

AMENDMENTS TO LB983

(Amendments to Standing Committee amendments, AM1820)

Introduced by Dubas

1 1. Strike sections 19, 28, 46, and 62 and insert the
2 following new sections:

3 Sec. 8. Section 60-479, Revised Statutes Supplement,
4 2013, is amended to read:

5 60-479 Sections 60-479.01 to 60-4,111.01, 60-4,113,
6 60-4,114, 60-4,115 to 60-4,118, and 60-4,182 to 60-4,189 shall
7 apply to any operator's license subject to the Motor Vehicle
8 Operator's License Act.

9 Sec. 20. Section 60-4,131, Revised Statutes Cumulative
10 Supplement, 2012, is amended to read:

11 60-4,131 (1) (a) This subsection applies until July 8,
12 2015. Sections 60-462.01 and 60-4,132 to 60-4,172 and section 40
13 of this act shall apply to the operation of any commercial motor
14 vehicle.

15 (b) For purposes of such sections:

16 (i) Disqualification means:

17 (A) The suspension, revocation, cancellation, or any
18 other withdrawal by a state of a person's privilege to operate a
19 commercial motor vehicle;

20 (B) A determination by the Federal Motor Carrier Safety
21 Administration, under the rules of practice for motor carrier
22 safety contained in 49 C.F.R. part 386, that a person is no longer

1 qualified to operate a commercial motor vehicle under 49 C.F.R.
2 part 391; or

3 (C) The loss of qualification which automatically follows
4 conviction of an offense listed in 49 C.F.R. 383.51;

5 (ii) Downgrade means the state:

6 (A) Allows the driver of a commercial motor vehicle to
7 change his or her self-certification to interstate, but operating
8 exclusively in transportation or operation excepted from 49 C.F.R.
9 part 391, as provided in 49 C.F.R. 390.3(f), 391.2, 391.68, or
10 398.3;

11 (B) Allows the driver of a commercial motor vehicle
12 to change his or her self-certification to intrastate only,
13 if the driver qualifies under a state's physical qualification
14 requirements for intrastate only;

15 (C) Allows the driver of a commercial motor vehicle
16 to change his or her certification to intrastate, but operating
17 exclusively in transportation or operations excepted from all or
18 part of a state driver qualification requirement; or

19 (D) Removes the commercial driver's license privilege
20 from the operator's license;

21 (iii) Employee means any operator of a commercial
22 motor vehicle, including full time, regularly employed drivers;
23 casual, intermittent, or occasional drivers; and leased drivers
24 and independent, owner-operator contractors, while in the course
25 of operating a commercial motor vehicle, who are either directly
26 employed by or under lease to an employer;

27 (iv) Employer means any person, including the United

1 States, a state, the District of Columbia, or a political
2 subdivision of a state, that owns or leases a commercial motor
3 vehicle or assigns employees to operate a commercial motor vehicle;

4 (v) Endorsement means an authorization to an individual's
5 commercial driver's license required to permit the individual to
6 operate certain types of commercial motor vehicles;

7 (vi) Medical examiner means for medical examinations
8 conducted on and after May 21, 2014, an individual certified by
9 the Federal Motor Carrier Safety Administration and listed on the
10 National Registry of Certified Medical Examiners in accordance with
11 49 C.F.R. part 390, subpart D;

12 (vii) Medical examiner's certificate means a form meeting
13 the requirements of 49 C.F.R. 391.43 issued by a medical examiner
14 in compliance with such regulation;

15 (viii) Medical variance means the Federal Motor Carrier
16 Safety Administration has provided a driver with either an
17 exemption letter permitting operation of a commercial motor vehicle
18 pursuant to 49 C.F.R. 381, subpart C, or 49 C.F.R. 391.64 or a
19 Skill Performance Evaluation Certificate permitting operation of a
20 commercial motor vehicle pursuant to 49 C.F.R. 391.49;

21 (ix) Representative vehicle means a motor vehicle which
22 represents the type of motor vehicle that a driver applicant
23 operates or expects to operate;

24 (x) State means a state of the United States and the
25 District of Columbia;

26 (xi) State of domicile means that state where a person
27 has his or her true, fixed, and permanent home and principal

1 residence and to which he or she has the intention of returning
2 whenever he or she is absent;

3 (xii) Tank vehicle means any commercial motor vehicle
4 that is designed to transport any liquid or gaseous materials
5 within a tank that is either permanently or temporarily attached
6 to the vehicle or the chassis. Such vehicle includes, but is
7 not limited to, a cargo tank and a portable tank, as defined in
8 49 C.F.R. part 171. However, this definition does not include a
9 portable tank that has a rated capacity under one thousand gallons;

10 (xiii) United States means the fifty states and the
11 District of Columbia; and

12 (xiv) Vehicle group means a class or type of vehicle with
13 certain operating characteristics.

14 ~~(1)~~ (2) (a) This subsection applies beginning July 8,
15 2015. Sections 60-462.01 and 60-4,132 to 60-4,172 and sections
16 32, 33, and 40 of this act shall apply to the operation of any
17 commercial motor vehicle.

18 ~~(2)~~ (b) For purposes of such sections:

19 ~~(a)~~ (i) Disqualification means:

20 ~~(i)~~ (A) The suspension, revocation, cancellation, or any
21 other withdrawal by a state of a person's privilege to drive
22 operate a commercial motor vehicle;

23 ~~(ii)~~ (B) A determination by the Federal Motor Carrier
24 Safety Administration, under the rules of practice for motor
25 carrier safety contained in 49 C.F.R. part 386, that a person is
26 no longer qualified to operate a commercial motor vehicle under 49
27 C.F.R. part 391; or

1 ~~(iii)~~ (C) The loss of qualification which automatically
2 follows conviction of an offense listed in 49 C.F.R. 383.51;

3 ~~(b)~~ (ii) Downgrade means the state:

4 ~~(i)~~ (A) Allows the driver of a commercial motor vehicle
5 to change his or her self-certification to interstate, but
6 operating exclusively in transportation or operation excepted from
7 49 C.F.R. part 391, as provided in 49 C.F.R. 390.3(f), 391.2,
8 391.68, or 398.3;

9 ~~(ii)~~ (B) Allows the driver of a commercial motor vehicle
10 to change his or her self-certification to intrastate only,
11 if the driver qualifies under a state's physical qualification
12 requirements for intrastate only;

13 ~~(iii)~~ (C) Allows the driver of a commercial motor vehicle
14 to change his or her certification to intrastate, but operating
15 exclusively in transportation or operations excepted from all or
16 part of a state driver qualification requirement; or

17 ~~(iv)~~ (D) Removes the commercial driver's license
18 privilege from the operator's license;

19 ~~(e)~~ (iii) Employee means any operator of a commercial
20 motor vehicle, including full time, regularly employed drivers;
21 casual, intermittent, or occasional drivers; and leased drivers
22 and independent, owner-operator contractors, while in the course
23 of operating a commercial motor vehicle, who are either directly
24 employed by or under lease to an employer;

25 ~~(d)~~ (iv) Employer means any person, including the United
26 States, a state, the District of Columbia, or a political
27 subdivision of a state, that owns or leases a commercial motor

1 vehicle or assigns employees to operate a commercial motor vehicle;

2 ~~(e)~~ (v) Endorsement means an authorization to an
3 individual's CLP-commercial learner's permit or commercial driver's
4 license required to permit the individual to operate certain types
5 of commercial motor vehicles;

6 (vi) Foreign means outside the fifty United States and
7 the District of Columbia;

8 (vii) Imminent hazard means the existence of a condition
9 relating to hazardous material that presents a substantial
10 likelihood that death, serious illness, severe personal injury, or
11 a substantial endangerment to health, property, or the environment
12 may occur before the reasonably foreseeable completion date of a
13 formal proceeding begun to lessen the risk of that death, illness,
14 injury, or endangerment;

15 (viii) Issue and issuance means initial issuance,
16 transfer, renewal, or upgrade of a CLP-commercial learner's permit,
17 commercial driver's license, nondomiciled CLP-commercial learner's
18 permit, or nondomiciled commercial driver's license, as described
19 in 49 C.F.R. 383.73;

20 (ix) Medical examiner means an individual certified by
21 the Federal Motor Carrier Safety Administration and listed on the
22 National Registry of Certified Medical Examiners in accordance with
23 49 C.F.R. part 390, subpart D;

24 ~~(f)~~ (x) Medical examiner's certificate means a form
25 meeting the requirements of 49 C.F.R. 391.43 issued by a medical
26 examiner in compliance with such regulation;

27 ~~(g)~~ (xi) Medical variance means the Federal Motor Carrier

1 Safety Administration has provided a driver with either an
2 exemption letter permitting operation of a commercial motor vehicle
3 pursuant to 49 C.F.R. 381, subpart C, or 49 C.F.R. 391.64 or a
4 Skill Performance Evaluation Certificate permitting operation of a
5 commercial motor vehicle pursuant to 49 C.F.R. 391.49;

6 (xii) Nondomiciled CLP-commercial learner's permit or
7 nondomiciled commercial driver's license means a CLP-commercial
8 learner's permit or commercial driver's license, respectively,
9 issued by this state or other jurisdiction under either of the
10 following two conditions:

11 (A) To an individual domiciled in a foreign country
12 meeting the requirements of 49 C.F.R. 383.23(b) (1); and

13 (B) To an individual domiciled in another state meeting
14 the requirements of 49 C.F.R. 383.23(b) (2);

15 ~~(h)~~ (xiii) Representative vehicle means a motor vehicle
16 which represents the type of motor vehicle that a driver applicant
17 operates or expects to operate;

18 ~~(i)~~ (xiv) State means a state of the United States and
19 the District of Columbia;

20 ~~(j)~~ (xv) State of domicile means that state where a
21 person has his or her true, fixed, and permanent home and principal
22 residence and to which he or she has the intention of returning
23 whenever he or she is absent;

24 ~~(k)~~ (xvi) Tank vehicle means any commercial motor vehicle
25 that is designed to transport any liquid or gaseous materials
26 within a tank or tanks that have an individual rated capacity
27 of more than one hundred nineteen gallons and an aggregate rated

1 capacity of one thousand gallons or more and that is are either
2 permanently or temporarily attached to the vehicle or the chassis.
3 Such vehicle includes, but is not limited to, a cargo tank and
4 a portable tank, as defined in 49 C.F.R. part 171. However, this
5 definition does not include a portable tank that has a rated
6 capacity under one thousand gallons. A commercial motor vehicle
7 transporting an empty storage container tank, not designed for
8 transportation, with a rated capacity of one thousand gallons or
9 more that is temporarily attached to a flatbed trailer is not
10 considered a tank vehicle;

11 (xvii) Third-party skills test examiner means a person
12 employed by a third-party tester who is authorized by this state to
13 administer the commercial driver's license skills tests specified
14 in 49 C.F.R. part 383, subparts G and H;

15 (xviii) Third-party tester means a person, including, but
16 not limited to, another state, a motor carrier, a private driver
17 training facility or other private institution, or a department,
18 agency, or instrumentality of a local government, authorized by
19 this state to employ skills test examiners to administer the
20 commercial driver's license skills tests specified in 49 C.F.R.
21 part 383, subparts G and H;

22 ~~(l)~~ (xix) United States means the fifty states and the
23 District of Columbia; and

24 ~~(m)~~ (xx) Vehicle group means a class or type of vehicle
25 with certain operating characteristics.

26 Sec. 21. Section 60-4,131.01, Revised Statutes Cumulative
27 Supplement, 2012, is amended to read:

1 60-4,131.01 Sections 60-462.01 and 60-4,132 to 60-4,172
2 and sections 32, 33, and 40 of this act shall not apply to
3 individuals who operate commercial motor vehicles for military
4 purposes, including and limited to:

- 5 (1) Active duty military personnel;
6 (2) Members of the military reserves, other than military
7 technicians;
8 (3) Active duty United States Coast Guard personnel; and
9 (4) Members of the National Guard on active duty,
10 including:

- 11 (a) Personnel on full-time National Guard duty;
12 (b) Personnel on part-time National Guard training; and
13 (c) National Guard military technicians required to wear
14 military uniforms.

15 Such individuals must have a valid military driver's
16 license unless such individual is operating the vehicle under
17 written orders from a commanding officer in an emergency declared
18 by the federal government or by the State of Nebraska.

19 Sec. 22. Section 60-4,132, Revised Statutes Cumulative
20 Supplement, 2012, is amended to read:

21 60-4,132 The purposes of sections 60-462.01 and 60-4,137
22 to 60-4,172 and sections 32, 33, and 40 of this act are to
23 implement the requirements mandated by the federal Commercial
24 Motor Vehicle Safety Act of 1986, 49 U.S.C. 31100 et seq., the
25 federal Motor Carrier Safety Improvement Act of 1999, Public Law
26 106-159, section 1012 of the federal Uniting and Strengthening
27 America by Providing Appropriate Tools Required to Intercept and

1 Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C. 5103a,
2 and federal regulations and to reduce or prevent commercial motor
3 vehicle accidents, fatalities, and injuries by: (1) Permitting
4 drivers to hold only one operator's license; (2) disqualifying
5 drivers for specified offenses and serious traffic violations; and
6 (3) strengthening licensing and testing standards.

7 Sec. 31. Section 60-4,144.02, Revised Statutes Cumulative
8 Supplement, 2012, is amended to read:

9 60-4,144.02 (1)(a) This subsection applies until July 8,
10 2015. For each operator of a commercial motor vehicle required to
11 have a commercial driver's license, the department, in compliance
12 with 49 C.F.R. 383.73, shall:

13 (i) Post the driver's self-certification of type of
14 driving under 49 C.F.R. 383.71(a)(1)(ii);

15 (ii) Retain the medical examiner's certificate of any
16 driver required to provide documentation of physical qualification
17 for three years beyond the date the certificate was issued; and

18 (iii) Post the information from the medical examiner's
19 certificate within ten calendar days to the Commercial Driver
20 License Information System driver record, including:

21 (A) The medical examiner's name;

22 (B) The medical examiner's telephone number;

23 (C) The date of the medical examiner's certificate
24 issuance;

25 (D) The medical examiner's license number and the state
26 that issued it;

27 (E) The medical examiner's National Registry

1 identification number (if the National Registry of Medical
2 Examiners, mandated by 49 U.S.C. 31149(d), requires one);

3 (F) The indicator of the medical certification status,
4 either "certified" or "not-certified";

5 (G) The expiration date of the medical examiner's
6 certificate;

7 (H) The existence of any medical variance on the medical
8 certificate, such as an exemption, Skill Performance Evaluation
9 (SPE) certification, or grandfather provisions;

10 (I) Any restrictions, for example, corrective lenses,
11 hearing aid, or required to have possession of an exemption letter
12 or Skill Performance Evaluation certificate while on duty; and

13 (J) The date the medical examiner's certificate
14 information was posted to the Commercial Driver License Information
15 System driver record.

16 (b) The department shall, within ten calendar days
17 of the driver's medical certification status expiring or a
18 medical variance expiring or being rescinded, update the medical
19 certification status of that driver as "not-certified".

20 (c) Within ten calendar days of receiving information
21 from the Federal Motor Carrier Safety Administration regarding
22 issuance or renewal of a medical variance for a driver, the
23 department shall update the Commercial Driver License Information
24 System driver record to include the medical variance information
25 provided by the Federal Motor Carrier Safety Administration.

26 (d) (i) If a driver's medical certification or
27 medical variance expires, or the Federal Motor Carrier Safety

1 Administration notifies the department that a medical variance was
2 removed or rescinded, the department shall:

3 (A) Notify the commercial driver's license holder of
4 his or her commercial driver's license "not-certified" medical
5 certification status and that the commercial driver's license
6 privilege will be removed from the driver's license unless the
7 driver submits a current medical certificate or medical variance or
8 changes his or her self-certification to driving only in excepted
9 or intrastate commerce, if permitted by the department; and

10 (B) Initiate established department procedures for
11 downgrading the license. The commercial driver's license downgrade
12 shall be completed and recorded within sixty days of the driver's
13 medical certification status becoming "not-certified" to operate
14 a commercial motor vehicle.

15 (ii) If a driver fails to provide the department with
16 the certification contained in 49 C.F.R. 383.71(a)(1)(ii), or a
17 current medical examiner's certificate if the driver self-certifies
18 according to 49 C.F.R. 383.71(a)(1)(ii)(A) that he or she is
19 operating in nonexcepted interstate commerce as required by
20 49 C.F.R. 383.71(h), the department shall mark that Commercial
21 Driver License Information System driver record as "not-certified"
22 and initiate a commercial driver's license downgrade following
23 department procedures in accordance with subdivision (1)(d)(i)(B)
24 of this section.

25 ~~(1) Beginning January 1, 2012, for~~ (2)(a) This subsection
26 applies beginning July 8, 2015. For each operator of a commercial
27 motor vehicle required to have a commercial driver's license or

1 CLP-commercial learner's permit, the department, in compliance with
2 49 C.F.R. 383.73, shall:

3 ~~(a)~~ (i) Post the driver's self-certification of type of
4 driving under 49 C.F.R. 383.71(a)(1)(ii);

5 ~~(b)~~ (ii) Retain the medical examiner's certificate of any
6 driver required to provide documentation of physical qualification
7 for three years beyond the date the certificate was issued; and

8 ~~(c)~~ (iii) Post the information from the medical
9 examiner's certificate within ten calendar days to the Commercial
10 Driver License Information System driver record, including:

11 ~~(i)~~ (A) The medical examiner's name;

12 ~~(ii)~~ (B) The medical examiner's telephone number;

13 ~~(iii)~~ (C) The date of the medical examiner's certificate
14 issuance;

15 ~~(iv)~~ (D) The medical examiner's license number and the
16 state that issued it;

17 ~~(v)~~ (E) The medical examiner's National Registry
18 identification number (if the National Registry of Medical
19 Examiners, mandated by 49 U.S.C. 31149(d), requires one);

20 ~~(vi)~~ (F) The indicator of the medical certification
21 status, either "certified" or "not-certified";

22 ~~(vii)~~ (G) The expiration date of the medical examiner's
23 certificate;

24 ~~(viii)~~ (H) The existence of any medical variance on
25 the medical certificate, such as an exemption, Skill Performance
26 Evaluation (SPE) certification, or grandfather provisions;

27 ~~(ix)~~ (I) Any restrictions, for example, corrective

1 lenses, hearing aid, or required to have possession of an exemption
2 letter or Skill Performance Evaluation certificate while on duty;
3 and

4 ~~(*)~~ (J) The date the medical examiner's certificate
5 information was posted to the Commercial Driver License Information
6 System driver record.

7 ~~(2)~~ Beginning January 1, 2012, the (b) The department
8 shall, within ten calendar days of the driver's medical
9 certification status expiring or a medical variance expiring or
10 being rescinded, update the medical certification status of that
11 driver as "not-certified".

12 ~~(3)~~ Beginning January 1, 2012, within (c) Within ten
13 calendar days of receiving information from the Federal Motor
14 Carrier Safety Administration regarding issuance or renewal of
15 a medical variance for a driver, the department shall update
16 the Commercial Driver License Information System driver record to
17 include the medical variance information provided by the Federal
18 Motor Carrier Safety Administration.

19 ~~(4)(a)~~ Beginning January 1, 2012, if (d)(i) If a driver's
20 medical certification or medical variance expires, or the Federal
21 Motor Carrier Safety Administration notifies the department that a
22 medical variance was removed or rescinded, the department shall:

23 ~~(i)~~ (A) Notify the holder of the commercial driver's
24 license holder or CLP-commercial learner's permit of his
25 or her ~~commercial driver's license~~ "not-certified" medical
26 certification status and that the CLP-commercial learner's permit
27 or commercial driver's license privilege will be removed from the

1 driver's license or permit unless the driver submits a current
2 medical certificate or medical variance or changes his or her
3 self-certification to driving only in excepted or intrastate
4 commerce, if permitted by the department; and

5 ~~(ii)~~ (B) Initiate established department procedures for
6 downgrading the license. The commercial driver's license downgrade
7 shall be completed and recorded within sixty days of the driver's
8 medical certification status becoming "not-certified" to operate a
9 commercial motor vehicle.

10 ~~(b)~~ Beginning January 1, 2012, if (ii) If a driver
11 fails to provide the department with the certification contained
12 in 49 C.F.R. 383.71(a)(1)(ii), or a current medical examiner's
13 certificate if the driver self-certifies according to 49 C.F.R.
14 383.71(a)(1)(ii)(A) that he or she is operating in nonexcepted
15 interstate commerce as required by 49 C.F.R. 383.71(h), the
16 department shall mark that Commercial Driver License Information
17 System driver record as "not-certified" and initiate a commercial
18 driver's license downgrade following department procedures in
19 accordance with subdivision ~~(4)(a)(ii)~~ (2)(d)(i)(B) of this
20 section. The CLP-commercial learner's permit or commercial driver's
21 license shall be canceled and marked as "not-certified".

22 Sec. 49. Section 60-4,168, Revised Statutes Cumulative
23 Supplement, 2012, is amended to read:

24 60-4,168 (1) Except as provided in subsections (2) and
25 (3) of this section, a person shall be disqualified from ~~driving~~
26 operating a commercial motor vehicle for one year upon his or her
27 first conviction, after April 1, 1992, in this or any other state

1 for:

2 (a) ~~Driving~~ Operating a commercial motor vehicle in
3 violation of section 60-6,196 or 60-6,197 or under the influence
4 of a controlled substance or, beginning September 30, 2005, ~~driving~~
5 operating any motor vehicle in violation of section 60-6,196 or
6 60-6,197 or under the influence of a controlled substance;

7 (b) ~~Driving~~ Operating a commercial motor vehicle in
8 violation of section 60-4,163 or 60-4,164;

9 (c) Leaving the scene of an accident involving a
10 commercial motor vehicle ~~driven~~ operated by the person or,
11 beginning September 30, 2005, leaving the scene of an accident
12 involving any motor vehicle ~~driven~~ operated by the person;

13 (d) Using a commercial motor vehicle in the commission
14 of a felony other than a felony described in subdivision (3)(b)
15 of this section or, beginning September 30, 2005, using any motor
16 vehicle in the commission of a felony other than a felony described
17 in subdivision (3)(b) of this section;

18 (e) Beginning September 30, 2005, ~~driving~~ operating a
19 commercial motor vehicle after his or her commercial driver's
20 license has been suspended, revoked, or canceled or the driver is
21 disqualified from ~~driving~~ operating a commercial motor vehicle; or

22 (f) Beginning September 30, 2005, causing a fatality
23 through the negligent or criminal operation of a commercial motor
24 vehicle.

25 (2) Except as provided in subsection (3) of this section,
26 if any of the offenses described in subsection (1) of this section
27 occurred while a person was transporting hazardous material in

1 a commercial motor vehicle which required placarding pursuant to
2 section 75-364, the person shall, upon conviction or administrative
3 determination, be disqualified from ~~driving~~ operating a commercial
4 motor vehicle for three years.

5 (3) A person shall be disqualified from ~~driving~~ operating
6 a commercial motor vehicle for life if, after April 1, 1992, he or
7 she:

8 (a) Is convicted of or administratively determined to
9 have committed a second or subsequent violation of any of the
10 offenses described in subsection (1) of this section or any
11 combination of those offenses arising from two or more separate
12 incidents; or

13 (b) Beginning September 30, 2005, used a commercial motor
14 vehicle in the commission of a felony involving the manufacturing,
15 distributing, or dispensing of a controlled substance.

16 (4) (a) A person is disqualified from ~~driving~~ operating
17 a commercial motor vehicle for a period of not less than sixty
18 days if he or she is convicted in this or any other state of two
19 serious traffic violations, or not less than one hundred twenty
20 days if he or she is convicted in this or any other state of
21 three serious traffic violations, arising from separate incidents
22 occurring within a three-year period while operating a commercial
23 motor vehicle.

24 (b) A person is disqualified from ~~driving~~ operating a
25 commercial motor vehicle for a period of not less than sixty days
26 if he or she is convicted in this or any other state of two
27 serious traffic violations, or not less than one hundred twenty

1 days if he or she is convicted in this or any other state of
2 three serious traffic violations, arising from separate incidents
3 occurring within a three-year period while operating a motor
4 vehicle other than a commercial motor vehicle if the convictions
5 have resulted in the revocation, cancellation, or suspension of the
6 person's operator's license or driving privileges.

7 (5) (a) A person who is convicted of operating a
8 commercial motor vehicle in violation of a federal, state, or local
9 law or regulation pertaining to one of the following six offenses
10 at a highway-rail grade crossing shall be disqualified for the
11 period of time specified in subdivision (5) (b) of this section:

12 (i) For drivers who are not required to always stop,
13 failing to slow down and check that the tracks are clear of an
14 approaching train;

15 (ii) For drivers who are not required to always stop,
16 failing to stop before reaching the crossing, if the tracks are not
17 clear;

18 (iii) For drivers who are always required to stop,
19 failing to stop before driving onto the crossing;

20 (iv) For all drivers, failing to have sufficient space to
21 drive completely through the crossing without stopping;

22 (v) For all drivers, failing to obey a traffic control
23 device or the directions of an enforcement official at the
24 crossing; or

25 (vi) For all drivers, failing to negotiate a crossing
26 because of insufficient undercarriage clearance.

27 (b) (i) A person shall be disqualified for not less

1 than sixty days if the person is convicted of a first violation
2 described in this subsection.

3 (ii) A person shall be disqualified for not less than one
4 hundred twenty days if, during any three-year period, the person
5 is convicted of a second violation described in this subsection in
6 separate incidents.

7 (iii) A person shall be disqualified for not less than
8 one year if, during any three-year period, the person is convicted
9 of a third or subsequent violation described in this subsection in
10 separate incidents.

11 (6) This subsection applies beginning July 8, 2015. A
12 person shall be disqualified from operating a commercial motor
13 vehicle for at least one year if, on or after July 8, 2015, the
14 person has been convicted of fraud related to the issuance of
15 his or her CLP-commercial learner's permit or commercial driver's
16 license.

17 (7) This subsection applies beginning July 8, 2015. If
18 the department receives credible information that a CLP-commercial
19 learner's permit holder or a commercial driver's license holder is
20 suspected, but has not been convicted, on or after July 8, 2015,
21 of fraud related to the issuance of his or her CLP-commercial
22 learner's permit or commercial driver's license, the department
23 must require the driver to retake the skills and knowledge tests.
24 Within thirty days after receiving notification from the department
25 that retesting is necessary, the affected CLP-commercial learner's
26 permit holder or commercial driver's license holder must make
27 an appointment or otherwise schedule to take the next available

1 test. If the CLP-commercial learner's permit holder or commercial
2 driver's license holder fails to make an appointment within thirty
3 days, the department must disqualify his or her CLP-commercial
4 learner's permit or commercial driver's license. If the driver
5 fails either the knowledge or skills test or does not take the
6 test, the department must disqualify his or her CLP-commercial
7 learner's permit or commercial driver's license. If the holder of
8 a CLP-commercial learner's permit or commercial driver's license
9 has had his or her CLP-commercial learner's permit or commercial
10 driver's license disqualified, he or she must reapply for a
11 CLP-commercial learner's permit or commercial driver's license
12 under department procedures applicable to all applicants for a
13 CLP-commercial learner's permit or commercial driver's license.

14 ~~(6)~~ (8) For purposes of this section, controlled
15 substance has the same meaning as in section 28-401.

16 ~~(7)~~ (9) For purposes of this section, conviction means
17 an unvacated adjudication of guilt, or a determination that a
18 person has violated or failed to comply with the law, in a
19 court of original jurisdiction or by an authorized administrative
20 tribunal, an unvacated forfeiture of bail or collateral deposited
21 to secure the person's appearance in court, a plea of guilty or
22 nolo contendere accepted by the court, the payment of a fine or
23 court costs, or a violation of a condition of release without bail,
24 regardless of whether or not the penalty is rebated, suspended, or
25 probated.

26 ~~(8)~~ (10) For purposes of this section, serious traffic
27 violation means:

1 (a) Speeding at or in excess of fifteen miles per hour
2 over the legally posted speed limit;

3 (b) Willful reckless driving as described in section
4 60-6,214 or reckless driving as described in section 60-6,213;

5 (c) Improper lane change as described in section
6 60-6,139;

7 (d) Following the vehicle ahead too closely as described
8 in section 60-6,140;

9 (e) A violation of any law or ordinance related to
10 motor vehicle traffic control, other than parking violations or
11 overweight or vehicle defect violations, arising in connection with
12 an accident or collision resulting in death to any person;

13 (f) Beginning September 30, 2005, ~~driving~~ operating a
14 commercial motor vehicle without a commercial driver's license;

15 (g) Beginning September 30, 2005, ~~driving~~ operating a
16 commercial motor vehicle without a commercial driver's license in
17 the operator's possession;

18 (h) Beginning September 30, 2005, ~~driving~~ operating a
19 commercial motor vehicle without the proper class of commercial
20 driver's license and any endorsements, if required, for the
21 specific vehicle group being operated or for the passengers or
22 type of cargo being transported on the vehicle; ~~and~~

23 (i) Beginning October 27, 2013, texting while driving as
24 described in section 60-6,179.02; ~~and-~~

25 (j) Using a handheld mobile telephone as described in
26 section 60-6,179.02.

27 Sec. 65. Sections 1, 5, 9, 10, 11, 12, 14, 16, 17, 18,

1 19, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, 36, 37, 38, 39, 41,
2 42, 43, 44, 45, 46, 47, 48, 50, 51, 52, 53, 57, 58, 59, 64, 68, and
3 69 of this act become operative on July 8, 2015. Sections 13, 40,
4 and 67 of this act become operative three calendar months after the
5 adjournment of this legislative session. The other sections of this
6 act become operative on their effective date.

7 2. On page 1, lines 14 and 15, strike "29, 30, and 37"
8 and insert "32, 33, and 40".

9 3. On page 2, line 19, after "rating" insert "or gross
10 combination weight"; and in lines 22 and 24 after "rating" insert
11 "or gross vehicle weight".

12 4. On page 18, line 3; and page 19, line 4, strike
13 "Bureau of" and show as stricken.

14 5. On page 21, line 5, strike "section" and insert
15 "subsection".

16 6. On page 38, line 9, after "or" insert "an examiner".

17 7. On page 42, line 26, after "provide" insert "(i)"; and
18 in line 27 strike "(i)", "(ii)", and "(iii)".

19 8. On page 43, line 1, strike "(iv)", "(v)", and "(vi)"
20 and before "social" insert "and"; in line 2 strike "(vii)" and
21 insert "(ii)"; in line 7 strike "(viii)" and insert "(iii)"; and in
22 line 8 strike "(ix)" and insert "(iv)".

23 9. On page 44, line 15; page 45, line 16; and page 46,
24 line 16, strike "Bureau of".

25 10. On page 45, line 13, strike "subdivision (5) of this
26 subsection" and insert "subsection (5) of this section".

27 11. On page 48, lines 5 and 9, after "address" insert "to

1 the Department of Motor Vehicles"; and in line 18 strike "or state
2 identification card".

3 12. On page 120, line 3, strike "60-4,144.01," and insert
4 "60-4,131, 60-4,131.01, 60-4,132, 60-4,144.01, 60-4,144.02,";
5 in line 5 after "60-462," insert "60-462.01, 60-479,"; strike
6 beginning with "and" in line 9 through "are" in line 10 and
7 insert "is"; in line 16 strike "60-4,131,"; and in line 17 strike
8 "60-4,144.02,".