

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 810

Introduced by Rogert, 16.

Read first time January 08, 2010

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections 60-3,135
2 and 60-480.01, Revised Statutes Supplement, 2009; to
3 change provisions relating to undercover license plates
4 and drivers' licenses; and to repeal the original
5 sections.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-3,135, Revised Statutes Supplement,
2 2009, is amended to read:

3 60-3,135 (1) (a) Undercover license plates may be issued
4 to federal, state, county, city, or village law enforcement
5 agencies and shall be used only for legitimate criminal
6 investigatory purposes. Undercover license plates may also be
7 issued to the Nebraska State Patrol, the Game and Parks Commission,
8 deputy state sheriffs employed by the Nebraska Brand Committee
9 and State Fire Marshal for state law enforcement purposes,
10 persons employed by the Tax Commissioner for state revenue
11 enforcement purposes, the Department of Health and Human Services
12 for the purposes of communicable disease control, the prevention
13 and control of those communicable diseases which endanger the
14 public health, the enforcement of drug control laws, or other
15 investigation purposes, the Department of Agriculture for special
16 investigative purposes, the Department of Justice for investigative
17 purposes, and the Insurance Fraud Prevention Division of the
18 Department of Insurance for investigative purposes. Undercover
19 license plates shall not be used on personally owned vehicles or
20 for personal use of government-owned vehicles.

21 (b) The director shall prescribe a form for agencies to
22 apply for undercover license plates. The form shall include a space
23 for the name and signature of the contact person for the requesting
24 agency, a statement that the undercover license plates are to be
25 used only for legitimate criminal investigatory purposes, and a

1 statement that undercover license plates are not to be used on
2 personally owned vehicles or for personal use of government-owned
3 vehicles.

4 (2) The agency shall include the name and signature of
5 the contact person for the agency on the form and pay the fee
6 prescribed in section 60-3,102. If the undercover license plates
7 will be used for the investigation of a specific event rather than
8 for ongoing investigations, the agency shall designate on the form
9 an estimate of the length of time the undercover license plates
10 will be needed. The contact person in the agency shall sign the
11 form and verify the information contained in the form.

12 (3) Upon receipt of a completed form, the director shall
13 determine whether the undercover license plates will be used by an
14 approved agency for a legitimate purpose pursuant to subsection (1)
15 of this section. If the director determines that the undercover
16 license plates will be used for such a purpose, he or she may issue
17 the undercover license plates in the form and under the conditions
18 he or she determines to be necessary. The decision of the director
19 regarding issuance of undercover license plates is final.

20 (4) The department shall keep records pertaining to
21 undercover license plates confidential, and such records shall not
22 be subject to public disclosure.

23 (5) The contact person shall return the undercover
24 license plates to the department if:

25 (a) The undercover license plates expire and are not

1 renewed;

2 (b) The purpose for which the undercover license plates
3 were issued has been completed or terminated; or

4 (c) The director requests their return.

5 (6) A state agency, board, or commission that uses
6 motor vehicles from the transportation services bureau of the
7 Department of Administrative Services shall notify the bureau
8 immediately after undercover license plates have been assigned to
9 the motor vehicle and shall provide the equipment and license plate
10 number and the undercover license plate number to the bureau. The
11 transportation services bureau shall maintain a list of state-owned
12 motor vehicles which have been assigned undercover license plates.
13 The list shall be confidential and not be subject to public
14 disclosure.

15 (7) The contact person shall be held accountable to keep
16 proper records of the number of undercover plates possessed by
17 the agency, the particular license plate numbers for each motor
18 vehicle, and the person who is assigned to the motor vehicle.
19 This record shall be confidential and not be subject to public
20 disclosure.

21 Sec. 2. Section 60-480.01, Revised Statutes Supplement,
22 2009, is amended to read:

23 60-480.01 (1) (a) Undercover drivers' licenses may
24 be issued to federal, state, county, city, or village law
25 enforcement agencies and shall be used only for legitimate criminal

1 investigatory purposes. Undercover drivers' licenses may also be
2 issued to the Nebraska State Patrol, the Game and Parks Commission,
3 deputy state sheriffs employed by the Nebraska Brand Committee
4 and State Fire Marshal for state law enforcement purposes,
5 persons employed by the Tax Commissioner for state revenue
6 enforcement purposes, the Department of Health and Human Services
7 for the purposes of communicable disease control, the prevention
8 and control of those communicable diseases which endanger the
9 public health, the enforcement of drug control laws, or other
10 investigation purposes, the Department of Agriculture for special
11 investigative purposes, the Department of Justice for investigative
12 purposes, and the Insurance Fraud Prevention Division of the
13 Department of Insurance for investigative purposes. Undercover
14 drivers' licenses are not for personal use.

15 (b) The director shall prescribe a form for agencies
16 to apply for undercover drivers' licenses. The form shall include
17 a space for the name and signature of the contact person for
18 the requesting agency, a statement that the undercover drivers'
19 licenses are to be used only for legitimate criminal investigatory
20 purposes, and a statement that undercover drivers' licenses are not
21 for personal use.

22 (2) The agency shall include the name and signature of
23 the contact person for the agency on the form and pay the fees
24 prescribed in section 60-4,115. If the undercover drivers' licenses
25 will be used for the investigation of a specific event rather than

1 for ongoing investigations, the agency shall designate on the form
2 an estimate of the length of time the undercover drivers' licenses
3 will be needed. The contact person in the agency shall sign the
4 form and verify the information contained in the form.

5 (3) Upon receipt of a completed form, the director shall
6 determine whether the undercover drivers' licenses will be used by
7 an approved agency for a legitimate purpose pursuant to subsection
8 (1) of this section. If the director determines that the undercover
9 drivers' licenses will be used for such a purpose, he or she may
10 issue the undercover drivers' licenses in the form and under the
11 conditions he or she determines to be necessary. The decision of
12 the director regarding issuance of undercover drivers' licenses is
13 final.

14 (4) The Department of Motor Vehicles shall keep records
15 pertaining to undercover drivers' licenses confidential, and such
16 records shall not be subject to public disclosure. Any person who
17 receives information pertaining to undercover drivers' licenses in
18 the course of his or her employment and who discloses any such
19 information to any unauthorized individual shall be guilty of a
20 Class III misdemeanor.

21 (5) The contact person shall return the undercover
22 drivers' licenses to the Department of Motor Vehicles if:

23 (a) The undercover drivers' licenses expire and are not
24 renewed;

25 (b) The purpose for which the undercover drivers'

1 licenses were issued has been completed or terminated;

2 (c) The persons for whom the undercover drivers' licenses
3 were issued cease to be employees of the agency; or

4 (d) The director requests their return.

5 Sec. 3. Original sections 60-3,135 and 60-480.01, Revised
6 Statutes Supplement, 2009, are repealed.