Operator's License, shall be, to  
2 the maximum extent practicable, tamper proof, and shall include the  
3 following information:

4 (a) The name and residential and post office address of  
5 the holder;

6 (b) The holder's color photograph or digital image;

7 (c) A physical description of the holder, including sex,  
8 height, weight, and eye and hair colors;

9 (d) The holder's date of birth;

10 (e) The holder's signature;

11 (f) The class of motor vehicle which the holder is  
12 authorized to operate and any endorsements or restrictions;

13 (g) The dates between which the license is valid;

14 (h) The special notation that the holder is an organ  
15 and tissue donation information specified in donor, if applicable,  
16 pursuant to section 60-494; and

17 (i) The special notation that the holder has an advance  
18 medical directive, if applicable, pursuant to section 60-494; and

19 ~~(i)~~ (j) Such other facts and information as the director  
20 may determine.

21 (3) Machine-readable information encoded on an operator's  
22 license shall be limited to the information appearing on the face  
23 of the license.

24 Sec. 5. Section 60-4,144, Revised Statutes Cumulative  
25 Supplement, 2006, is amended to read:

1                   60-4,144 (1) Application for any original or renewal  
2 commercial driver's license or application for any change of class  
3 of commercial motor vehicle, endorsement, or restriction may be  
4 made in a manner prescribed by the department. Such application  
5 may be made to an examiner in any county. The examiner shall  
6 personally conduct the examination of the applicant and deliver to  
7 each successful applicant an examiner's certificate containing the  
8 statements made pursuant to subsection (2) of this section.

9                   (2) The application or examiner's certificate shall  
10 include the voter registration portion pursuant to section 32-308,  
11 the advisement language required by subsection (5) of section  
12 60-6,197, and the following:

13                   (a) The full name, the current mailing address, and the  
14 residential address of the applicant, except that if the applicant  
15 is a program participant under the Address Confidentiality Act, he  
16 or she need not supply his or her residential address;

17                   (b) A physical description of the applicant, including  
18 sex, height, weight, and eye and hair colors;

19                   (c) The applicant's date of birth;

20                   (d) The applicant's social security number;

21                   (e) The applicant's signature;

22                   (f) Certification that the commercial motor vehicle  
23 in which the applicant takes any driving skills examination is  
24 representative of the class of commercial motor vehicle that the  
25 applicant operates or expects to operate;

1 (g) The certification required pursuant to section  
2 60-4,145 or 60-4,146;

3 (h) Beginning September 30, 2005, the names of all states  
4 where the applicant has been licensed to operate any type of motor  
5 vehicle in the ten years prior to the date of application;

6 (i) The following specific questions:

7 (i) Have you within the last three months (e.g. due  
8 to diabetes, epilepsy, mental illness, head injury, stroke, heart  
9 condition, neurological disease, etc.):

10 (A) lost voluntary control or consciousness ... yes ...  
11 no

12 (B) experienced vertigo or multiple episodes of dizziness  
13 or fainting ... yes ... no

14 (C) experienced disorientation ... yes ... no

15 (D) experienced seizures ... yes ... no

16 (E) experienced impairment of memory, memory loss ... yes  
17 ... no

18 Please explain: .....

19 (ii) Do you experience any condition which affects  
20 your ability to operate a motor vehicle? (e.g. due to loss  
21 of or impairment of foot, leg, hand, or arm; neurological or  
22 neuromuscular disease, etc.) ... yes ... no

23 Please explain: .....

24 (iii) Since the issuance of your last driver's  
25 license/permit has your health or medical condition changed or

1 worsened? ... yes ... no

2 Please explain, including how the above affects your  
3 ability to drive: .....

4 (j) Do you wish to register to vote as part of this  
5 application process?

6 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE  
7 FOLLOWING QUESTIONS:

8 (k) Do you wish to be an organ and tissue donor?

9 (l) Do you wish to receive any additional specific  
10 information regarding organ and tissue donation and the Donor  
11 Registry of Nebraska?

12 (m) Do you wish to donate \$1 to promote the Organ and  
13 Tissue Donor Awareness and Education Fund?

14 (n) Do you have an advance medical directive that you  
15 wish to be noted on your license?

16 (3) Application shall be made under oath or affirmation  
17 of the applicant.

18 Sec. 6. Section 60-4,151, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 60-4,151 (1) The commercial driver's license shall be  
21 conspicuously marked Nebraska Commercial Driver's License, shall  
22 be, to the maximum extent practicable, tamper and forgery proof,  
23 and shall include the following information:

24 (a) The name and residential address of the holder;

25 (b) The holder's color photograph or digital image;

1 (c) A physical description of the holder, including sex,  
2 height, weight, and eye and hair colors;

3 (d) The holder's date of birth;

4 (e) The holder's signature;

5 (f) The class of commercial motor vehicle or vehicles  
6 which the holder is authorized to operate, including any  
7 endorsements or restrictions;

8 (g) The dates between which the commercial driver's  
9 license is valid; and

10 (h) The special notation that the holder is an organ and  
11 tissue donor, if applicable, pursuant to information specified in  
12 section 60-494; and -

13 (i) The special notation that the holder has an advance  
14 medical directive, if applicable, pursuant to section 60-494.

15 (2) The restricted commercial driver's license shall  
16 be conspicuously marked Nebraska Restricted Commercial Driver's  
17 License and shall be, to the maximum extent practicable, tamper  
18 and forgery proof. The restricted commercial driver's license shall  
19 contain such additional information as deemed necessary by the  
20 director.

21 (3) The seasonal permit shall contain such information as  
22 deemed necessary by the director but shall include the time period  
23 during which the commercial motor vehicle operating privilege is  
24 effective. The seasonal permit shall be valid only when held in  
25 conjunction with a restricted commercial driver's license.

1           Sec. 7. Section 60-4,181, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           60-4,181 (1) A state identification card shall be issued  
4 by the county treasurer after the person requesting the card (a)  
5 files an application or examiner's certificate with an examining  
6 officer, (b) furnishes two forms of proof of identification  
7 described in section 60-484, and (c) pays the fee prescribed in  
8 section 60-4,115 to the county treasurer. The state identification  
9 card shall contain the organ and tissue donor information ~~specified~~  
10 ~~in~~ and the advance medical directive information, if applicable,  
11 pursuant to section 60-494.

12           (2) The application or examiner's certificate shall  
13 include the name, age, post office address, place of residence  
14 unless the applicant is a program participant under the Address  
15 Confidentiality Act, date of birth, sex, social security number,  
16 and physical description of the applicant, the voter registration  
17 portion pursuant to section 32-308, and the following:

18           (a) Do you wish to register to vote as part of this  
19 application process?

20           (b) Do you wish to be an organ and tissue donor?

21           (c) Do you wish to receive any additional specific  
22 information regarding organ and tissue donation and the Donor  
23 Registry of Nebraska?

24           (d) Do you wish to donate \$1 to promote the Organ and  
25 Tissue Donor Awareness and Education Fund?

1           (e) Do you have an advance medical directive that you  
2 wish to be noted on your state identification card?

3           (3) The director may summarily cancel any state  
4 identification card, and any judge or magistrate may order a  
5 state identification card canceled in a judgment of conviction, if  
6 the application or examiner's certificate for the card contains  
7 any false or fraudulent statements which were deliberately and  
8 knowingly made as to any matter material to the issuance of the  
9 card or if the application or examiner's certificate does not  
10 contain required or correct information. Any state identification  
11 card so obtained shall be void from the date of issuance.  
12 Any judgment of conviction ordering cancellation of a state  
13 identification card shall be transmitted to the director who shall  
14 cancel the card.

15           (4) Machine-readable information encoded on a state  
16 identification card shall be limited to the information appearing  
17 on the face of the card.

18           Sec. 8. This act becomes operative on January 1, 2008.

19           Sec. 9. Original sections 60-493, 60-494, 60-4,117,  
20 60-4,151, and 60-4,181, Reissue Revised Statutes of Nebraska,  
21 and sections 60-484 and 60-4,144, Revised Statutes Cumulative  
22 Supplement, 2006, are repealed.