

LEGISLATURE OF NEBRASKA
 ONE HUNDRED THIRD LEGISLATURE
 SECOND SESSION
LEGISLATIVE BILL 983

Final Reading

Introduced by Dubas, 34.

Read first time January 17, 2014

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections 60-463,
 2 60-464, 60-465, 60-480, 60-4,118.05, 60-4,141,
 3 60-4,147.01, 60-4,149.01, 60-4,157, 60-4,158, 60-4,159,
 4 60-4,160, 60-4,162, 60-4,169, 60-4,172, 60-2905, 60-2907,
 5 and 75-369.03, Reissue Revised Statutes of Nebraska,
 6 sections 29-3608, 60-484.03, 60-484.04, 60-484.05,
 7 60-484.06, 60-487, 60-4,112, 60-4,115, 60-4,116,
 8 60-4,131, 60-4,131.01, 60-4,132, 60-4,137, 60-4,138,
 9 60-4,139, 60-4,142, 60-4,143, 60-4,144, 60-4,144.01,
 10 60-4,144.02, 60-4,146, 60-4,149, 60-4,150, 60-4,151,
 11 60-4,153, 60-4,154, 60-4,167, 60-4,168, 60-4,170,
 12 60-4,171, 60-4,182, 60-6,179.01, 60-6,179.02, 60-2909.01,
 13 and 75-362, Revised Statutes Cumulative Supplement, 2012,
 14 and sections 60-462, 60-462.01, 60-479, 60-484, 75-363,
 15 75-364, and 75-366, Revised Statutes Supplement, 2013; to
 16 adopt federal regulations by reference; to define and

1 redefine terms; to change provisions for issuing
2 temporary documents and canceling certain motor vehicle
3 operators' licenses under the Motor Vehicle Operator's
4 License Act; to provide and change requirements for
5 covered farm vehicles; to change and eliminate commercial
6 driver's licensing provisions; to provide for commercial
7 learners' permits; to provide for compliance with certain
8 federal regulations regarding commercial drivers'
9 licenses and commercial learners' permits; to change
10 operating restrictions for certain motor vehicles; to
11 provide and change penalty provisions; to eliminate
12 obsolete provisions; to harmonize provisions; to provide
13 operative dates; to repeal the original sections; to
14 outright repeal section 60-4,156, Reissue Revised
15 Statutes of Nebraska, and section 60-4,145, Revised
16 Statutes Cumulative Supplement, 2012; and to declare an
17 emergency.

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

1 Section 1. Section 29-3608, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 29-3608 Any driver holding a commercial driver's license
4 or CLP-commercial learner's permit issued pursuant to sections
5 60-462.01 and 60-4,138 to 60-4,172 the Motor Vehicle Operator's
6 License Act shall not be eligible to participate in a program under
7 sections 29-3605 to 29-3609 if such participation would be in
8 noncompliance with federal law or regulation and subject the state to
9 possible loss of federal funds.

10 Sec. 2. Section 60-462, Revised Statutes Supplement,
11 2013, is amended to read:

12 60-462 Sections 60-462 to 60-4,189 and sections 7, 32,
13 33, and 40 of this act shall be known and may be cited as the Motor
14 Vehicle Operator's License Act.

15 Sec. 3. Section 60-462.01, Revised Statutes Supplement,
16 2013, is amended to read:

17 60-462.01 For purposes of the Motor Vehicle Operator's
18 License Act, the following federal regulations are adopted as
19 Nebraska law as they existed on January 1, ~~2013~~ 2014:

20 The parts, subparts, and sections of Title 49 of the Code
21 of Federal Regulations, as referenced in the Motor Vehicle Operator's
22 License Act.

23 Sec. 4. Section 60-463, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 60-463 For purposes of the Motor Vehicle Operator's

1 License Act, the definitions found in sections 60-463.01 to 60-478
2 and section 7 of this act shall be used.

3 Sec. 5. Section 60-464, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 60-464 Commercial driver's license ~~shall mean~~ means an
6 operator's license issued in accordance with the requirements of the
7 Motor Vehicle Operator's License Act to an individual which
8 authorizes such individual to ~~drive~~ operate a class of commercial
9 motor vehicle.

10 Sec. 6. Section 60-465, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 60-465 (1) Commercial motor vehicle means a motor vehicle
13 or combination of motor vehicles used in commerce to transport
14 passengers or property if the motor vehicle:

15 (a) Has a gross combination weight rating or gross
16 combination weight of eleven thousand seven hundred ninety-four
17 kilograms or more (twenty-six thousand one pounds or more) inclusive
18 of a towed unit with a gross vehicle weight rating or gross vehicle
19 weight of more than four thousand five hundred thirty-six kilograms
20 (ten thousand pounds);

21 (b) Has a gross vehicle weight rating or gross vehicle
22 weight of eleven thousand seven hundred ninety-four or more kilograms
23 (twenty-six thousand one pounds or more);

24 (c) Is designed to transport sixteen or more passengers,
25 including the driver; or

1 (d) Is of any size and is used in the transportation of
 2 materials found to be hazardous for the purposes of the federal
 3 Hazardous Materials Transportation Act and which require the motor
 4 vehicle to be placarded under 49 C.F.R. part 172, subpart F.

5 (2) Commercial motor vehicle does not include:

6 (a) ~~a covered farm vehicle; , other than a combination~~
 7 ~~of truck tractors and semitrailers, which is (i) controlled and~~
 8 ~~operated by a farmer, including operation by employees or family~~
 9 ~~members of the farmer, (ii) used to transport either agricultural~~
 10 ~~products, farm machinery, farm supplies, or both, to or from a farm~~
 11 ~~or ranch, (iii) not used in the operations of a common or contract~~
 12 ~~motor carrier, and (iv) used within one hundred fifty miles of the~~
 13 ~~farmer's farm or ranch,~~

14 (b) ~~any Any recreational vehicle as defined in section~~
 15 ~~60-347 or motor vehicle towing a cabin trailer as defined in sections~~
 16 ~~60-314 and 60-339; ,~~

17 (c) ~~any Any emergency vehicle necessary to the~~
 18 ~~preservation of life or property or the execution of emergency~~
 19 ~~governmental functions which is equipped with audible and visual~~
 20 ~~signals and operated by a public or volunteer fire department; , or~~

21 (d) ~~any Any motor vehicle owned or operated by the United~~
 22 ~~States Department of Defense or Nebraska National Guard when such~~
 23 ~~motor vehicle is driven by persons identified in section 60-4,131.01.~~

24 Sec. 7. (1) Covered farm vehicle means a motor vehicle,
 25 including an articulated motor vehicle:

- 1 (a) That:
- 2 (i) Is traveling in the state in which the vehicle is
3 registered or another state;
- 4 (ii) Is operated by:
- 5 (A) A farm owner or operator;
- 6 (B) A ranch owner or operator; or
- 7 (C) An employee or family member of an individual
8 specified in subdivision (1)(a)(ii)(A) or (1)(a)(ii)(B) of this
9 section;
- 10 (iii) Is transporting to or from a farm or ranch:
- 11 (A) Agricultural commodities;
- 12 (B) Livestock; or
- 13 (C) Machinery or supplies;
- 14 (iv) Except as provided in subsection (2) of this
15 section, is not used in the operations of a for-hire motor carrier;
16 and
- 17 (v) Is equipped with a special license plate or other
18 designation by the state in which the vehicle is registered to allow
19 for identification of the vehicle as a farm vehicle by law
20 enforcement personnel; and
- 21 (b) That has a gross vehicle weight rating or gross
22 vehicle weight, whichever is greater, that is:
- 23 (i) Less than twenty-six thousand one pounds; or
- 24 (ii) Twenty-six thousand one pounds or more and is
25 traveling within the state or within one hundred fifty air miles of

1 the farm or ranch with respect to which the vehicle is being
2 operated.

3 (2) Covered farm vehicle includes a motor vehicle that
4 meets the requirements of subsection (1) of this section, except for
5 subdivision (1)(a)(iv) of this section, and:

6 (a) Is operated pursuant to a crop share farm lease
7 agreement;

8 (b) Is owned by a tenant with respect to that agreement;
9 and

10 (c) Is transporting the landlord's portion of the crops
11 under that agreement.

12 (3) Covered farm vehicle does not include:

13 (a) A combination of truck-tractor and semitrailer which
14 is operated by a person under eighteen years of age; or

15 (b) A combination of truck-tractor and semitrailer which
16 is used in the transportation of materials found to be hazardous for
17 the purposes of the federal Hazardous Materials Transportation Act
18 and which require the combination to be placarded under 49 C.F.R.
19 part 172, subpart F.

20 Sec. 8. Section 60-479, Revised Statutes Supplement,
21 2013, is amended to read:

22 60-479 Sections 60-479.01 to 60-4,111.01, 60-4,113,
23 60-4,114, 60-4,115 to 60-4,118, and 60-4,182 to 60-4,189 shall apply
24 to any operator's license subject to the Motor Vehicle Operator's
25 License Act.

1 Sec. 9. Section 60-480, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-480 Operators' licenses issued by the ~~Department of~~
4 ~~Motor Vehicles department~~ pursuant to the Motor Vehicle Operator's
5 License Act shall be classified as follows:

6 (1) Class O license. The operator's license which
7 authorizes the person to whom it is issued to operate on highways any
8 motor vehicle except a commercial motor vehicle or motorcycle;

9 (2) Class M license. The operator's license or
10 endorsement on a Class O license, provisional operator's permit,
11 learner's permit, school permit, or commercial driver's license which
12 authorizes the person to whom it is issued to operate a motorcycle on
13 highways;

14 (3) CDL-commercial driver's license. The operator's
15 license which authorizes the person to whom it is issued to operate a
16 class of commercial motor ~~vehicles~~ vehicle or any motor vehicle,
17 except a motorcycle, on highways;

18 (4) CLP-commercial learner's permit. A permit which when
19 carried with a Class O license authorizes an individual to operate a
20 class of commercial motor vehicle when accompanied by a holder of a
21 valid commercial driver's license for purposes of behind-the-wheel
22 training. When issued to a commercial driver's license holder, a CLP-
23 commercial learner's permit serves as authorization for accompanied
24 behind-the-wheel training in a commercial motor vehicle for which the
25 holder's current commercial driver's license is not valid;

1 ~~(4)~~(5) RCDL-restricted commercial driver's license. The
2 class of commercial driver's license which, when held with an annual
3 seasonal permit, authorizes a seasonal commercial motor vehicle
4 operator as defined in section 60-4,146.01 to operate any Class B
5 Heavy Straight Vehicle or Class C Small Vehicle commercial motor
6 vehicle for purposes of a farm-related or ranch-related service
7 industry as defined in such section within one hundred fifty miles of
8 the employer's place of business or the farm or ranch currently being
9 served as provided in such section or any other motor vehicle, except
10 a motorcycle, on highways;

11 ~~(5)~~(6) POP-provisional operator's permit. A motor
12 vehicle operating permit with restrictions issued pursuant to section
13 60-4,120.01 to a person who is at least sixteen years of age but less
14 than eighteen years of age which authorizes the person to operate any
15 motor vehicle except a commercial motor vehicle or motorcycle;

16 ~~(6)~~(7) SCP-school permit. A permit issued to a student
17 between fourteen years and two months of age and sixteen years of age
18 for the purpose of driving in accordance with the requirements of
19 section 60-4,124;

20 ~~(7)~~(8) FMP-farm permit. A permit issued to a person for
21 purposes of operating farm tractors and other motorized implements of
22 farm husbandry on highways in accordance with the requirements of
23 section 60-4,126;

24 ~~(8)~~ LPC learner's permit. A permit which when held in
25 conjunction with a Class O license or commercial driver's license

1 ~~authorizes a person to operate a commercial motor vehicle for~~
2 ~~learning purposes when accompanied by a person who is at least~~
3 ~~twenty one years of age;~~

4 (9) LPD-learner's permit. A permit issued in accordance
5 with the requirements of section 60-4,123 to a person at least
6 fifteen years of age which authorizes the person to operate a motor
7 vehicle, except a commercial motor vehicle, for learning purposes
8 when accompanied by a licensed operator who is at least twenty-one
9 years of age and who possesses a valid operator's license issued by
10 this state or another state;

11 (10) LPE-learner's permit. A permit issued to a person at
12 least fourteen years of age which authorizes the person to operate a
13 motor vehicle, except a commercial motor vehicle, while learning to
14 drive in preparation for application for a school permit;

15 (11) EDP-employment driving permit. A permit issued to a
16 person which authorizes the person to operate a motor vehicle, except
17 a commercial motor vehicle, pursuant to the requirements of sections
18 60-4,129 and 60-4,130;

19 (12) IIP-ignition interlock permit. A permit issued to a
20 person which authorizes the person to operate a motor vehicle, except
21 a commercial motor vehicle, which is equipped with an ignition
22 interlock device;

23 (13) SEP-seasonal permit. A permit issued to a person who
24 holds a restricted commercial driver's license authorizing the person
25 to operate a commercial motor vehicle, as prescribed by section

1 60-4,146.01, for no more than one hundred eighty consecutive days in
2 any twelve-month period. The seasonal permit shall be valid and run
3 from the date of original issuance of the permit for one hundred
4 eighty days and from the date of annual revalidation of the permit;
5 and

6 (14) MHP-medical hardship driving permit. A permit issued
7 to a person which authorizes the person to operate a motor vehicle,
8 except a commercial motor vehicle, pursuant to the requirements of
9 sections 60-4,130.01 and 60-4,130.02.

10 Sec. 10. Section 60-484, Revised Statutes Supplement,
11 2013, is amended to read:

12 60-484 (1)(a) ~~This subsection applies until the~~
13 ~~implementation date designated by the director on or before January~~
14 ~~1, 2014. Except as otherwise provided in the Motor Vehicle Operator's~~
15 ~~License Act, no resident of the State of Nebraska shall operate a~~
16 ~~motor vehicle upon the alleys or highways of this state until the~~
17 ~~person has obtained an operator's license for that purpose.~~

18 (b) ~~Application for an operator's license or a state~~
19 ~~identification card shall be made in a manner prescribed by the~~
20 ~~department. Such application may be made to department personnel in~~
21 ~~any county. Department personnel shall conduct the examination of the~~
22 ~~applicant and deliver to each successful applicant an issuance~~
23 ~~certificate containing the statements made pursuant to subdivision~~
24 ~~(c) of this subsection.~~

25 (c) ~~The applicant (i) shall provide his or her full legal~~

1 name, date of birth, mailing address, gender, race or ethnicity, and
 2 social security number, two forms of proof of address of his or her
 3 principal residence unless the applicant is a program participant
 4 under the Address Confidentiality Act, evidence of identity as
 5 required by subdivision (1)(f) of this subsection, and a brief
 6 physical description of himself or herself, (ii) may complete the
 7 voter registration portion pursuant to section 32-308, (iii) shall be
 8 provided the advisement language required by subsection (5) of
 9 section 60-6,197, (iv) shall answer the following:

10 (A) Have you within the last three months (e.g. due to
 11 diabetes, epilepsy, mental illness, head injury, stroke, heart
 12 condition, neurological disease, etc.):

13 (I) lost voluntary control or consciousness ... yes ...
 14 no

15 (II) experienced vertigo or multiple episodes of
 16 dizziness or fainting ... yes ... no

17 (III) experienced disorientation ... yes ... no

18 (IV) experienced seizures ... yes ... no

19 (V) experienced impairment of memory, memory loss ...
 20 yes ... no

21 Please explain:

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

1 Please explain:

2 ~~(C) Since the issuance of your last driver's license/
3 permit, has your health or medical condition changed or worsened? ...
4 yes ... no~~

5 Please explain, including how the above affects your
6 ability to drive:, and (v) may answer the
7 following:

8 ~~(A) Do you wish to register to vote as part of this
9 application process?~~

10 ~~(B) Do you wish to have the word "veteran" displayed on
11 the front of your operator's license or state identification card to
12 show that you served in the armed forces of the United States? (To be
13 eligible you must register with the Nebraska Department of Veterans'
14 Affairs registry.)~~

15 ~~OPTIONAL — YOU ARE NOT REQUIRED TO ANSWER ANY OF THE
16 FOLLOWING QUESTIONS:~~

17 ~~(C) Do you wish to be an organ and tissue donor?~~

18 ~~(D) Do you wish to receive any additional specific
19 information regarding organ and tissue donation and the Donor
20 Registry of Nebraska?~~

21 ~~(E) Do you wish to donate \$1 to promote the Organ and
22 Tissue Donor Awareness and Education Fund?~~

23 ~~(d) Application for an operator's license or state
24 identification card shall include a signed oath, affirmation, or
25 declaration of the applicant that the information provided on the~~

1 ~~application for the license or card is true and correct.~~

2 ~~(e) The social security number shall not be printed on~~
3 ~~the operator's license or state identification card and shall be used~~
4 ~~only (i) to furnish information to the United States Selective~~
5 ~~Service System under section 60-483, (ii) with the permission of the~~
6 ~~director in connection with the verification of the status of an~~
7 ~~individual's driving record in this state or any other state, (iii)~~
8 ~~for purposes of child support enforcement pursuant to section~~
9 ~~42-358.08 or 43-512.06, (iv) to furnish information regarding an~~
10 ~~applicant for or holder of a commercial driver's license with a~~
11 ~~hazardous materials endorsement to the Transportation Security~~
12 ~~Administration of the United States Department of Homeland Security~~
13 ~~or its agent, or (v) to furnish information to the Department of~~
14 ~~Revenue under section 77-362.02.~~

15 ~~(f)(i) Each individual applying for an operator's license~~
16 ~~or a state identification card shall furnish proof of date of birth~~
17 ~~and identity with documents containing a photograph or with nonphoto~~
18 ~~identity documents which include his or her full legal name and date~~
19 ~~of birth. Such documents shall include, but not be limited to, any~~
20 ~~valid Nebraska operator's license or Nebraska state identification~~
21 ~~card, a valid operator's license or identification card from another~~
22 ~~state or jurisdiction of the United States, a certified birth~~
23 ~~certificate, a valid United States passport, or any other United~~
24 ~~States based identification as approved by the director.~~

25 ~~(ii) Any individual under the age of eighteen years~~

1 ~~applying for an operator's license or a state identification card~~
2 ~~shall provide a certified copy of his or her birth certificate or, if~~
3 ~~such individual is unable to provide a certified copy of his or her~~
4 ~~birth certificate, other reliable proof of his or her identity and~~
5 ~~age, as required in subdivision (1)(f)(i) of this section,~~
6 ~~accompanied by a certification signed by a parent or guardian~~
7 ~~explaining the inability to produce a copy of such birth certificate.~~
8 ~~The applicant also may be required to furnish proof to department~~
9 ~~personnel that the parent or guardian signing the certification is in~~
10 ~~fact the parent or guardian of such applicant.~~

11 ~~(iii) An applicant may present other documents as proof~~
12 ~~of identification and age designated by the director. Any documents~~
13 ~~accepted shall be recorded according to a written exceptions process~~
14 ~~established by the director.~~

15 ~~(g) Any individual applying for an operator's license or~~
16 ~~a state identification card who indicated his or her wish to have the~~
17 ~~word "veteran" displayed on the front of such license or card shall~~
18 ~~comply with section 60-4,189.~~

19 ~~(2)(a) This subsection applies beginning on an~~
20 ~~implementation date designated by the director on or before January~~
21 ~~1, 2014. (1) Except as otherwise provided in the Motor Vehicle~~
22 ~~Operator's License Act, no resident of the State of Nebraska shall~~
23 ~~operate a motor vehicle upon the alleys or highways of this state~~
24 ~~until the person has obtained an operator's license for that purpose.~~

25 ~~(b)(2) Application for an operator's license or a state~~

1 identification card shall be made in a manner prescribed by the
 2 department. Such application may be made to department personnel in
 3 any county. Department personnel shall conduct the examination of the
 4 applicant and deliver to each successful applicant an issuance
 5 certificate containing the statements made pursuant to ~~subdivision~~
 6 ~~(c) of this subsection.~~ subsection (3) of this section.

7 ~~(c)-(3)~~ The applicant shall provide his or her full legal
 8 name, date of birth, mailing address, gender, race or ethnicity, and
 9 social security number, two forms of proof of address of his or her
 10 principal residence unless the applicant is a program participant
 11 under the Address Confidentiality Act, evidence of identity as
 12 required by ~~subdivision (2)(f) of this subsection,~~ subsection (6) of
 13 this section, and a brief physical description of himself or herself.
 14 The applicant ~~(i)-(a)~~ may also complete the voter registration
 15 portion pursuant to section 32-308, ~~(ii)-(b)~~ shall be provided the
 16 advisement language required by subsection (5) of section 60-6,197,
 17 ~~(iii)-(c)~~ shall answer the following:

18 ~~(A)-(i)~~ Have you within the last three months (e.g. due
 19 to diabetes, epilepsy, mental illness, head injury, stroke, heart
 20 condition, neurological disease, etc.):

21 ~~(I)-(A)~~ lost voluntary control or consciousness ...
 22 yes ... no

23 ~~(II)-(B)~~ experienced vertigo or multiple episodes of
 24 dizziness or fainting ... yes ... no

25 ~~(III)-(C)~~ experienced disorientation ... yes ... no

1 ~~(IV)~~(D) experienced seizures ... yes ... no

2 ~~(V)~~(E) experienced impairment of memory, memory loss ...
3 yes ... no

4 Please explain:

5 ~~(B)~~(ii) Do you experience any condition which affects
6 your ability to operate a motor vehicle? (e.g. due to loss of, or
7 impairment of, foot, leg, hand, arm; neurological or neuromuscular
8 disease, etc.) ... yes ... no

9 Please explain:

10 ~~(C)~~(iii) Since the issuance of your last driver's
11 license/permit, has your health or medical condition changed or
12 worsened? ... yes ... no

13 Please explain, including how the above affects your
14 ability to drive:, and ~~(iv)~~(d) may answer the
15 following:

16 ~~(A)~~(i) Do you wish to register to vote as part of this
17 application process?

18 ~~(B)~~(ii) Do you wish to have the word "veteran" displayed
19 on the front of your operator's license or state identification card
20 to show that you served in the armed forces of the United States? (To
21 be eligible you must register with the Nebraska Department of
22 Veterans' Affairs registry.)

23 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE
24 FOLLOWING QUESTIONS:

25 ~~(C)~~(iii) Do you wish to be an organ and tissue donor?

1 ~~(D)~~-(iv) Do you wish to receive any additional specific
2 information regarding organ and tissue donation and the Donor
3 Registry of Nebraska?

4 ~~(E)~~-(v) Do you wish to donate \$1 to promote the Organ and
5 Tissue Donor Awareness and Education Fund?

6 ~~(d)~~-(4) Application for an operator's license or state
7 identification card shall include a signed oath, affirmation, or
8 declaration of the applicant that the information provided on the
9 application for the license or card is true and correct.

10 ~~(e)~~-(5) The social security number shall not be printed
11 on the operator's license or state identification card and shall be
12 used only ~~(i)~~-(a) to furnish information to the United States
13 Selective Service System under section 60-483, ~~(ii)~~-(b) with the
14 permission of the director in connection with the verification of the
15 status of an individual's driving record in this state or any other
16 state, ~~(iii)~~-(c) for purposes of child support enforcement pursuant
17 to section 42-358.08 or 43-512.06, ~~(iv)~~-(d) to furnish information
18 regarding an applicant for or holder of a commercial driver's license
19 with a hazardous materials endorsement to the Transportation Security
20 Administration of the United States Department of Homeland Security
21 or its agent, or ~~(v)~~-(e) to furnish information to the Department of
22 Revenue under section 77-362.02.

23 ~~(f)~~-(i)-(6)(a) Each individual applying for an operator's
24 license or a state identification card shall furnish proof of date of
25 birth and identity with documents containing a photograph or with

1 nonphoto identity documents which include his or her full legal name
2 and date of birth. Such documents shall be those provided in
3 subsection ~~(2)~~(1) of section 60-484.04.

4 ~~(ii)~~(b) Any individual under the age of eighteen years
5 applying for an operator's license or a state identification card
6 shall provide a certified copy of his or her birth certificate or, if
7 such individual is unable to provide a certified copy of his or her
8 birth certificate, other reliable proof of his or her identity and
9 age, as required in subdivision ~~(2)(f)(i)~~(6)(a) of this section,
10 accompanied by a certification signed by a parent or guardian
11 explaining the inability to produce a copy of such birth certificate.
12 The applicant also may be required to furnish proof to department
13 personnel that the parent or guardian signing the certification is in
14 fact the parent or guardian of such applicant.

15 ~~(iii)~~(c) An applicant may present other documents as
16 proof of identification and age designated by the director. Any
17 documents accepted shall be recorded according to a written
18 exceptions process established by the director.

19 ~~(g)~~(7) Any individual applying for an operator's license
20 or a state identification card who indicated his or her wish to have
21 the word "veteran" displayed on the front of such license or card
22 shall comply with section 60-4,189.

23 ~~(h)~~(8) No person shall be a holder of an operator's
24 license and a state identification card at the same time.

25 Sec. 11. Section 60-484.03, Revised Statutes Cumulative

1 Supplement, 2012, is amended to read:

2 60-484.03 ~~This section applies beginning on an~~
3 ~~implementation date designated by the director on or before January~~
4 ~~1, 2014.~~ The department shall retain copies of source documents
5 presented by all individuals applying for or holding operators'
6 licenses or state identification cards. Copies retained by the
7 department shall be held in secured storage and managed to meet the
8 requirements of the Uniform Motor Vehicle Records Disclosure Act and
9 sections 60-484, ~~and 60-484.02, and 60-4,144.~~

10 Sec. 12. Section 60-484.04, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 60-484.04 ~~(1) This section applies beginning on an~~
13 ~~implementation date designated by the director on or before January~~
14 ~~1, 2014.~~

15 ~~(2) Before (1) Except as provided in section 60-4,144~~
16 ~~with respect to operators of commercial motor vehicles, before being~~
17 issued any other type of operator's license or a state identification
18 card under the Motor Vehicle Operator's License Act, the department
19 shall require an applicant to present valid documentary evidence that
20 he or she has lawful status in the United States. Lawful status may
21 be shown by:

22 (a) A valid, unexpired United States passport;

23 (b) A certified copy of a birth certificate filed with a
24 state office of vital statistics or equivalent agency in the
25 individual's state of birth;

1 (c) A Consular Report of Birth Abroad (CRBA) issued by
2 the United States Department of State, Form FS-240, DS-1350, or
3 FS-545;

4 (d) A valid, unexpired Permanent Resident Card (Form
5 I-551) issued by the United States Department of Homeland Security or
6 ~~Bureau of~~ United States Citizenship and Immigration Services;

7 (e) An unexpired employment authorization document (EAD)
8 issued by the United States Department of Homeland Security, Form
9 I-766 or Form I-688B;

10 (f) An unexpired foreign passport with a valid, unexpired
11 United States visa affixed accompanied by the approved I-94 form
12 documenting the applicant's most recent admittance into the United
13 States;

14 (g) A Certificate of Naturalization issued by the United
15 States Department of Homeland Security, Form N-550 or Form N-570;

16 (h) A Certificate of Citizenship, Form N-560 or Form
17 N-561, issued by the United States Department of Homeland Security;

18 (i) A driver's license or identification card issued in
19 compliance with the standards established by the REAL ID Act of 2005,
20 Public Law 109-13, division B, section 1, 119 Stat. 302; or

21 (j) Such other documents as the director may approve.

22 ~~(3)(a)~~ (2)(a) If an applicant presents one of the
23 documents listed under subdivision ~~(2)(a)~~, (1)(a), (b), (c), (d),
24 (g), or (h) of this section, the verification of the applicant's
25 identity in the manner prescribed in section 60-484 will also provide

1 satisfactory evidence of lawful status.

2 (b) If the applicant presents one of the identity
3 documents listed under subdivision ~~(2)(e)~~, ~~(1)(e)~~, (f), or (i) of
4 this section, the verification of the identity documents does not
5 provide satisfactory evidence of lawful status. The applicant must
6 also present a second document from subsection ~~(2)~~ (1) of this
7 section or documentation issued by the United States Department of
8 Homeland Security or other federal agencies demonstrating lawful
9 status as determined by the ~~Bureau of~~ United States Citizenship and
10 Immigration Services.

11 ~~(4)~~ (3) An applicant may present other documents as
12 designated by the director as proof of lawful status. Any documents
13 accepted shall be recorded according to a written exceptions process
14 established by the director.

15 Sec. 13. Section 60-484.05, Revised Statutes Cumulative
16 Supplement, 2012, is amended to read:

17 60-484.05 (1) The department shall only issue an
18 operator's license or a state identification card that is temporary
19 to any applicant who presents documentation under ~~section~~ sections
20 60-484 and ~~subsection (2) of section 60-484.04~~ that shows his or her
21 ~~lawful presence~~ authorized stay in the United States is temporary. An
22 operator's license or a state identification card that is temporary
23 shall be valid only during the period of time of the applicant's
24 authorized stay in the United States or, if there is no definite end
25 to the period of authorized stay, a period of one year.

1 (2) An operator's license or state identification card
2 that is temporary shall clearly indicate that it is temporary with a
3 special notation on the front of the license or card and shall state
4 the date on which it expires.

5 (3) An operator's license or state identification card
6 that is temporary may be renewed only upon presentation of valid
7 documentary evidence that the status by which the applicant qualified
8 for the operator's license or state identification card that is
9 temporary has been extended by the United States Department of
10 Homeland Security.

11 Sec. 14. Section 60-484.06, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 60-484.06 ~~This section applies beginning on an~~
14 ~~implementation date designated by the director on or before January~~
15 ~~1, 2014.~~ Before issuing any operator's license or state
16 identification card under the Motor Vehicle Operator's License Act,
17 the department may verify, with the issuing agency, the issuance,
18 validity, and completeness of each document required to be presented
19 by a person pursuant to sections 60-484, ~~and 60-484.04, and 60-4,144.~~

20 Sec. 15. Section 60-487, Revised Statutes Cumulative
21 Supplement, 2012, is amended to read:

22 60-487 (1)(a) This subsection applies until July 8, 2015.
23 If any magistrate or judge finds in his or her judgment of conviction
24 that the application or issuance certificate pursuant to which the
25 director has issued an operator's license under the Motor Vehicle

1 Operator's License Act contains any false or fraudulent statement
2 deliberately and knowingly made to any officer as to any matter
3 material to the issuance of such license or does not contain required
4 or correct information or that the person to whom the license was
5 issued was not eligible to receive such license, then the license
6 shall be absolutely void from the date of issue and such motor
7 vehicle operator shall be deemed to be not licensed to operate a
8 motor vehicle. Such license shall be at once canceled of record in
9 his or her office by the director upon receipt of a copy of such
10 judgment of conviction. The director may, upon his or her own motion,
11 summarily cancel any license for any of the reasons set forth in this
12 subsection if such reason or reasons affirmatively appear on his or
13 her official records.

14 (b) If the director determines, in a check of an
15 applicant's license status and record prior to issuing a commercial
16 driver's license or an LPC-learner's permit, or at any time after the
17 commercial driver's license or LPC-learner's permit is issued, that
18 the applicant falsified information contained in the application or
19 in the medical examiner's certificate, the director may summarily
20 cancel the person's commercial driver's license or LPC-learner's
21 permit or his or her pending application as provided in subdivision
22 (1)(a) of this section and disqualify the person from operating a
23 commercial motor vehicle for sixty days.

24 ~~(1)~~-(2)(a) This subsection applies beginning July 8,
25 2015. If any magistrate or judge finds in his or her judgment of

1 conviction that the application or issuance certificate pursuant to
2 which the director has issued an operator's license under the Motor
3 Vehicle Operator's License Act contains any false or fraudulent
4 statement deliberately and knowingly made to any officer as to any
5 matter material to the issuance of such license or does not contain
6 required or correct information or that the person to whom the
7 license was issued was not eligible to receive such license, then the
8 license shall be absolutely void from the date of issue and such
9 motor vehicle operator shall be deemed to be not licensed to operate
10 a motor vehicle. Such license shall be at once canceled of record in
11 his or her office by the director upon receipt of a copy of such
12 judgment of conviction. The director may, upon his or her own motion,
13 summarily cancel any license for any of the reasons set forth in this
14 section if such reason or reasons affirmatively appear on his or her
15 official records.

16 ~~(2)~~ (b) If the director determines, in a check of an
17 applicant's license status and record prior to issuing a CLP-
18 commercial learner's permit or commercial driver's license, or at any
19 time after the CLP-commercial learner's permit or commercial driver's
20 license is issued, that the applicant falsified information contained
21 in the application or in the medical examiner's certificate, the
22 director may summarily cancel the person's CLP-commercial learner's
23 permit or commercial driver's license or his or her pending
24 application as provided in ~~subsection (1)~~ subdivision (2)(a) of this
25 section and disqualify the person from operating a commercial motor

1 vehicle for sixty days.

2 Sec. 16. Section 60-4,112, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 60-4,112 Sections ~~60-4,114, 60-4,114.01, 60-4,116,~~ and
5 ~~60-4,118~~ 60-4,118.01 to 60-4,130.05 shall apply to the operation of
6 any motor vehicle except a commercial motor vehicle.

7 Sec. 17. Section 60-4,115, Revised Statutes Cumulative
8 Supplement, 2012, is amended to read:

9 60-4,115 (1) Fees for operators' licenses and state
10 identification cards shall be collected and distributed according to
11 the table in subsection (2) of this section, except for the ignition
12 interlock permit and associated fees as outlined in subsection (4) of
13 this section. County officials shall remit the county portion of the
14 fees collected to the county treasurer for placement in the county
15 general fund. All other fees collected shall be remitted to the State
16 Treasurer for credit to the appropriate fund.

17 (2) The fees provided in this subsection in the following
18 dollar amounts apply for operators' licenses and state identification
19 cards.

			Department		
			County	of Motor	State
	Document	Total	General	Vehicles	General
		Fee	Fund	Cash Fund	Fund

24 State identification card:

1	Valid for 1 year or less	5.00	2.75	1.25	1.00
2	Valid for more than 1 year				
3	but not more than 2 years	10.00	2.75	4.00	3.25
4	Valid for more than 2 years				
5	but not more than 3 years	14.00	2.75	5.25	6.00
6	Valid for more than 3 years				
7	but not more than 4 years	19.00	2.75	8.00	8.25
8	Valid for more than 4 years				
9	for person under 21	24.00	2.75	10.25	11.00
10	Valid for 5 years	24.00	3.50	10.25	10.25
11	Duplicate or replacement	11.00	2.75	6.00	2.25
12	Class O or M operator's license:				
13	Valid for 1 year or less	5.00	2.75	1.25	1.00
14	Valid for more than 1 year				
15	but not more than 2 years	10.00	2.75	4.00	3.25
16	Valid for more than 2 years				
17	but not more than 3 years	14.00	2.75	5.25	6.00
18	Valid for more than 3 years				
19	but not more than 4 years	19.00	2.75	8.00	8.25
20	Valid for 5 years	24.00	3.50	10.25	10.25
21	Bioptic or telescopic lens restriction:				

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1	Valid for 1 year or less	5.00	0	5.00	0
2	Valid for more than 1 year				
3	but not more than 2 years	10.00	2.75	4.00	3.25
4	Duplicate or replacement	11.00	2.75	6.00	2.25
5	Add, change, or remove class,				
6	endorsement, or restriction	5.00	0	5.00	0
7	Provisional operator's permit:				
8	Original	15.00	2.75	12.25	0
9	Bioptic or telescopic lens restriction:				
10	Valid for 1 year or less	5.00	0	5.00	0
11	Valid for more than 1 year				
12	but not more than 2 years	15.00	2.75	12.25	0
13	Duplicate or replacement	11.00	2.75	6.00	2.25
14	Add, change, or remove class,				
15	endorsement, or restriction	5.00	0	5.00	0
16	LPD-learner's permit:				
17	Original	8.00	.25	5.00	2.75
18	Duplicate or replacement	11.00	2.75	6.00	2.25
19	Add, change, or remove class,				
20	endorsement, or restriction	5.00	0	5.00	0
21	LPE-learner's permit:				

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1	Original	8.00	.25	5.00	2.75
2	Duplicate or replacement	11.00	2.75	6.00	2.25
3	Add, change, or remove class,				
4	endorsement, or restriction	5.00	0	5.00	0
5	School permit:				
6	Original	8.00	.25	5.00	2.75
7	Duplicate or replacement	11.00	2.75	6.00	2.25
8	Add, change, or remove class,				
9	endorsement, or restriction	5.00	0	5.00	0
10	Farm permit:				
11	Original or renewal	5.00	.25	0	4.75
12	Duplicate or replacement	5.00	.25	0	4.75
13	Temporary	5.00	.25	0	4.75
14	Add, change, or remove class,				
15	endorsement, or restriction	5.00	0	5.00	0
16	Driving permits:				
17	Employment	45.00	0	5.00	40.00
18	Medical hardship	45.00	0	5.00	40.00
19	Duplicate or replacement	10.00	.25	5.00	4.75
20	Add, change, or remove class,				
21	endorsement, or restriction	5.00	0	5.00	0

1	Commercial driver's license:				
2	Valid for 1 year or less	11.00	1.75	5.00	4.25
3	Valid for more than 1 year				
4	but not more than 2 years	22.00	1.75	5.00	15.25
5	Valid for more than 2 years				
6	but not more than 3 years	33.00	1.75	5.00	26.25
7	Valid for more than 3 years				
8	but not more than 4 years	44.00	1.75	5.00	37.25
9	Valid for 5 years	55.00	1.75	5.00	48.25
10	Bioptic or telescopic lens restriction:				
11	Valid for one year or less	11.00	1.75	5.00	4.25
12	Valid for more than 1 year				
13	but not more than 2 years	22.00	1.75	5.00	15.25
14	Duplicate or replacement	11.00	2.75	6.00	2.25
15	Add, change, or remove class,				
16	endorsement, or restriction	10.00	1.75	5.00	3.25
17	LPC learner's permit:				
18	<u>CLP-commercial learner's permit:</u>				
19	Original or renewal	10.00	.25	5.00	4.75
20	Duplicate or replacement	10.00	.25	5.00	4.75
21	Add, change, or remove class,				

1	endorsement, or restriction	10.00	.25	5.00	4.75
2	Seasonal permit:				
3	Original or renewal	10.00	.25	5.00	4.75
4	Duplicate or replacement	10.00	.25	5.00	4.75
5	Add, change, or remove class,				
6	endorsement, or restriction	10.00	.25	5.00	4.75
7	School bus permit:				
8	Original or renewal	5.00	0	5.00	0
9	Duplicate or replacement	5.00	0	5.00	0
10	Add, change, or remove class,				
11	endorsement, or restriction	5.00	0	5.00	0

12 (3) If the department issues an operator's license or a
13 state identification card, the department shall remit the county
14 portion of the fees to the State Treasurer for credit to the
15 Department of Motor Vehicles Cash Fund.

16 (4)(a) The fee for an ignition interlock permit shall be
17 forty-five dollars. Five dollars of the fee shall be remitted to the
18 State Treasurer for credit to the Department of Motor Vehicles Cash
19 Fund. Forty dollars of the fee shall be remitted to the State
20 Treasurer for credit to the Department of Motor Vehicles Ignition
21 Interlock Fund.

22 (b) The fee for a duplicate or replacement ignition
23 interlock permit shall be eleven dollars. Two dollars and seventy-

1 five cents of the fee shall be remitted to the county treasurer for
2 credit to the county general fund. Six dollars of the fee shall be
3 remitted to the State Treasurer for credit to the Department of Motor
4 Vehicles Cash Fund. Two dollars and twenty-five cents of the fee
5 shall be remitted to the State Treasurer for credit to the General
6 Fund.

7 (c) The fee for adding, changing, or removing a class,
8 endorsement, or restriction on an ignition interlock permit shall be
9 five dollars. The fee shall be remitted to the State Treasurer for
10 credit to the Department of Motor Vehicles Cash Fund.

11 (5) The department and its agents may collect an identity
12 security surcharge to cover the cost of security and technology
13 practices used to protect the identity of applicants for and holders
14 of operators' licenses and state identification cards and to reduce
15 identity theft, fraud, and forgery and counterfeiting of such
16 licenses and cards to the maximum extent possible. The surcharge
17 shall be in addition to all other required fees for operators'
18 licenses and state identification cards. The amount of the surcharge
19 shall be determined by the department. The surcharge shall not exceed
20 eight dollars. The surcharge shall be remitted to the State Treasurer
21 for credit to the Department of Motor Vehicles Cash Fund.

22 Sec. 18. Section 60-4,116, Revised Statutes Cumulative
23 Supplement, 2012, is amended to read:

24 60-4,116 Prior to the issuance of any original or renewal
25 operator's license, the issuance of a replacement or duplicate

1 operator's license, or the reissuance of any such license with a
2 change of any classification, endorsement, or restriction, the
3 department shall:

4 (1) Check the driving record of the applicant as
5 maintained by the department or by any other state which has issued
6 an operator's license to the applicant;

7 (2) Contact the Commercial Driver License Information
8 System to determine whether the applicant possesses any valid
9 commercial learner's permit or commercial driver's license issued by
10 any other state, whether such license or the applicant's privilege to
11 operate a commercial motor vehicle has been suspended, revoked, or
12 canceled, or whether the applicant has been disqualified from
13 operating a commercial motor vehicle; and

14 (3) Contact the National Driver Register to determine if
15 the applicant (a) has been disqualified from operating any motor
16 vehicle, (b) has had an operator's license suspended, revoked, or
17 canceled, (c) is not eligible, or (d) is deceased.

18 Sec. 19. Section 60-4,118.05, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 60-4,118.05 (1) No operator's license referred to in
21 section 60-4,118 shall, under any circumstances, be issued to any
22 person who has not attained the age of seventeen years.

23 (2) No operator's license shall be issued to a person
24 under eighteen years of age applying for an operator's license under
25 section 60-4,118 unless such person:

1 (a) Has possessed a valid provisional operator's permit
2 for at least a twelve-month period beginning on the date of issuance
3 of such person's provisional operator's permit; and

4 (b) Has not accumulated three or more points pursuant to
5 section 60-4,182 during the twelve-month period immediately preceding
6 the date of the application for the operator's license.

7 (3) The department may waive the written examination and
8 the driving test required under section 60-4,118 for any person
9 seventeen to twenty-one years of age applying for his or her initial
10 operator's license if he or she has been issued a provisional
11 operator's permit. The department shall not waive the written
12 examination and the driving test required under this section if the
13 person is applying for a CLP-commercial learner's permit or
14 commercial driver's license ~~or permit~~ or if the operator's license
15 being applied for contains a class or endorsement which is different
16 from the class or endorsement of the provisional operator's permit.

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

19 60-4,131 (1)(a) This subsection applies until July 8,
20 2015. Sections 60-462.01 and 60-4,132 to 60-4,172 and section 40 of
21 this act shall apply to the operation of any commercial motor
22 vehicle.

23 (b) For purposes of such sections:

24 (i) Disqualification means:

25 (A) The suspension, revocation, cancellation, or any

1 other withdrawal by a state of a person's privilege to operate a
2 commercial motor vehicle;

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

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

9 (ii) Downgrade means the state:

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

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

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

22 (D) Removes the commercial driver's license privilege
23 from the operator's license;

24 (iii) Employee means any operator of a commercial motor
25 vehicle, including full time, regularly employed drivers; casual,

1 intermittent, or occasional drivers; and leased drivers and
2 independent, owner-operator contractors, while in the course of
3 operating a commercial motor vehicle, who are either directly
4 employed by or under lease to an employer;

5 (iv) Employer means any person, including the United
6 States, a state, the District of Columbia, or a political subdivision
7 of a state, that owns or leases a commercial motor vehicle or assigns
8 employees to operate a commercial motor vehicle;

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

12 (vi) Medical examiner means for medical examinations
13 conducted on and after May 21, 2014, an individual certified by the
14 Federal Motor Carrier Safety Administration and listed on the
15 National Registry of Certified Medical Examiners in accordance with
16 49 C.F.R. part 390, subpart D;

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

20 (viii) Medical variance means the Federal Motor Carrier
21 Safety Administration has provided a driver with either an exemption
22 letter permitting operation of a commercial motor vehicle pursuant to
23 49 C.F.R. 381, subpart C, or 49 C.F.R. 391.64 or a Skill Performance
24 Evaluation Certificate permitting operation of a commercial motor
25 vehicle pursuant to 49 C.F.R. 391.49;

1 (ix) Representative vehicle means a motor vehicle which
2 represents the type of motor vehicle that a driver applicant operates
3 or expects to operate;

4 (x) State means a state of the United States and the
5 District of Columbia;

6 (xi) State of domicile means that state where a person
7 has his or her true, fixed, and permanent home and principal
8 residence and to which he or she has the intention of returning
9 whenever he or she is absent;

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

17 (xiii) United States means the fifty states and the
18 District of Columbia; and

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

21 ~~(1)~~ (2)(a) This subsection applies beginning July 8,
22 2015. Sections 60-462.01 and 60-4,132 to 60-4,172 and sections 32,
23 33, and 40 of this act shall apply to the operation of any commercial
24 motor vehicle.

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

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

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

5 ~~(ii)~~(B) A determination by the Federal Motor Carrier
6 Safety Administration, under the rules of practice for motor carrier
7 safety contained in 49 C.F.R. part 386, that a person is no longer
8 qualified to operate a commercial motor vehicle under 49 C.F.R. part
9 391; or

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

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

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

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

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

25 ~~(iv)~~(D) Removes the commercial driver's license

1 privilege from the operator's license;

2 ~~(e)~~—(iii) Employee means any operator of a commercial
3 motor vehicle, including full time, regularly employed drivers;
4 casual, intermittent, or occasional drivers; and leased drivers and
5 independent, owner-operator contractors, while in the course of
6 operating a commercial motor vehicle, who are either directly
7 employed by or under lease to an employer;

8 ~~(d)~~—(iv) Employer means any person, including the United
9 States, a state, the District of Columbia, or a political subdivision
10 of a state, that owns or leases a commercial motor vehicle or assigns
11 employees to operate a commercial motor vehicle;

12 ~~(e)~~—(v) Endorsement means an authorization to an
13 individual's CLP-commercial learner's permit or commercial driver's
14 license required to permit the individual to operate certain types of
15 commercial motor vehicles;

16 (vi) Foreign means outside the fifty United States and
17 the District of Columbia;

18 (vii) Imminent hazard means the existence of a condition
19 relating to hazardous material that presents a substantial likelihood
20 that death, serious illness, severe personal injury, or a substantial
21 endangerment to health, property, or the environment may occur before
22 the reasonably foreseeable completion date of a formal proceeding
23 begun to lessen the risk of that death, illness, injury, or
24 endangerment;

25 (viii) Issue and issuance means initial issuance,

1 transfer, renewal, or upgrade of a CLP-commercial learner's permit,
2 commercial driver's license, nondomiciled CLP-commercial learner's
3 permit, or nondomiciled commercial driver's license, as described in
4 49 C.F.R. 383.73;

5 (ix) Medical examiner means an individual certified by
6 the Federal Motor Carrier Safety Administration and listed on the
7 National Registry of Certified Medical Examiners in accordance with
8 49 C.F.R. part 390, subpart D;

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

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

18 (xii) Nondomiciled CLP-commercial learner's permit or
19 nondomiciled commercial driver's license means a CLP-commercial
20 learner's permit or commercial driver's license, respectively, issued
21 by this state or other jurisdiction under either of the following two
22 conditions:

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

25 (B) To an individual domiciled in another state meeting

1 the requirements of 49 C.F.R. 383.23(b)(2);

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

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

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

11 ~~(k)~~ (xvi) Tank vehicle means any commercial motor vehicle
12 that is designed to transport any liquid or gaseous materials within
13 a tank or tanks that have an individual rated capacity of more than
14 one hundred nineteen gallons and an aggregate rated capacity of one
15 thousand gallons or more and that is ~~are~~ either permanently or
16 temporarily attached to the vehicle or the chassis. ~~Such vehicle~~
17 ~~includes, but is not limited to, a cargo tank and a portable tank, as~~
18 ~~defined in 49 C.F.R. part 171. However, this definition does not~~
19 ~~include a portable tank that has a rated capacity under one thousand~~
20 ~~gallons;~~ A commercial motor vehicle transporting an empty storage
21 container tank, not designed for transportation, with a rated
22 capacity of one thousand gallons or more that is temporarily attached
23 to a flatbed trailer is not considered a tank vehicle;

24 (xvii) Third-party skills test examiner means a person
25 employed by a third-party tester who is authorized by this state to

1 administer the commercial driver's license skills tests specified in
2 49 C.F.R. part 383, subparts G and H;

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

10 (l)-(xix) United States means the fifty states and the
11 District of Columbia; and

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

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

16 60-4,131.01 Sections 60-462.01 and 60-4,132 to 60-4,172
17 and sections 32, 33, and 40 of this act shall not apply to
18 individuals who operate commercial motor vehicles for military
19 purposes, including and limited to:

20 (1) Active duty military personnel;

21 (2) Members of the military reserves, other than military
22 technicians;

23 (3) Active duty United States Coast Guard personnel; and

24 (4) Members of the National Guard on active duty,
25 including:

- 1 (a) Personnel on full-time National Guard duty;
2 (b) Personnel on part-time National Guard training; and
3 (c) National Guard military technicians required to wear
4 military uniforms.

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

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

11 60-4,132 The purposes of sections 60-462.01 and 60-4,137
12 to 60-4,172 and sections 32, 33, and 40 of this act are to implement
13 the requirements mandated by the federal Commercial Motor Vehicle
14 Safety Act of 1986, 49 U.S.C. 31100 et seq., the federal Motor
15 Carrier Safety Improvement Act of 1999, Public Law 106-159, section
16 1012 of the federal Uniting and Strengthening America by Providing
17 Appropriate Tools Required to Intercept and Obstruct Terrorism Act of
18 2001, USA PATRIOT Act, 49 U.S.C. 5103a, and federal regulations and
19 to reduce or prevent commercial motor vehicle accidents, fatalities,
20 and injuries by: (1) Permitting drivers to hold only one operator's
21 license; (2) disqualifying drivers for specified offenses and serious
22 traffic violations; and (3) strengthening licensing and testing
23 standards.

24 Sec. 23. Section 60-4,137, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

1 60-4,137 Any resident of this state operating a
2 commercial motor vehicle on the highways of this state shall possess
3 a valid commercial driver's license or ~~LPC learner's~~ a valid CLP-
4 commercial learner's permit issued pursuant to ~~sections 60-462.01 and~~
5 ~~60-4,138 to 60-4,172.~~ the Motor Vehicle Operator's License Act.

6 Sec. 24. Section 60-4,138, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 60-4,138 (1) Commercial drivers' licenses and restricted
9 commercial drivers' licenses shall be issued by the department in
10 compliance with 49 C.F.R. parts 383 and 391, shall be classified as
11 provided in subsection (2) of this section, and shall bear such
12 endorsements and restrictions as are provided in subsections (3) and
13 (4) of this section.

14 (2) Commercial motor vehicle classifications for purposes
15 of commercial drivers' licenses shall be as follows:

16 (a) Class A Combination Vehicle - Any combination of
17 motor vehicles and towed vehicles with a gross vehicle weight rating
18 of more than twenty-six thousand pounds if the gross vehicle weight
19 rating of the vehicles being towed are in excess of ten thousand
20 pounds;

21 (b) Class B Heavy Straight Vehicle - Any single
22 commercial motor vehicle with a gross vehicle weight rating of
23 twenty-six thousand one pounds or more or any such commercial motor
24 vehicle towing a vehicle with a gross vehicle weight rating not
25 exceeding ten thousand pounds; and

1 (c) Class C Small Vehicle - Any single commercial motor
2 vehicle with a gross vehicle weight rating of less than twenty-six
3 thousand one pounds or any such commercial motor vehicle towing a
4 vehicle with a gross vehicle weight rating not exceeding ten thousand
5 pounds comprising:

6 (i) Motor vehicles designed to transport sixteen or more
7 passengers, including the driver; and

8 (ii) Motor vehicles used in the transportation of
9 hazardous materials and required to be placarded pursuant to section
10 75-364.

11 (3) The endorsements to a commercial driver's license
12 shall be as follows:

13 (a) T - Double/triple trailers;

14 (b) P - Passenger;

15 (c) N - Tank vehicle;

16 (d) H - Hazardous materials;

17 (e) X - Combination tank vehicle and hazardous materials;

18 and

19 (f) S - School bus.

20 (4) The restrictions to a commercial driver's license
21 shall be as follows:

22 ~~(a) I - Operation of a commercial motor vehicle only in~~
23 ~~intrastate commerce due to an exemption from 49 C.F.R. part 391~~
24 ~~pursuant to subsection (4) of section 75-363;~~

25 (a) E - No manual transmission equipped commercial motor

1 vehicle;

2 (b) K - Operation of a commercial motor vehicle only in
3 intrastate commerce;

4 (c) L - Operation of only a commercial motor vehicle
5 which is not equipped with air brakes;

6 (d) M - Operation of a commercial motor vehicle which is
7 not a Class A bus;

8 (e) N - Operation of a commercial motor vehicle which is
9 not a Class A or Class B bus;

10 (f) O - ~~Operation of a commercial motor vehicle which is~~
11 ~~not a~~ No tractor-trailer combination; and commercial motor vehicle;

12 (g) V - Operation of a commercial motor vehicle for
13 drivers with medical variance documentation. The documentation shall
14 be required to be carried on the driver's person while operating a
15 commercial motor vehicle; and -

16 (h) Z - No full air brake equipped commercial motor
17 vehicle.

18 Sec. 25. Section 60-4,139, Revised Statutes Cumulative
19 Supplement, 2012, is amended to read:

20 60-4,139 Any nonresident may operate a commercial motor
21 vehicle upon the highways of this state if (1) such nonresident has
22 in his or her immediate possession a valid commercial driver's
23 license or ~~LPC learner's~~ a valid commercial learner's permit issued
24 by his or her state of residence or by a jurisdiction with standards
25 that are in accord with 49 C.F.R. parts 383 and 391, (2) the license

1 or permit is not suspended, revoked, or canceled, (3) such
2 nonresident is not disqualified from operating a commercial motor
3 vehicle, and (4) the commercial motor vehicle is not operated in
4 violation of any downgrade.

5 Sec. 26. Section 60-4,141, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 60-4,141 (1) Except as provided in subsections (2), ~~and~~
8 (3), ~~and~~ (4) of this section, no person shall operate any class of
9 commercial motor vehicle upon the highways of this state unless such
10 person possesses a valid commercial driver's license authorizing the
11 operation of the class of commercial motor vehicle being operated,
12 except that (a) any person possessing a valid commercial driver's
13 license authorizing the operation of a Class A commercial motor
14 vehicle may lawfully operate any Class B or C commercial motor
15 vehicle and (b) any person possessing a valid commercial driver's
16 license authorizing the operation of a Class B commercial motor
17 vehicle may lawfully operate a Class C commercial motor vehicle. No
18 person shall operate upon the highways of this state any commercial
19 motor vehicle which requires a specific endorsement unless such
20 person possesses a valid commercial driver's license with such
21 endorsement. No person possessing a restricted commercial driver's
22 license shall operate upon the highways of this state any commercial
23 motor vehicle to which such restriction is applicable.

24 ~~(2)-(2)(a)~~ Any person holding ~~an LPC learner's~~ a CLP-
25 commercial learner's permit may operate a commercial motor vehicle

1 for learning purposes upon the highways of this state if accompanied
2 by a person who is twenty-one years of age or older, who holds a
3 commercial driver's license valid for the class of commercial motor
4 vehicle being operated, and who occupies the seat beside the person
5 for the purpose of giving instruction in the operation of the
6 commercial motor vehicle. Any person holding ~~an LPC learner's~~ a CLP-
7 commercial learner's permit may operate a commercial motor vehicle
8 upon the highways of this state for purposes of taking a driving
9 skills examination if accompanied by ~~an examiner~~ licensing staff who
10 is designated by the director under section 60-4,149 or an examiner
11 employed by a third-party tester certified pursuant to section
12 60-4,158 and who occupies the seat beside the person for the purpose
13 of giving the examination. A person holding ~~an LPC learner's~~ a CLP-
14 commercial learner's permit shall not operate a commercial motor
15 vehicle transporting hazardous materials. A holder of a commercial
16 learner's permit may operate a Class A combination vehicle, Class B
17 heavy straight vehicle, or Class C small vehicle, as appropriate.

18 (b) A CLP-commercial learner's permit shall only be
19 allowed to bear any of the following endorsements: (i) P - Passenger;
20 (ii) S - School bus; and (iii) N - Tank vehicle.

21 (c) A CLP-commercial learner's permit shall only be
22 allowed to bear any of the following restrictions: (i) K - Operation
23 of a commercial motor vehicle only in intrastate commerce; (ii) L -
24 Operation of only a commercial motor vehicle which is not equipped
25 with air brakes; (iii) V - Operation of a commercial motor vehicle

1 for drivers with medical variance documentation; (iv) P - No
2 passengers in commercial motor vehicle bus; and (v) X - No cargo in
3 commercial motor vehicle tank vehicle.

4 (3) ~~The provisions of subsection (1) of this section~~
5 ~~shall not apply to any nonresident until the state of residence of~~
6 ~~such nonresident begins the issuance of commercial drivers' licenses~~
7 ~~in conformance with the requirements of the Commercial Motor Vehicle~~
8 ~~Safety Act of 1986, 49 U.S.C. 31100 et seq., and the Motor Carrier~~
9 ~~Safety Improvement Act of 1999, 49 U.S.C. 31301 et seq., and section~~
10 ~~1012 of the federal Uniting and Strengthening America by Providing~~
11 ~~Appropriate Tools Required to Intercept and Obstruct Terrorism Act of~~
12 ~~2001, USA PATRIOT Act, 49 U.S.C. 5103a, and such nonresident is~~
13 ~~required by his or her state of residence to possess a commercial~~
14 ~~driver's license to operate a commercial motor vehicle. Any~~
15 ~~nonresident~~ Except for nonresident individuals who are enrolled and
16 taking training in a driver training school in this state, any holder
17 of a nonresident commercial learner's permit or nonresident
18 commercial driver's license who is in this state for a period of
19 thirty consecutive days or more shall apply for a Nebraska-issued
20 CLP-commercial learner's permit or commercial driver's license and
21 shall surrender to the Department of Motor Vehicles department any
22 operator's license issued to such nonresident by any other state.

23 (4) Except for individuals who are enrolled and taking
24 training in a driver training school in this state, any holder of a
25 nondomiciled commercial learner's permit or nondomiciled commercial

1 driver's license issued by another state who is in this state for a
2 period of thirty consecutive days or more shall apply for a Nebraska-
3 issued CLP-commercial learner's permit or commercial driver's license
4 and shall surrender to the department any operator's license issued
5 to such individual by any other state.

6 (5) An operator's license surrendered pursuant to this
7 section may be returned to the driver after the license has been
8 perforated with the word "VOID".

9 ~~(4)~~ (6) Any person who operates a commercial motor
10 vehicle upon the highways of this state in violation of this section
11 shall, upon conviction, be guilty of a Class III misdemeanor.

12 Sec. 27. Section 60-4,142, Revised Statutes Cumulative
13 Supplement, 2012, is amended to read:

14 60-4,142 Any resident or nondomiciled applicant may
15 obtain ~~an LPC learner's~~ a CLP-commercial learner's permit from the
16 department by making application to ~~an examiner~~ licensing staff of
17 the department. An applicant shall present proof to ~~the examiner~~
18 licensing staff that he or she holds a valid Class 0 license or
19 commercial driver's license or a foreign nondomiciled applicant shall
20 successfully complete the requirements for the Class 0 license before
21 ~~an LPC learner's~~ a CLP-commercial learner's permit is issued. An
22 applicant shall also successfully complete the commercial driver's
23 license general knowledge examination under section 60-4,155 and
24 examinations for all previously issued endorsements as provided in 49
25 C.F.R. 383.25(a)(3) and 49 C.F.R. 383.153(b)(2)(vii). Upon

1 application, the examination may be waived if the applicant presents
2 a Nebraska commercial driver's license which is valid or has been
3 expired for less than one year, presents a valid commercial driver's
4 license from another state, or is renewing ~~an LPC-learner's~~ a CLP-
5 commercial learner's permit. The ~~LPC-learner's~~ CLP-commercial
6 learner's permit shall be valid for a period of ~~six months~~ one
7 hundred eighty days and shall be renewed only once within any two-
8 year period. The ~~county treasurer shall charge~~ successful applicant
9 shall pay the fee prescribed in section 60-4,115 for the issuance or
10 renewal of ~~an LPC-learner's~~ a CLP-commercial learner's permit.

11 Sec. 28. Section 60-4,143, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 60-4,143 (1) No commercial driver's license or ~~LPC-~~
14 ~~learner's~~ CLP-commercial learner's permit shall, under any
15 circumstances, be issued to any person who has not attained the age
16 of eighteen years.

17 (2) A commercial driver's license or ~~LPC-learner's~~ CLP-
18 commercial learner's permit shall not be issued to any person during
19 the period the person is subject to a disqualification in this or any
20 other state, while the person's operator's license is suspended,
21 revoked, or canceled in this or any other state, or when the
22 Commercial Driver License Information System indicates "not-
23 certified".

24 (3) The department shall not issue any commercial
25 driver's license to any person unless the person applying for a

1 commercial driver's license first surrenders to the department all
2 operators' licenses issued to such person by this or any other state.
3 Any operator's license issued by another state which is surrendered
4 to the department shall be ~~returned to that state by the director for~~
5 ~~cancellation.~~ destroyed, and the director shall send notice to the
6 other state that the operator's license has been surrendered.

7 Sec. 29. Section 60-4,144, Revised Statutes Cumulative
8 Supplement, 2012, is amended to read:

9 60-4,144 (1) An applicant for issuance of any original or
10 renewal commercial driver's license or an applicant for a change of
11 class of commercial motor vehicle, endorsement, or restriction shall
12 demonstrate his or her knowledge and skills for operating a
13 commercial motor vehicle as prescribed in the Motor Vehicle
14 Operator's License Act. An applicant for a commercial driver's
15 license shall provide the information and documentation required by
16 this section and ~~sections 60-484 and section 60-4,144.01, and also,~~
17 ~~beginning on an implementation date designated by the director on or~~
18 ~~before January 1, 2014, the information and documentation required by~~
19 ~~section 60-484.04.~~ Such information and documentation shall include
20 any additional information required by 49 C.F.R. parts 383 and 391
21 and also include:

22 (a) Certification that the commercial motor vehicle in
23 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; and

1 (b) The names of all states where the applicant has been
2 licensed to operate any type of motor vehicle in the ten years prior
3 to the date of application.

4 (2)(a) Before being issued a CLP-commercial learner's
5 permit or commercial driver's license, the applicant shall provide
6 (i) his or her full legal name, date of birth, mailing address,
7 gender, race or ethnicity, and social security number, (ii) two forms
8 of proof of address of his or her principal residence unless the
9 applicant is a program participant under the Address Confidentiality
10 Act, except that a nondomiciled applicant for a CLP-commercial
11 learner's permit or nondomiciled commercial driver's license holder
12 does not have to provide proof of residence in Nebraska, (iii)
13 evidence of identity as required by this section, and (iv) a brief
14 physical description of himself or herself.

15 (b) The applicant's social security number shall not be
16 printed on the CLP-commercial learner's permit or commercial driver's
17 license and shall be used only (i) to furnish information to the
18 United States Selective Service System under section 60-483, (ii)
19 with the permission of the director in connection with the
20 certification of the status of an individual's driving record in this
21 state or any other state, (iii) for purposes of child support
22 enforcement pursuant to section 42-358.08 or 43-512.06, (iv) to
23 furnish information regarding an applicant for or holder of a
24 commercial driver's license with a hazardous materials endorsement to
25 the Transportation Security Administration of the United States

1 Department of Homeland Security or its agent, or (v) to furnish
2 information to the Department of Revenue under section 77-362.02.

3 (c) No person shall be a holder of a CLP-commercial
4 learner's permit or commercial driver's license and a state
5 identification card at the same time.

6 (3) Before being issued a CLP-commercial learner's permit
7 or commercial driver's license, an applicant, except a nondomiciled
8 applicant, shall provide proof that this state is his or her state of
9 residence. Acceptable proof of residence is a document with the
10 person's name and residential address within this state.

11 (4)(a) Before being issued a CLP-commercial learner's
12 permit or commercial driver's license, an applicant shall provide
13 proof of identity.

14 (b) The following are acceptable as proof of identity:

15 (i) A valid, unexpired United States passport;

16 (ii) A certified copy of a birth certificate filed with a
17 state office of vital statistics or equivalent agency in the
18 individual's state of birth;

19 (iii) A Consular Report of Birth Abroad issued by the
20 United States Department of State;

21 (iv) A valid, unexpired permanent resident card issued by
22 the United States Department of Homeland Security or United States
23 Citizenship and Immigration Services;

24 (v) An unexpired employment authorization document issued
25 by the United States Department of Homeland Security;

1 (vi) An unexpired foreign passport with a valid,
2 unexpired United States visa affixed accompanied by the approved form
3 documenting the applicant's most recent admittance into the United
4 States;

5 (vii) A Certificate of Naturalization issued by the
6 United States Department of Homeland Security;

7 (viii) A Certificate of Citizenship issued by the United
8 States Department of Homeland Security;

9 (ix) A driver's license or identification card issued in
10 compliance with the standards established by the REAL ID Act of 2005,
11 Public Law 109-13, division B, section 1, 119 Stat. 302; or

12 (x) Such other documents as the director may approve.

13 (c) If an applicant presents one of the documents listed
14 under subdivision (b)(i), (ii), (iii), (iv), (vii), or (viii) of this
15 subsection, the verification of the applicant's identity will also
16 provide satisfactory evidence of lawful status.

17 (d) If the applicant presents one of the identity
18 documents listed under subdivision (b)(v), (vi), or (ix) of this
19 subsection, the verification of the identity documents does not
20 provide satisfactory evidence of lawful status. The applicant must
21 also present a second document from subdivision (4)(b) of this
22 section, a document from subsection (5) of this section, or
23 documentation issued by the United States Department of Homeland
24 Security or other federal agencies demonstrating lawful status as
25 determined by the United States Citizenship and Immigration Services.

1 (e) An applicant may present other documents as
2 designated by the director as proof of identity. Any documents
3 accepted shall be recorded according to a written exceptions process
4 established by the director.

5 (5)(a) Whenever a person is renewing, replacing,
6 upgrading, transferring, or applying as a nondomiciled individual to
7 this state for a CLP-commercial learner's permit or commercial
8 driver's license, the Department of Motor Vehicles shall verify the
9 citizenship in the United States of the person or the lawful status
10 in the United States of the person.

11 (b) The following are acceptable as proof of citizenship
12 or lawful status:

13 (i) A valid, unexpired United States passport;

14 (ii) A certified copy of a birth certificate filed with a
15 state office of vital statistics or equivalent agency in the
16 individual's state of birth, Puerto Rico, the Virgin Islands, Guam,
17 American Samoa, or the Commonwealth of the Northern Mariana Islands;

18 (iii) A Consular Report of Birth Abroad issued by the
19 United States Department of State;

20 (iv) A Certificate of Naturalization issued by the United
21 States Department of Homeland Security;

22 (v) A Certificate of Citizenship issued by the United
23 States Department of Homeland Security; or

24 (vi) A valid, unexpired Permanent Resident Card issued by
25 the United States Department of Homeland Security or United States

1 Citizenship and Immigration Services.

2 (6) An applicant may present other documents as
3 designated by the director as proof of lawful status. Any documents
4 accepted shall be recorded according to a written exceptions process
5 established by the director.

6 (7)(a) An applicant shall obtain a nondomiciled CLP-
7 commercial driver's license or nondomiciled CLP-commercial learner's
8 permit:

9 (i) If the applicant is domiciled in a foreign
10 jurisdiction and the Federal Motor Carrier Safety Administrator has
11 not determined that the commercial motor vehicle operator testing and
12 licensing standards of that jurisdiction meet the standards contained
13 in subparts G and H of 49 C.F.R. part 383; or

14 (ii) If the applicant is domiciled in a state that is
15 prohibited from issuing commercial learners' permits and commercial
16 drivers' licenses in accordance with 49 C.F.R. 384.405. Such person
17 is eligible to obtain a nondomiciled CLP-commercial learner's permit
18 or nondomiciled commercial driver's license from Nebraska that
19 complies with the testing and licensing standards contained in
20 subparts F, G, and H of 49 C.F.R. part 383.

21 (b) An applicant for a nondomiciled CLP-commercial
22 learner's permit and nondomiciled commercial driver's license must do
23 the following:

24 (i) Complete the requirements to obtain a CLP-commercial
25 learner's permit or a commercial driver's license under the Motor

1 Vehicle Operator's License Act, except that an applicant domiciled in
2 a foreign jurisdiction must provide an unexpired employment
3 authorization document issued by the United States Citizenship and
4 Immigration Services or an unexpired foreign passport accompanied by
5 an approved I-94 form documenting the applicant's most recent
6 admittance into the United States. No proof of domicile is required;

7 (ii) After receipt of the nondomiciled CLP-commercial
8 learner's permit or nondomiciled commercial driver's license and, for
9 as long as the permit or license is valid, notify the Department of
10 Motor Vehicles of any adverse action taken by any jurisdiction or
11 governmental agency, foreign or domestic, against his or her driving
12 privileges. Such adverse actions include, but are not limited to,
13 license disqualification or disqualification from operating a
14 commercial motor vehicle for the convictions described in 49 C.F.R.
15 383.51. Notifications must be made within the time periods specified
16 in 49 C.F.R. 383.33; and

17 (iii) Provide a mailing address to the Department of
18 Motor Vehicles. If the applicant is applying for a foreign
19 nondomiciled CLP-commercial learner's permit or foreign nondomiciled
20 commercial driver's licence, he or she must provide a Nebraska
21 mailing address and his or her employer's mailing address to the
22 Department of Motor Vehicles.

23 (c) An applicant for a nondomiciled CLP-commercial
24 learner's permit or nondomiciled commercial driver's license is not
25 required to surrender his or her foreign license.

1 (8) Any person applying for a CLP-commercial learner's
2 permit or commercial driver's license may answer the following:

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

5 (b) Do you wish to have the word "veteran" displayed on
6 the front of your operator's license to show that you served in the
7 armed forces of the United States? (To be eligible you must register
8 with the Nebraska Department of Veterans' Affairs registry.)

9 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE
10 FOLLOWING QUESTIONS:

11 (c) Do you wish to be an organ and tissue donor?

12 (d) Do you wish to receive any additional specific
13 information regarding organ and tissue donation and the Donor
14 Registry of Nebraska?

15 (e) Do you wish to donate \$1 to promote the Organ and
16 Tissue Donor Awareness and Education Fund?

17 ~~(2) Any person applying for any commercial driver's~~
18 ~~license on or before December 31, 2011, must present the~~
19 ~~certification required pursuant to section 60-4,145 or 60-4,146.~~

20 ~~(3)-(9) Any person applying for any a CLP-commercial~~
21 ~~learner's permit or commercial driver's license on or after January~~
22 ~~1, 2012, must make one of the certifications in section 60-4,144.01~~
23 ~~and any certification required under section 60-4,146 and must~~
24 ~~provide such certifications to the department Department of Motor~~
25 ~~Vehicles in order to be issued a CLP-commercial learner's permit or a~~

1 commercial driver's license.

2 ~~(4) On or after January 1, 2012, but no later than~~
3 ~~January 30, 2014, every (10)~~ Every person who holds any commercial
4 driver's license must provide to the department medical certification
5 as required by section 60-4,144.01. The department may provide notice
6 and prescribe medical certification compliance requirements for all
7 holders of commercial ~~driver's~~ drivers' licenses. Holders of
8 commercial ~~driver's~~ drivers' licenses who fail to meet the prescribed
9 medical certification compliance requirements may be subject to
10 downgrade.

11 Sec. 30. Section 60-4,144.01, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 60-4,144.01 (1) This subsection applies until July 8,
14 2015. Certification shall be made as follows:

15 ~~(1)-(a)~~ (a) A person must certify that he or she operates or
16 expects to operate a commercial motor vehicle in interstate commerce,
17 is both subject to and meets the qualification requirements under 49
18 C.F.R. part 391, and is required to obtain a medical examiner's
19 certificate by 49 C.F.R. 391.45. Beginning May 21, 2014, the medical
20 examination required in order to obtain a medical examiner's
21 certificate shall be conducted by a medical examiner who is listed on
22 the National Registry of Certified Medical Examiners. Any nonexcepted
23 holder of a commercial driver's license ~~on or after January 1, 2012,~~
24 who certifies that he or she will operate a commercial motor vehicle
25 in nonexcepted, interstate commerce must maintain a current medical

1 examiner's certificate and provide a copy of it to the department in
2 order to maintain his or her medical certification status;

3 ~~(2)-(b)~~ A person must certify that he or she operates or
4 expects to operate a commercial motor vehicle in interstate commerce,
5 but engages exclusively in transportation or operations excepted
6 under 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3 from all or part of
7 the qualification requirements of 49 C.F.R. part 391, and is therefor
8 not required to obtain a medical examiner's certificate by 49 C.F.R.
9 391.45;

10 ~~(3)-(c)~~ A person must certify that he or she operates a
11 commercial motor vehicle only in intrastate commerce and therefor is
12 subject to state driver qualification requirements as provided in
13 section 75-363; or

14 ~~(4)-(d)~~ A person must certify that he or she operates a
15 commercial motor vehicle in intrastate commerce, but engages
16 exclusively in transportation or operations excepted from all or
17 parts of the state driver qualification requirements.

18 (2) This subsection applies beginning July 8, 2015.
19 Certification shall be made as follows:

20 (a) A person must certify that he or she operates or
21 expects to operate a commercial motor vehicle in interstate commerce,
22 is both subject to and meets the qualification requirements under 49
23 C.F.R. part 391, and is required to obtain a medical examiner's
24 certificate by 49 C.F.R. 391.45. Beginning May 21, 2014, the medical
25 examination required in order to obtain a medical examiner's

1 certificate shall be conducted by a medical examiner who is listed on
2 the National Registry of Certified Medical Examiners. Any nonexcepted
3 holder of a commercial learner's permit or commercial driver's
4 license who certifies that he or she will operate a commercial motor
5 vehicle in nonexcepted, interstate commerce must maintain a current
6 medical examiner's certificate and provide a copy of it to the
7 department in order to maintain his or her medical certification
8 status;

9 (b) A person must certify that he or she operates or
10 expects to operate a commercial motor vehicle in interstate commerce,
11 but engages exclusively in transportation or operations excepted
12 under 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3 from all or part of
13 the qualification requirements of 49 C.F.R. part 391, and is therefor
14 not required to obtain a medical examiner's certificate by 49 C.F.R.
15 391.45;

16 (c) A person must certify that he or she operates a
17 commercial motor vehicle only in intrastate commerce and therefor is
18 subject to state driver qualification requirements as provided in
19 section 75-363; or

20 (d) A person must certify that he or she operates a
21 commercial motor vehicle in intrastate commerce, but engages
22 exclusively in transportation or operations excepted from all or
23 parts of the state driver qualification requirements.

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

1 60-4,144.02 (1)(a) This subsection applies until July 8,
2 2015. For each operator of a commercial motor vehicle required to
3 have a commercial driver's license, the department, in compliance
4 with 49 C.F.R. 383.73, shall:

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

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

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

13 (A) The medical examiner's name;

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

15 (C) The date of the medical examiner's certificate
16 issuance;

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

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

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

24 (G) The expiration date of the medical examiner's
25 certificate;

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

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

7 (J) The date the medical examiner's certificate
8 information was posted to the Commercial Driver License Information
9 System driver record.

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

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

20 (d)(i) If a driver's medical certification or medical
21 variance expires, or the Federal Motor Carrier Safety Administration
22 notifies the department that a medical variance was removed or
23 rescinded, the department shall:

24 (A) Notify the commercial driver's license holder of his
25 or her commercial driver's license "not-certified" medical

1 certification status and that the commercial driver's license
2 privilege will be removed from the driver's license unless the driver
3 submits a current medical certificate or medical variance or changes
4 his or her self-certification to driving only in excepted or
5 intrastate commerce, if permitted by the department; and

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

11 (ii) If a driver fails to provide the department with the
12 certification contained in 49 C.F.R. 383.71(a)(1)(ii), or a current
13 medical examiner's certificate if the driver self-certifies according
14 to 49 C.F.R. 383.71(a)(1)(ii)(A) that he or she is operating in
15 nonexcepted interstate commerce as required by 49 C.F.R. 383.71(h),
16 the 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 (1)(d)(i)(B) of this section.

20 (1) Beginning January 1, 2012, for (2)(a) This subsection
21 applies beginning July 8, 2015. For each operator of a commercial
22 motor vehicle required to have a commercial driver's license or CLP-
23 commercial learner's permit, the department, in compliance with 49
24 C.F.R. 383.73, shall:

25 (a)-(i) Post the driver's self-certification of type of

1 driving under 49 C.F.R. 383.71(a)(1)(ii);

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

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

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

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

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

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

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

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

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

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

24 ~~(ix)~~ (I) Any restrictions, for example, corrective
25 lenses, hearing aid, or required to have possession of an exemption

1 letter or Skill Performance Evaluation certificate while on duty; and

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

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

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

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

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

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

22 Sec. 32. (1) The department shall issue a CLP-commercial
23 learner's permit or a commercial driver's license that is temporary
24 only to any applicant who presents documentation under section
25 60-4,144 that shows his or her authorized stay in the United States

1 is temporary. A CLP-commercial learner's permit or a commercial
2 driver's license that is temporary shall be valid only during the
3 period of time of the applicant's authorized stay in the United
4 States or, if there is no definite end to the period of authorized
5 stay, a period of one year.

6 (2) A CLP-commercial learner's permit or a commercial
7 driver's license that is temporary shall clearly indicate that it is
8 temporary with a special notation that states the date on which it
9 expires.

10 (3) A CLP-commercial learner's permit or a commercial
11 driver's license that is temporary may be renewed only upon
12 presentation of valid documentary evidence that the status, by which
13 the applicant qualified for the CLP-commercial learner's permit or
14 commercial driver's license that is temporary, has been extended by
15 the United States Department of Homeland Security.

16 Sec. 33. (1) The issuance of a CLP-commercial learner's
17 permit is a precondition to the initial issuance of a commercial
18 driver's license. The issuance of a CLP-commercial learner's permit
19 is also a precondition to the upgrade of a commercial driver's
20 license if the upgrade requires a skills test, however, the CLP-
21 commercial learner's permit holder is not eligible to take the skills
22 test in the first fourteen days after initial issuance of the CLP-
23 commercial learner's permit.

24 (2) The CLP-commercial learner's permit holder is not
25 eligible to take the commercial driver's license skills test in the

1 first fourteen days after initial issuance of the CLP-commercial
2 learner's permit.

3 Sec. 34. Section 60-4,146, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 60-4,146 (1) ~~Beginning January 1, 2012, in~~ In addition to
6 certifying himself or herself under this section, an applicant shall
7 also certify himself or herself under section 60-4,144.01.

8 (2) Upon making application pursuant to section 60-4,144,
9 any applicant who operates or expects to operate a commercial motor
10 vehicle in interstate or foreign commerce and who is not subject to
11 49 C.F.R. part 391 shall certify that he or she is not subject to 49
12 C.F.R. part 391. Any applicant making certification pursuant to this
13 subsection shall meet the physical and vision requirements
14 established in section 60-4,118 and shall be subject to the
15 provisions of such section relating to the Health Advisory Board.

16 (3) Upon making application pursuant to section 60-4,144,
17 any applicant who operates or expects to operate a commercial motor
18 vehicle solely in intrastate commerce and who is subject to 49 C.F.R.
19 part 391 adopted pursuant to section 75-363 shall certify that the
20 applicant meets the qualification requirements of 49 C.F.R. part 391.

21 (4) Upon making application ~~pursuant to section 60-4,144,~~
22 for a CLP-commercial learner's permit or commercial driver's license,
23 any applicant who operates or expects to operate a commercial motor
24 vehicle solely in intrastate commerce and who is not subject to 49
25 C.F.R. part 391 adopted pursuant to section 75-363 shall certify that

1 he or she is not subject to 49 C.F.R. part 391. Any applicant making
 2 certification pursuant to this subsection shall meet the physical and
 3 vision requirements established in section 60-4,118 and shall be
 4 subject to the provisions of such section relating to the Health
 5 Advisory Board.

6 (5) An applicant who certifies that he or she is not
 7 subject to 49 C.F.R. part 391 under subsection (2) or (4) of this
 8 section shall answer the following questions on the application:

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

12 (i) lost voluntary control or consciousness ... yes ...
 13 no

14 (ii) experienced vertigo or multiple episodes of
 15 dizziness or fainting ... yes ... no

16 (iii) experienced disorientation ... yes ... no

17 (iv) experienced seizures ... yes ... no

18 (v) experienced impairment of memory, memory loss ...
 19 yes ... no

20 Please explain:

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

25 Please explain:

1 (c) Since the issuance of your last driver's license/
 2 permit has your health or medical condition changed or worsened? ...
 3 yes ... no

4 Please explain, including how the above affects your
 5 ability to drive:

6 Sec. 35. Section 60-4,147.01, Reissue Revised Statutes of
 7 Nebraska, is amended to read:

8 60-4,147.01 ~~The Department of Motor Vehicles, department,~~
 9 a prosecutor, or a court must not mask, defer imposition of judgment,
 10 or allow an individual to enter into a diversion program that would
 11 prevent a CLP-commercial learner's permit driver's conviction or
 12 commercial driver's license driver's conviction for any violation, in
 13 any type of motor vehicle, of a state or local traffic control law
 14 (except a parking violation) from appearing on the driver's record,
 15 whether the driver was convicted for an offense committed in the
 16 state where the driver is licensed or another state.

17 Sec. 36. Section 60-4,149, Revised Statutes Cumulative
 18 Supplement, 2012, is amended to read:

19 60-4,149 (1) The examination for commercial drivers'
 20 licenses by the department shall occur in and for each county of the
 21 State of Nebraska. Each county shall furnish office space for the
 22 administration of the examinations, except that two or more counties
 23 may, with the permission of the director, establish a separate
 24 facility to jointly conduct the examinations for such licenses.

25 (2)(a) The segments of the driving skills examination

1 shall be administered and successfully completed in the following
2 order: Pre-trip inspection, basic vehicle control skills, and on-road
3 skills. If an applicant fails one segment of the driving skills
4 examination:

5 (i) The applicant cannot continue to the next segment of
6 the examination; and

7 (ii) Scores for the passed segments of the examination
8 are only valid during initial issuance of a CLP-commercial learner's
9 permit. If a CLP-commercial learner's permit is renewed, all three
10 segments of the skills examination must be retaken.

11 (b) Passing scores for the knowledge and skills tests
12 must meet the standards contained in 49 C.F.R. 383.135.

13 ~~(2)-(3)~~ Except as provided for by section 60-4,157, in
14 sections 60-4,157 and 60-4,158, all commercial driver's license
15 examinations shall be conducted by department personnel designated by
16 the director. Each successful applicant shall be issued a certificate
17 entitling the applicant to secure a commercial driver's license. If
18 department personnel refuse to issue such certificate for cause, he
19 or she shall state such cause in writing and deliver the same to the
20 applicant. Department personnel shall not be required to hold a
21 commercial driver's license to administer a driving skills
22 examination and occupy the seat beside an applicant for a commercial
23 driver's license.

24 ~~(3)-(4)~~ The successful applicant shall, within ~~thirty ten~~
25 days after renewal or within twenty-four hours after initial

1 issuance, present his or her issuance certificate ~~to the county~~
2 ~~treasurer who shall collect and pay~~ the fee and surcharge as provided
3 in section 60-4,115. ~~A and issue a receipt with driving privileges~~
4 which is valid for up to thirty days shall be issued. The commercial
5 driver's license shall be delivered to the applicant as provided in
6 section 60-4,113.

7 Sec. 37. Section 60-4,149.01, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 60-4,149.01 (1) A commercial driver's license examiner
10 shall not require the commercial driver's license knowledge
11 examination, except the hazardous material portion of the examination
12 and any knowledge examinations not previously taken for that class of
13 commercial motor vehicle or endorsement, if the applicant renews his
14 or her commercial driver's license prior to its expiration or within
15 one year after its expiration and if the applicant's driving record
16 abstract maintained in the department's computerized records shows
17 that his or her commercial driver's license is not suspended,
18 revoked, canceled, or disqualified.

19 (2) A nonresident who holds a valid commercial driver's
20 license from another state shall not be required to take the
21 commercial driver's license knowledge examination, except the
22 hazardous material portion of the examination and any knowledge
23 examinations not previously taken for that class of commercial motor
24 vehicle or endorsement, if the nonresident commercial driver's
25 license holder surrenders his or her valid out-of-state commercial

1 driver's license to the ~~commercial driver's license~~ examiner.
2 licensing staff.

3 ~~(3) The commercial motor vehicle general knowledge~~
4 ~~examination shall be waived for the commercial driver's license~~
5 ~~applicant if the applicant holds a Nebraska issued LPC learner's~~
6 ~~permit that is valid or has been expired less than one year that is~~
7 ~~not canceled, suspended, revoked, or disqualified.~~

8 Sec. 38. Section 60-4,150, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

10 60-4,150 (1) Any person holding a commercial driver's
11 license or CLP-commercial learner's permit who loses his or her
12 license or permit, who requires issuance of a replacement license or
13 permit because of a change of name or address, or whose license or
14 permit is mutilated or unreadable may obtain a duplicate or
15 replacement commercial driver's license or CLP-commercial learner's
16 permit by filing an application and by furnishing proof of
17 identification in accordance with section ~~60-484.~~ 60-4,144.

18 (2) The application for a replacement license or permit
19 because of a change of name or address shall be made within sixty
20 days after the change of name or address.

21 (3) A duplicate or replacement commercial driver's
22 license or CLP-commercial learner's permit shall be delivered to the
23 applicant as provided in section 60-4,113 after the county treasurer
24 collects the fee and surcharge prescribed in section 60-4,115 and
25 issues the applicant a receipt with driving privileges which is valid

1 for up to thirty days.

2 (4) Duplicate and replacement commercial drivers'
3 licenses or CLP-commercial learners' permits shall be issued in the
4 manner provided for the issuance of original and renewal commercial
5 drivers' licenses or permits as provided for by section 60-4,149.
6 Upon issuance of any duplicate or replacement commercial driver's
7 license or permit, the commercial driver's license or CLP-commercial
8 learner's permit for which the duplicate or replacement license or
9 permit is issued shall be void.

10 Sec. 39. Section 60-4,151, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 60-4,151 (1)(a) The commercial driver's license shall be
13 conspicuously marked Nebraska Commercial Driver's License and shall
14 be, to the maximum extent practicable, tamper and forgery proof. The
15 commercial driver's license shall be marked Nondomiciled if the
16 license is a nondomiciled commercial driver's license.

17 (b) The form of the commercial driver's license shall
18 also comply with section 60-4,117.

19 (2) The ~~restricted-RCDL-restricted~~ commercial driver's
20 license shall be conspicuously marked Nebraska Restricted Commercial
21 Driver's License and shall be, to the maximum extent practicable,
22 tamper and forgery proof. The ~~restricted-RCDL-restricted~~ commercial
23 driver's license shall contain such additional information as deemed
24 necessary by the director.

25 (3) The ~~seasonal-SEP-seasonal~~ permit shall contain such

1 information as deemed necessary by the director but shall include the
2 time period during which the commercial motor vehicle operating
3 privilege is effective. The ~~seasonal~~SEP-seasonal permit shall be
4 valid only when held in conjunction with a ~~restricted~~an RCDL-
5 restricted commercial driver's license.

6 (4) The CLP-commercial learner's permit shall be
7 conspicuously marked Nebraska Commercial Learner's Permit and shall
8 be, to the maximum extent practicable, tamper and forgery proof. The
9 permit shall also be marked Nondomiciled if the permit is a
10 nondomiciled CLP-commercial learner's permit.

11 Sec. 40. A commercial driver's license examiner shall not
12 require the driving skills examination for a commercial motor vehicle
13 driver with military commercial motor vehicle experience who is
14 currently licensed at the time of his or her application for a
15 commercial driver's license and may substitute an applicant's driving
16 record in combination with certain driving experience. The department
17 may impose conditions and limitations as allowed under 49 C.F.R. 383
18 to restrict the applicants from whom the department may accept
19 alternative requirements for the driving skills examination
20 authorized in section 60-4,155. Such conditions and limitations shall
21 require at least the following:

22 (1) An applicant must certify that, during the two-year
23 period immediately prior to applying for a commercial driver's
24 license, he or she:

25 (a) Has not had more than one operator's license, except

1 for a military operator's license;

2 (b) Has not had any operator's license suspended,
3 revoked, or canceled;

4 (c) Has not had any convictions for any type of motor
5 vehicle for the disqualifying offenses contained in 49 C.F.R.
6 383.51(b);

7 (d) Has not had more than one conviction for any type of
8 motor vehicle for serious traffic violations contained in 49 C.F.R.
9 383.51(c);

10 (e) Has not had any conviction for a violation of
11 military, state, or local law relating to motor vehicle traffic
12 control, other than a parking violation, arising in connection with
13 any traffic accident; and

14 (f) Has no record of an accident in which he or she was
15 at fault; and

16 (2) An applicant must provide evidence and certify that
17 he or she:

18 (a) Is regularly employed or was regularly employed
19 within the last ninety days in a military position requiring
20 operation of a commercial motor vehicle;

21 (b) Was exempted from the commercial driver's license
22 requirements in 49 C.F.R. 383.3(c); and

23 (c) Was operating a vehicle representative of the
24 commercial motor vehicle the driver applicant operates or expects to
25 operate, for at least two years immediately preceding discharge from

1 the military.

2 Sec. 41. Section 60-4,153, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 60-4,153 Prior to the issuance of any original or renewal
5 commercial driver's license, ~~or~~ the reissuance of any commercial
6 driver's license with a change of any classification, endorsement, or
7 restriction, or the issuance of a CLP-commercial learner's permit,
8 the department shall, within twenty-four hours prior to issuance if
9 the applicant does not currently possess a valid commercial driver's
10 license or CLP-commercial learner's permit issued by this state and
11 within ten days prior to the issuance or reissuance for all other
12 applicants:

13 (1) Check the driving record of the applicant as
14 maintained by the department or by any other state which has issued
15 an operator's license to the applicant;

16 (2) Contact the Commercial Driver License Information
17 System to determine whether the applicant possesses any valid
18 commercial driver's license or commercial learner's permit issued by
19 any other state, whether such license or permit or the applicant's
20 privilege to operate a commercial motor vehicle has been suspended,
21 revoked, or canceled, or whether the applicant has been disqualified
22 from operating a commercial motor vehicle; and

23 (3) Contact the National Driver Register to determine if
24 the applicant (a) has been disqualified from operating any motor
25 vehicle, (b) has had an operator's license suspended, revoked, or

1 canceled for cause in the three-year period ending on the date of
2 application, (c) has been convicted of operation of a motor vehicle
3 while under the influence of or while impaired by alcohol or a
4 controlled substance, a traffic violation arising in connection with
5 a fatal traffic accident, reckless driving, racing on the highways,
6 failure to render aid or provide identification when involved in an
7 accident which resulted in a fatality or personal injury, or perjury
8 or the knowledgeable making of a false affidavit or statement to
9 officials in connection with activities governed by a law, rule, or
10 regulation related to the operation of a motor vehicle, (d) is not
11 eligible, or (e) is deceased.

12 Sec. 42. Section 60-4,154, Revised Statutes Cumulative
13 Supplement, 2012, is amended to read:

14 60-4,154 (1) Prior to the issuance of any original or
15 renewal commercial driver's license, ~~or~~ the reissuance of any
16 commercial driver's license with a change of any classification,
17 endorsement, or restriction, or the issuance of a CLP-commercial
18 learner's permit, the director shall notify the Commercial Driver
19 License Information System of the issuance and shall provide the
20 applicant's name, social security number, and any other required
21 information to the operator of the system.

22 (2) ~~Beginning January 1, 2012, the~~ The department shall
23 post information from the medical examiner's certificate to the
24 Commercial Driver License Information System in accordance with
25 section 60-4,144.02 and 49 C.F.R. 383.73.

1 Sec. 43. Section 60-4,157, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-4,157 (1) A commercial driver's license examiner may
4 waive the driving skills examination when an applicant presents
5 evidence, on a form to be prescribed by the director, that he or she
6 has successfully passed a driving skills examination administered by
7 a third-party tester.

8 ~~For purposes of this section and section 60-4,158, third-~~
9 ~~party tester shall mean another state's licensing authority, any~~
10 ~~agency, department, board, or commission of this state, any employer,~~
11 ~~any public or private driver training facility, or any political~~
12 ~~subdivision of this state authorized by the director to conduct the~~
13 ~~driving skills examination for the issuance of commercial drivers'~~
14 ~~licenses.~~

15 (2) A third-party skills test examiner may administer a
16 driving skills examination to an applicant who has taken training in
17 this state but is to be licensed in another state. The driving skills
18 examination results shall be reported by the third-party skills test
19 examiner to the department. The department shall transmit
20 electronically the driving skills examination results directly from
21 this state to the licensing state in an efficient and secure manner
22 to be determined by the director.

23 (3) A third-party skills test examiner who is also a
24 skills instructor either as part of a school, training program, or
25 otherwise is prohibited from administering a skills test to an

1 applicant who received skills training by that skills test examiner.

2 Sec. 44. Section 60-4,158, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 60-4,158 (1) The director shall adopt and promulgate
5 rules and regulations governing the certification of third-party
6 testers by the ~~Department of Motor Vehicles.~~ department. Such rules
7 and regulations shall substantially comply with the requirements of
8 49 C.F.R. 383.75. ~~An~~ A third-party skills test examiner employed by a
9 certified third-party tester is not required to hold a commercial
10 driver's license to administer a driving skills examination and
11 occupy the seat beside an applicant for a commercial driver's
12 license.

13 (2)(a) An applicant to be certified as a third-party
14 skills test examiner shall provide fingerprints to the Nebraska State
15 Patrol. The Nebraska State Patrol shall undertake a search for
16 criminal history record information relating to such applicant,
17 including transmittal of the applicant's fingerprints to the Federal
18 Bureau of Investigation for a national criminal history record
19 information check. The criminal history record information shall
20 include information concerning the applicant from federal
21 repositories of such information and repositories of such information
22 in other states if authorized by federal law. The Nebraska State
23 Patrol shall issue a report to the department that includes the
24 criminal history record information concerning the applicant. The
25 applicant shall pay the actual cost of the fingerprinting and

1 criminal background check.

2 (b) A third-party skills test examiner shall be subject
3 to a national criminal history record information check.

4 (c) The department shall maintain a record of the results
5 of the criminal background check and third-party skills test examiner
6 test training and certification of all third-party skills test
7 examiners.

8 (d) The department shall rescind the certification to
9 administer commercial driver's license tests of all third-party
10 skills test examiners who:

11 (i) Do not successfully complete the required refresher
12 training every four years; or

13 (ii) Do not pass a national criminal history record
14 information check. Criteria for not passing the criminal background
15 check must include at least the following:

16 (A) Any felony conviction within the last ten years; or

17 (B) Any conviction involving fraudulent activities.

18 ~~(2)~~(3) A certification to conduct third-party testing
19 shall be valid for two years, and the department shall charge a fee
20 of one hundred dollars to issue or renew the certification of any
21 third-party tester. The department shall remit the fees collected to
22 the State Treasurer for credit to the General Fund.

23 ~~(3)~~(4) Any third-party tester who violates any of the
24 rules and regulations adopted and promulgated pursuant to this
25 section shall be subject to having his or her certification revoked

1 by the department.

2 Sec. 45. Section 60-4,159, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 60-4,159 (1) Any person possessing a commercial driver's
5 license or CLP-commercial learner's permit issued by the ~~Department~~
6 ~~of Motor Vehicles department~~ shall, within ten days ~~of~~ after the date
7 of conviction, notify the department of all convictions for
8 violations of state law or local ordinance related to motor vehicle
9 traffic control, except parking violations, when such convictions
10 occur in another state.

11 (2) Any person possessing a commercial driver's license
12 or CLP-commercial learner's permit issued by the department who is
13 convicted of violating any state law or local ordinance related to
14 motor vehicle traffic control in this or any other state, other than
15 parking violations, shall notify his or her employer in writing of
16 the conviction within thirty days of the date of conviction.

17 (3) Any person possessing a commercial driver's license
18 or CLP-commercial learner's permit issued by the department whose
19 commercial driver's license or CLP-commercial learner's permit is
20 suspended, revoked, or canceled by any state, who loses the privilege
21 to ~~drive~~ operate a commercial motor vehicle in any state for any
22 period, or who is disqualified from ~~driving~~ operating a commercial
23 motor vehicle for any period shall notify his or her employer of that
24 fact before the end of the business day following the day the driver
25 received notice of that fact.

1 (4) Any person who fails to provide the notifications
2 required in subsection (1), (2), or (3) of this section shall, upon
3 conviction, be guilty of a Class III misdemeanor.

4 Sec. 46. Section 60-4,160, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 60-4,160 Written notice shall be delivered to any
7 applicant whose application for a commercial driver's license or CLP-
8 commercial learner's permit is refused or denied for cause. The
9 applicant shall have a right to an immediate appeal to the director
10 upon receipt of such notice. The director shall hear the appeal and
11 render a prompt finding not later than ten days after receipt of the
12 appeal.

13 Sec. 47. Section 60-4,162, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 60-4,162 (1) Each employer shall require prospective
16 applicants for employment as a driver of a commercial motor vehicle
17 to provide the information required by section 60-4,161.

18 ~~(2) An employer shall not knowingly allow, permit, or~~
19 ~~authorize a person to operate a commercial motor vehicle in the~~
20 ~~United States during any period in which:~~

21 ~~(a) The person's commercial driver's license is~~
22 ~~suspended, revoked, or canceled by any state;~~

23 ~~(b) The person has lost the privilege to drive a~~
24 ~~commercial motor vehicle in any state;~~

25 ~~(c) The person has been disqualified from driving a~~

1 ~~commercial motor vehicle; or~~

2 ~~(d) The person has more than one operator's license.~~

3 ~~(3) No employer may knowingly allow, permit, or authorize~~
4 ~~a person to operate a commercial motor vehicle in the United States~~
5 ~~in violation of a federal, state, or local law or regulation~~
6 ~~pertaining to highway rail grade crossings.~~

7 (2) No employer may knowingly allow, require, permit, or
8 authorize a driver to operate a commercial motor vehicle in the
9 United States in any of the following circumstances:

10 (a) During any period in which the driver does not have a
11 current commercial learner's permit or commercial driver's license or
12 does not have a commercial learner's permit or commercial driver's
13 license with the proper class or endorsements. An employer may not
14 use a driver to operate a commercial motor vehicle who violates any
15 restriction on the driver's commercial learner's permit or commercial
16 driver's license;

17 (b) During any period in which the driver has a
18 commercial learner's permit or commercial driver's license
19 disqualified by a state, has lost the right to operate a commercial
20 motor vehicle in a state, or has been disqualified from operating a
21 commercial motor vehicle;

22 (c) During any period in which the driver has more than
23 one commercial learner's permit or commercial driver's license;

24 (d) During any period in which the driver, the commercial
25 motor vehicle he or she is operating, or the motor carrier operation

1 is subject to an out-of-service order; or

2 (e) In violation of a federal, state, or local law or
3 regulation pertaining to railroad-highway grade crossings.

4 ~~(4)~~(3) Any employer who violates this section shall,
5 upon conviction, be guilty of a Class III misdemeanor.

6 Sec. 48. Section 60-4,167, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 60-4,167 Upon receipt of a law enforcement officer's
9 sworn report provided for in section 60-4,164, the director shall
10 serve the notice of disqualification to the person who is the subject
11 of the report by regular United States mail to the person's last-
12 known address appearing on the records of the director. If the
13 address on the director's records differs from the address on the
14 arresting officer's report, the notice of disqualification shall be
15 sent to both addresses. The notice of disqualification shall contain
16 a statement explaining the operation of the disqualification
17 procedure and the rights of the person. The director shall also
18 provide to the person a self-addressed envelope and a petition form
19 which the person may use to request a hearing before the director to
20 contest the disqualification. The petition form shall clearly state
21 on its face that the petition must be completed and delivered to the
22 department or postmarked within ten days after receipt or the
23 person's right to a hearing to contest the disqualification will be
24 foreclosed. The director shall prescribe and approve the form for the
25 petition, the self-addressed envelope, and the notice of

1 disqualification. If not contested, the disqualification shall
2 automatically take effect thirty days after the date of mailing of
3 the notice of disqualification by the director. Any chemical test or
4 tests made under section 60-4,164, if made in conformity with the
5 requirements of section 60-6,201, shall be competent evidence of the
6 alcoholic content of such person's blood or breath. The commercial
7 driver's license or commercial learner's permit of the person who is
8 the subject of the report shall be automatically disqualified upon
9 the expiration of thirty days after the date of the mailing of the
10 notice of disqualification by the director. The director shall
11 conduct the hearing in the county in which the violation occurred or
12 in any county agreed to by the parties. Upon receipt of a petition,
13 the director shall notify the petitioner of the date and location for
14 the hearing by regular United States mail postmarked at least seven
15 days prior to the hearing date.

16 After granting the petitioner an opportunity to be heard
17 on such issue, if it is not shown to the director that the
18 petitioner's refusal to submit to such chemical test or tests was
19 reasonable or unless it is shown to the director that the petitioner
20 was not operating or in the actual physical control of a commercial
21 motor vehicle with an alcoholic concentration in his or her blood or
22 breath equal to or in excess of that specified in subsection (5) of
23 section 60-4,164, the director shall enter an order pursuant to
24 section 60-4,169 revoking the petitioner's commercial driver's
25 license or commercial learner's permit and the petitioner's privilege

1 to operate a commercial motor vehicle in this state and disqualifying
2 the person from operating a commercial motor vehicle for the period
3 specified by section 60-4,168.

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

6 60-4,168 (1) Except as provided in subsections (2) and
7 (3) of this section, a person shall be disqualified from ~~driving~~
8 operating a commercial motor vehicle for one year upon his or her
9 first conviction, after April 1, 1992, in this or any other state
10 for:

11 (a) ~~Driving~~Operating a commercial motor vehicle in
12 violation of section 60-6,196 or 60-6,197 or under the influence of a
13 controlled substance or, beginning September 30, 2005, ~~driving~~
14 operating any motor vehicle in violation of section 60-6,196 or
15 60-6,197 or under the influence of a controlled substance;

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

18 (c) Leaving the scene of an accident involving a
19 commercial motor vehicle ~~driven~~operated by the person or, beginning
20 September 30, 2005, leaving the scene of an accident involving any
21 motor vehicle ~~driven~~operated by the person;

22 (d) Using a commercial motor vehicle in the commission of
23 a felony other than a felony described in subdivision (3)(b) of this
24 section or, beginning September 30, 2005, using any motor vehicle in
25 the commission of a felony other than a felony described in

1 subdivision (3)(b) of this section;

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

6 (f) Beginning September 30, 2005, causing a fatality
7 through the negligent or criminal operation of a commercial motor
8 vehicle.

9 (2) Except as provided in subsection (3) of this section,
10 if any of the offenses described in subsection (1) of this section
11 occurred while a person was transporting hazardous material in a
12 commercial motor vehicle which required placarding pursuant to
13 section 75-364, the person shall, upon conviction or administrative
14 determination, be disqualified from ~~driving~~operating a commercial
15 motor vehicle for three years.

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

19 (a) Is convicted of or administratively determined to
20 have committed a second or subsequent violation of any of the
21 offenses described in subsection (1) of this section or any
22 combination of those offenses arising from two or more separate
23 incidents; or

24 (b) Beginning September 30, 2005, used a commercial motor
25 vehicle in the commission of a felony involving the manufacturing,

1 distributing, or dispensing of a controlled substance.

2 (4)(a) A person is disqualified from ~~driving~~operating a
3 commercial motor vehicle for a period of not less than sixty days if
4 he or she is convicted in this or any other state of two serious
5 traffic violations, or not less than one hundred twenty days if he or
6 she is convicted in this or any other state of three serious traffic
7 violations, arising from separate incidents occurring within a three-
8 year period while operating a commercial motor vehicle.

9 (b) A person is disqualified from ~~driving~~operating a
10 commercial motor vehicle for a period of not less than sixty days if
11 he or she is convicted in this or any other state of two serious
12 traffic violations, or not less than one hundred twenty days if he or
13 she is convicted in this or any other state of three serious traffic
14 violations, arising from separate incidents occurring within a three-
15 year period while operating a motor vehicle other than a commercial
16 motor vehicle if the convictions have resulted in the revocation,
17 cancellation, or suspension of the person's operator's license or
18 driving privileges.

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

24 (i) For drivers who are not required to always stop,
25 failing to slow down and check that the tracks are clear of an

1 approaching train;

2 (ii) For drivers who are not required to always stop,
3 failing to stop before reaching the crossing, if the tracks are not
4 clear;

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

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

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

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

14 (b)(i) A person shall be disqualified for not less than
15 sixty days if the person is convicted of a first violation described
16 in this subsection.

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

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

25 (6) This subsection applies beginning July 8, 2015. A

1 person shall be disqualified from operating a commercial motor
2 vehicle for at least one year if, on or after July 8, 2015, the
3 person has been convicted of fraud related to the issuance of his or
4 her CLP-commercial learner's permit or commercial driver's license.

5 (7) This subsection applies beginning July 8, 2015. If
6 the department receives credible information that a CLP-commercial
7 learner's permit holder or a commercial driver's license holder is
8 suspected, but has not been convicted, on or after July 8, 2015, of
9 fraud related to the issuance of his or her CLP-commercial learner's
10 permit or commercial driver's license, the department must require
11 the driver to retake the skills and knowledge tests. Within thirty
12 days after receiving notification from the department that retesting
13 is necessary, the affected CLP-commercial learner's permit holder or
14 commercial driver's license holder must make an appointment or
15 otherwise schedule to take the next available test. If the CLP-
16 commercial learner's permit holder or commercial driver's license
17 holder fails to make an appointment within thirty days, the
18 department must disqualify his or her CLP-commercial learner's permit
19 or commercial driver's license. If the driver fails either the
20 knowledge or skills test or does not take the test, the department
21 must disqualify his or her CLP-commercial learner's permit or
22 commercial driver's license. If the holder of a CLP-commercial
23 learner's permit or commercial driver's license has had his or her
24 CLP-commercial learner's permit or commercial driver's license
25 disqualified, he or she must reapply for a CLP-commercial learner's

1 permit or commercial driver's license under department procedures
2 applicable to all applicants for a CLP-commercial learner's permit or
3 commercial driver's license.

4 ~~(6)~~—(8) For purposes of this section, controlled
5 substance has the same meaning as in section 28-401.

6 ~~(7)~~—(9) For purposes of this section, conviction means an
7 unvacated adjudication of guilt, or a determination that a person has
8 violated or failed to comply with the law, in a court of original
9 jurisdiction or by an authorized administrative tribunal, an
10 unvacated forfeiture of bail or collateral deposited to secure the
11 person's appearance in court, a plea of guilty or nolo contendere
12 accepted by the court, the payment of a fine or court costs, or a
13 violation of a condition of release without bail, regardless of
14 whether or not the penalty is rebated, suspended, or probated.

15 ~~(8)~~—(10) For purposes of this section, serious traffic
16 violation means:

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

19 (b) Willful reckless driving as described in section
20 60-6,214 or reckless driving as described in section 60-6,213;

21 (c) Improper lane change as described in section
22 60-6,139;

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

25 (e) A violation of any law or ordinance related to motor

1 vehicle traffic control, other than parking violations or overweight
2 or vehicle defect violations, arising in connection with an accident
3 or collision resulting in death to any person;

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

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

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

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

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

18 Sec. 50. Section 60-4,169, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 60-4,169 Whenever it comes to the attention of the
21 director that any person when operating a motor vehicle has, based
22 upon the records of the director, been convicted of or
23 administratively determined to have committed an offense for which
24 disqualification is required pursuant to section 60-4,146.01,
25 60-4,168, or 60-4,168.01, the director shall summarily revoke (1) the

1 commercial driver's license or CLP-commercial learner's permit and
2 privilege of such person to operate a commercial motor vehicle in
3 this state or (2) the privilege, if such person is a nonresident, of
4 operating a commercial motor vehicle in this state. Any revocation
5 ordered by the director pursuant to this section shall commence on
6 the date of the signing of the order of revocation or the date of the
7 release of such person from the jail or a Department of Correctional
8 Services adult correctional facility, whichever is later, unless the
9 order of the court requires the jail time and the revocation to run
10 concurrently.

11 Sec. 51. Section 60-4,170, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 60-4,170 Within ten days after the revocation provided
14 for by section 60-4,169, the director shall notify in writing the
15 person whose commercial driver's license, CLP-commercial learner's
16 permit, or privilege to operate a commercial motor vehicle has been
17 revoked that such license, permit, or privilege has been revoked.
18 Such notice shall: (1) Contain a list of the disqualifying
19 convictions or administrative determinations upon which the director
20 relies as his or her authority for the revocation, with the dates on
21 which such disqualifying violations occurred and the dates of such
22 convictions or administrative determinations and the trial courts or
23 administrative agencies in which such convictions or administrative
24 determinations were rendered; (2) state the term of revocation; (3)
25 include a demand that the commercial driver's license or CLP-

1 commercial learner's permit be returned to the director immediately;
2 and (4) be served by mailing the notice to such person by regular
3 United States mail to the address of such person. ~~If any person fails~~
4 ~~to return a commercial driver's license following a demand by the~~
5 ~~director, the director shall immediately direct any peace officer or~~
6 ~~authorized representative of the director to secure possession of~~
7 ~~such license and return the license to the director.~~ Any person
8 refusing or failing to surrender a commercial driver's license or
9 CLP-commercial learner's permit as required by this section shall,
10 upon conviction, be guilty of a Class III misdemeanor.

11 Any person who feels himself or herself aggrieved because
12 of a revocation pursuant to section 60-4,169 may appeal from such
13 revocation in the manner set forth in section 60-4,105. Such appeal
14 shall not suspend the order of revocation unless a stay of such
15 revocation shall be allowed by the court pending a final
16 determination of the review. The license of any person claiming to be
17 aggrieved shall not be restored to such person, in the event of a
18 final judgment of a court against such person, until the full time of
19 revocation, as fixed by the director, has elapsed.

20 Sec. 52. Section 60-4,171, Revised Statutes Cumulative
21 Supplement, 2012, is amended to read:

22 60-4,171 (1) Following any period of revocation ordered
23 by a court, a resident who has had a commercial driver's license or
24 CLP-commercial learner's permit revoked pursuant to section 60-4,169
25 may apply for a Class O or M operator's license.

1 (2) Any person who has had his or her commercial driver's
2 license or CLP-commercial learner's permit revoked pursuant to
3 section 60-4,169 may, at the end of such revocation period, apply to
4 have his or her eligibility for a commercial driver's license or CLP-
5 commercial learner's permit reinstated. The applicant shall (a) apply
6 to the ~~Department of Motor Vehicles and provide his or her social~~
7 ~~security number, department and meet the requirements of section~~
8 60-4,144, (b) take the commercial driver's license knowledge and
9 driving skills examinations prescribed pursuant to section 60-4,155,
10 ~~(c) up to and including December 31, 2011, comply with section~~
11 ~~60-4,145 regarding physical requirements, (d) on or after January 1,~~
12 ~~2012, if applying for a commercial driver's license, (c) certify~~
13 pursuant to section 60-4,144.01 and meet the applicable medical
14 requirements for such certification, ~~(e)-(d)~~ be subject to a check of
15 his or her driving record, ~~(f)-(e)~~ pay the fees specified in section
16 60-4,115 and a reinstatement fee as provided in section 60-499.01,
17 and ~~(g)-(f)~~ surrender any operator's license issued pursuant to
18 subsection (1) of this section.

19 Sec. 53. Section 60-4,172, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 60-4,172 (1) Within ten days after receiving an abstract
22 of conviction of any nonresident ~~holder of a~~ who holds a commercial
23 learner's permit or commercial driver's license for any violation of
24 state law or local ordinance related to motor vehicle traffic
25 control, other than parking violations, committed in a commercial

1 motor vehicle operated in this state, the director shall notify the
2 driver licensing authority which licensed the nonresident who holds a
3 commercial learner's permit or commercial driver's license and the
4 Commercial Driver License Information System of such conviction.

5 (2)(a) ~~Beginning September 30, 2005, within~~ Within ten
6 days after disqualifying a nonresident ~~holder of an out of state who~~
7 holds a commercial learner's permit or commercial driver's license or
8 canceling, revoking, or suspending a ~~nonresident's out of state the~~
9 commercial learner's permit or commercial driver's license held by a
10 nonresident, for a period of at least sixty days, the ~~Department of~~
11 ~~Motor Vehicles department~~ shall notify the driver licensing authority
12 which licensed the nonresident and the Commercial Driver License
13 Information System of such action.

14 (b) The notification shall include both the
15 disqualification and the violation that resulted in the
16 disqualification, cancellation, revocation, or suspension. The
17 notification and the information it provides shall be recorded on the
18 driver's record.

19 (3) ~~Beginning September 30, 2005, within~~ Within ten days
20 after receiving an abstract of conviction of any nonresident ~~holder~~
21 ~~of a~~ who holds a commercial learner's permit or commercial driver's
22 license for any violation of state law or local ordinance related to
23 motor vehicle traffic control, other than parking violations,
24 committed in any type of motor vehicle operated in this state, the
25 director shall notify the driver licensing authority which licensed

1 the nonresident and the Commercial Driver License Information System
2 of such conviction.

3 (4) ~~Beginning September 30, 2005, within~~ Within ten days
4 after receiving an abstract of conviction of any nonresident ~~holder~~
5 ~~of a~~ who holds a driver's license for any violation of state law or
6 local ordinance related to motor vehicle traffic control, other than
7 parking violations, committed in a commercial motor vehicle operated
8 in this state, the director shall notify the driver licensing
9 authority which licensed the nonresident.

10 Sec. 54. Section 60-4,182, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 60-4,182 In order to prevent and eliminate successive
13 traffic violations, there is hereby provided a point system dealing
14 with traffic violations as disclosed by the files of the director.
15 The following point system shall be adopted:

16 (1) Conviction of motor vehicle homicide - 12 points;

17 (2) Third offense drunken driving in violation of any
18 city or village ordinance or of section 60-6,196, as disclosed by the
19 records of the director, regardless of whether the trial court found
20 the same to be a third offense - 12 points;

21 (3) Failure to stop and render aid as required under
22 section 60-697 in the event of involvement in a motor vehicle
23 accident resulting in the death or personal injury of another - 6
24 points;

25 (4) Failure to stop and report as required under section

1 60-696 or any city or village ordinance in the event of a motor
2 vehicle accident resulting in property damage - 6 points;

3 (5) Driving a motor vehicle while under the influence of
4 alcoholic liquor or any drug or when such person has a concentration
5 of eight-hundredths of one gram or more by weight of alcohol per one
6 hundred milliliters of his or her blood or per two hundred ten liters
7 of his or her breath in violation of any city or village ordinance or
8 of section 60-6,196 - 6 points;

9 (6) Willful reckless driving in violation of any city or
10 village ordinance or of section 60-6,214 or 60-6,217 - 6 points;

11 (7) Careless driving in violation of any city or village
12 ordinance or of section 60-6,212 - 4 points;

13 (8) Negligent driving in violation of any city or village
14 ordinance - 3 points;

15 (9) Reckless driving in violation of any city or village
16 ordinance or of section 60-6,213 - 5 points;

17 (10) Speeding in violation of any city or village
18 ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:

19 (a) Not more than five miles per hour over the speed
20 limit - 1 point;

21 (b) More than five miles per hour but not more than ten
22 miles per hour over the speed limit - 2 points;

23 (c) More than ten miles per hour but not more than
24 thirty-five miles per hour over the speed limit - 3 points, except
25 that one point shall be assessed upon conviction of exceeding by not

1 more than ten miles per hour, two points shall be assessed upon
2 conviction of exceeding by more than ten miles per hour but not more
3 than fifteen miles per hour, and three points shall be assessed upon
4 conviction of exceeding by more than fifteen miles per hour but not
5 more than thirty-five miles per hour the speed limits provided for in
6 subdivision (1)(e), (f), (g), or (h) of section 60-6,186; and

7 (d) More than thirty-five miles per hour over the speed
8 limit - 4 points;

9 (11) Failure to yield to a pedestrian not resulting in
10 bodily injury to a pedestrian - 2 points;

11 (12) Failure to yield to a pedestrian resulting in bodily
12 injury to a pedestrian - 4 points;

13 (13) Using a handheld wireless communication device in
14 violation of section 60-6,179.01 or texting while driving in
15 violation of subsection (1) or (3) of section 60-6,179.02 - 3 points;

16 (14) Using a handheld mobile telephone in violation of
17 subsection (2) or (4) of section 60-6,179.02 - 3 points;

18 ~~(14)~~(15) Unlawful obstruction or interference of the
19 view of an operator in violation of section 60-6,256 - 1 point;

20 ~~(15)~~(16) A violation of subsection (1) of section
21 60-6,175 - 3 points; and

22 ~~(16)~~(17) All other traffic violations involving the
23 operation of motor vehicles by the operator for which reports to the
24 Department of Motor Vehicles are required under sections 60-497.01
25 and 60-497.02 - 1 point.

1 Subdivision ~~(16)~~(17) of this section does not include
2 violations involving an occupant protection system pursuant to
3 section 60-6,270, parking violations, violations for operating a
4 motor vehicle without a valid operator's license in the operator's
5 possession, muffler violations, overwidth, overheight, or overlength
6 violations, motorcycle or moped protective helmet violations, or
7 overloading of trucks.

8 All such points shall be assessed against the driving
9 record of the operator as of the date of the violation for which
10 conviction was had. Points may be reduced by the department under
11 section 60-4,188.

12 In all cases, the forfeiture of bail not vacated shall be
13 regarded as equivalent to the conviction of the offense with which
14 the operator was charged.

15 The point system shall not apply to persons convicted of
16 traffic violations committed while operating a bicycle or an electric
17 personal assistive mobility device as defined in section 60-618.02.

18 Sec. 55. Section 60-6,179.01, Revised Statutes Cumulative
19 Supplement, 2012, is amended to read:

20 60-6,179.01 (1) This section does not apply to an
21 operator of a commercial motor vehicle if section 60-6,179.02
22 applies.

23 (2) Except as otherwise provided in subsection (3) of
24 this section, no person shall use a handheld wireless communication
25 device to read a written communication, manually type a written

1 communication, or send a written communication while operating a
2 motor vehicle which is in motion.

3 (3) The prohibition in subsection (2) of this section
4 does not apply to:

5 (a) A person performing his or her official duties as a
6 law enforcement officer, a firefighter, an ambulance driver, or an
7 emergency medical technician; or

8 (b) A person operating a motor vehicle in an emergency
9 situation.

10 (4) Enforcement of this section by state or local law
11 enforcement agencies shall be accomplished only as a secondary action
12 when a driver of a motor vehicle has been cited or charged with a
13 traffic violation or some other offense.

14 (5) Any person who violates this section shall be guilty
15 of a traffic infraction. Any person who is found guilty of a traffic
16 infraction under this section shall be assessed points on his or her
17 motor vehicle operator's license pursuant to section 60-4,182 and
18 shall be fined:

19 (a) Two hundred dollars for the first offense;

20 (b) Three hundred dollars for a second offense; and

21 (c) Five hundred dollars for a third and subsequent
22 offense.

23 (6) For purposes of this section:

24 (a) Commercial motor vehicle has the same meaning as in
25 section 75-362;

1 ~~(a)(i)~~(b)(i) Handheld wireless communication device
2 means any device that provides for written communication between two
3 or more parties and is capable of receiving, displaying, or
4 transmitting written communication.

5 (ii) Handheld wireless communication device includes, but
6 is not limited to, a mobile or cellular telephone, a text messaging
7 device, a personal digital assistant, a pager, or a laptop computer.

8 (iii) Handheld wireless communication device does not
9 include an electronic device that is part of the motor vehicle or
10 permanently attached to the motor vehicle or a handsfree wireless
11 communication device; and

12 ~~(b)~~(c) Written communication includes, but is not
13 limited to, a text message, an instant message, electronic mail, and
14 Internet web sites.

15 Sec. 56. Section 60-6,179.02, Revised Statutes Cumulative
16 Supplement, 2012, is amended to read:

17 60-6,179.02 ~~(1) Beginning October 27, 2013, except (1)(a)~~
18 Except as otherwise provided in subsection (2) subdivision (1)(b) of
19 this section, no operator of a commercial motor vehicle or a motor
20 vehicle designed or used to transport between nine and fifteen
21 passengers, including the driver, not for direct compensation, if the
22 vehicle does not otherwise meet the definition of a commercial motor
23 vehicle, shall engage in texting while driving such vehicle.

24 ~~(2)~~(b) Texting while driving is permissible by an
25 operator of a commercial motor vehicle ~~if such texting is or a motor~~

1 vehicle designed or used to transport between nine and fifteen
2 passengers, including the driver, not for direct compensation, if the
3 vehicle does not otherwise meet the definition of a commercial motor
4 vehicle, when necessary to communicate with law enforcement officials
5 or other emergency services.

6 (2)(a) Except as otherwise provided in subdivision (2)(b)
7 of this section, no operator of a commercial motor vehicle or a motor
8 vehicle designed or used to transport between nine and fifteen
9 passengers, including the driver, not for direct compensation, if the
10 vehicle does not otherwise meet the definition of a commercial motor
11 vehicle, shall use a handheld mobile telephone while driving and no
12 motor carrier shall allow or require its operators to use a handheld
13 mobile telephone while driving such vehicle.

14 (b) Using a handheld mobile telephone is permissible by
15 an operator of a commercial motor vehicle or a motor vehicle designed
16 or used to transport between nine and fifteen passengers, including
17 the driver, not for direct compensation, if the vehicle does not
18 otherwise meet the definition of a commercial motor vehicle, when
19 necessary to communicate with law enforcement officials or other
20 emergency services.

21 (3)(a) Except as otherwise provided in subdivision (3)(b)
22 of this section, no operator of a school bus shall engage in texting
23 during school bus operations.

24 (b) Texting while driving is permissible by an operator
25 of a school bus during school bus operations when necessary to

1 communicate with law enforcement officials or other emergency
2 services.

3 (4)(a) Except as otherwise provided in subdivision (4)(b)
4 of this section, no operator of a school bus shall use a handheld
5 mobile telephone during school bus operations.

6 (b) Using a handheld mobile telephone is permissible by
7 an operator of a school bus during school bus operations when
8 necessary to communicate with law enforcement officials or other
9 emergency services.

10 ~~(3)~~(5) Any person who violates this section shall be
11 guilty of a traffic infraction. Any person who is found guilty of a
12 traffic infraction under this section shall be subject to
13 disqualification as provided in section 60-4,168, shall be assessed
14 points on his or her motor vehicle operator's license pursuant to
15 section 60-4,182, and shall be fined:

16 (a) Two hundred dollars for the first offense;

17 (b) Three hundred dollars for a second offense; and

18 (c) Five hundred dollars for a third and subsequent
19 offense.

20 ~~(4)~~(6) For purposes of this section:

21 (a) Commercial motor vehicle has the same meaning as in
22 section 75-362;

23 ~~(a)~~(b) Driving means operating a commercial motor
24 vehicle, ~~with the motor running,~~ including while temporarily
25 stationary because of traffic, a traffic control device, or other

1 momentary delays. Driving does not include operating a commercial
2 motor vehicle ~~with or without the motor running~~ when the operator
3 moves the vehicle to the side of, or off, a highway and halts in a
4 location where the vehicle can safely remain stationary;

5 ~~(b)~~(c) Electronic device includes, but is not limited
6 to, a cellular telephone; a personal digital assistant; a pager; a
7 computer; or any other device used to input, write, send, receive, or
8 read text; ~~and~~

9 (d) Mobile telephone means a mobile communication device
10 that falls under or uses any commercial mobile radio service as
11 defined in regulations of the Federal Communications Commission, 47
12 C.F.R. 20.3. Mobile telephone does not include two-way or citizens
13 band radio services;

14 (e) School bus operations means the use of a school bus
15 to transport school children or school personnel;

16 ~~(e)(i)~~(f)(i) Texting means manually entering
17 alphanumeric text into, or reading text from, an electronic device.
18 ~~Texting~~This action includes, but is not limited to, short message
19 service, emailing, instant messaging, a command or request to access
20 an Internet web page, pressing more than a single button to initiate
21 or terminate a voice communication using a mobile telephone, or
22 engaging in any other form of electronic text retrieval or ~~electronic~~
23 ~~text~~ entry for present or future communication.

24 (ii) Texting does not include:

25 (A) Inputting, selecting, or reading information on a

1 global positioning system or navigation system;

2 (B) Pressing a single button to initiate or terminate a
3 voice communication using a mobile telephone; or

4 (C) Using a device capable of performing multiple
5 functions, including, but not limited to, fleet management systems,
6 dispatching devices, smartphones, citizens band radios, and music
7 players, for a purpose other than texting; and -

8 (g) Use a handheld mobile telephone means:

9 (i) Using at least one hand to hold a mobile telephone to
10 conduct a voice communication;

11 (ii) Dialing or answering a mobile telephone by pressing
12 more than a single button; or

13 (iii) Reaching for a mobile telephone in a manner that
14 requires a driver to maneuver so that he or she is no longer in a
15 seated driving position and restrained by a seat belt that is
16 installed in accordance with 49 C.F.R. 393.93 and adjusted in
17 accordance with the vehicle manufacturer's instructions.

18 Sec. 57. Section 60-2905, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 60-2905 (1) Notwithstanding any other provision of state
21 law to the contrary, except as provided in sections 60-2906 and
22 60-2907, the department and any officer, employee, agent, or
23 contractor of the department shall not disclose personal information
24 about any person obtained by the department in connection with a
25 motor vehicle record.

1 (2) Notwithstanding any other provision of state law to
2 the contrary, except as provided in sections 60-483, 60-484,
3 60-4,144, and 60-2909.01, the department and any officer, employee,
4 agent, or contractor of the department shall not disclose sensitive
5 personal information about any person obtained by the department in
6 connection with a motor vehicle record without the express written
7 consent of the person to whom such information pertains.

8 Sec. 58. Section 60-2907, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 60-2907 The department and any officer, employee, agent,
11 or contractor of the department having custody of a motor vehicle
12 record shall, upon the verification of identity and purpose of a
13 requester, disclose and make available the requested motor vehicle
14 record, including the personal information in the record, for the
15 following purposes:

16 (1) For use by any federal, state, or local governmental
17 agency, including any court or law enforcement agency, in carrying
18 out the agency's functions or by a private person or entity acting on
19 behalf of a governmental agency in carrying out the agency's
20 functions;

21 (2) For use in connection with matters of motor vehicle
22 or driver safety and theft; motor vehicle emissions; motor vehicle
23 product alterations, recalls, or advisories; performance monitoring
24 of motor vehicles, motor vehicle parts, and dealers; motor vehicle
25 market research activities, including survey research; and removal of

1 nonowner records from the original owner records of motor vehicle
2 manufacturers;

3 (3) For use in the normal course of business by a
4 legitimate business or its agents, employees, or contractors but
5 only:

6 (a) To verify the accuracy of personal information
7 submitted by the individual to the business or its agents, employees,
8 or contractors; and

9 (b) If such information as so submitted is not correct or
10 is no longer correct, to obtain the correct information, but only for
11 the purposes of preventing fraud by, pursuing legal remedies against,
12 or recovering on a debt or security interest against, the individual;

13 (4) For use in connection with any civil, criminal,
14 administrative, or arbitral proceeding in any federal, state, or
15 local court or governmental agency or before any self-regulatory
16 body, including service of process, investigation in anticipation of
17 litigation, and execution or enforcement of judgments and orders, or
18 pursuant to an order of a federal, state, or local court, an
19 administrative agency, or a self-regulatory body;

20 (5) For use in research activities, and for use in
21 producing statistical reports, so long as the personal information is
22 not published, redisclosed, or used to contact individuals;

23 (6) For use by any insurer or insurance support
24 organization, or by a self-insured entity, or its agents, employees,
25 or contractors, in connection with claims investigation activities,

1 anti-fraud activities, rating, or underwriting;

2 (7) For use in providing notice to the owners of
3 abandoned, towed, or impounded vehicles;

4 (8) For use only for a purpose permitted under this
5 section either by a private detective, plain clothes investigator, or
6 private investigative agency licensed under sections 71-3201 to
7 71-3213;

8 (9) For use by an employer or the employer's agent or
9 insurer to obtain or verify information relating to a holder of a
10 commercial driver's license or CLP-commercial learner's permit that
11 is required under the Commercial Motor Vehicle Safety Act of 1986, 49
12 U.S.C. 31301 et seq., or pursuant to sections 60-4,132 and 60-4,141;

13 (10) For use in connection with the operation of private
14 toll transportation facilities;

15 (11) For bulk distribution for surveys of, marketing to,
16 or solicitations of persons who have expressly consented to such
17 disclosure if the requester has obtained the notarized written
18 consent of the individual who is the subject of the personal
19 information being requested and has provided proof of receipt of such
20 written consent to the department or an officer, employee, agent, or
21 contractor of the department on a form prescribed by the department;

22 (12) For any use if the requester has obtained the
23 notarized written consent of the individual who is the subject of the
24 personal information being requested and has provided proof of
25 receipt of such written consent to the department or an officer,

1 employee, agent, or contractor of the department;

2 (13) For use, including redisclosure through news
3 publication, of a member of a medium of communication as defined in
4 section 20-145 who requests such information in connection with
5 preparing, researching, gathering, or confirming news information
6 involving motor vehicle or driver safety or motor vehicle theft;

7 (14) For use by the federally designated organ
8 procurement organization for Nebraska to establish and maintain the
9 Donor Registry of Nebraska as provided in section 71-4822; and

10 (15) For any other use specifically authorized by law
11 that is related to the operation of a motor vehicle or public safety.

12 Sec. 59. Section 60-2909.01, Revised Statutes Cumulative
13 Supplement, 2012, is amended to read:

14 60-2909.01 The department and any officer, employee,
15 agent, or contractor of the department having custody of a motor
16 vehicle record shall, upon the verification of identity and purpose
17 of a requester, disclose and make available the requested motor
18 vehicle record, including the sensitive personal information in the
19 record, other than the social security number, for the following
20 purposes:

21 (1) For use by any federal, state, or local governmental
22 agency, including any court or law enforcement agency, in carrying
23 out the agency's functions or by a private person or entity acting on
24 behalf of a governmental agency in carrying out the agency's
25 functions;

1 (2) For use in connection with any civil, criminal,
2 administrative, or arbitral proceeding in any federal, state, or
3 local court or governmental agency or before any self-regulatory
4 body, including service of process, investigation in anticipation of
5 litigation, and execution or enforcement of judgments and orders, or
6 pursuant to an order of a federal, state, or local court, an
7 administrative agency, or a self-regulatory body;

8 (3) For use by any insurer or insurance support
9 organization, or by a self-insured entity, or its agents, employees,
10 or contractors, in connection with claims investigation activities,
11 anti-fraud activities, rating, or underwriting;

12 (4) For use by an employer or the employer's agent or
13 insurer to obtain or verify information relating to a holder of a
14 commercial driver's license or CLP-commercial learner's permit that
15 is required under the Commercial Motor Vehicle Safety Act of 1986, 49
16 U.S.C. 31301 et seq., or pursuant to sections 60-4,132 and 60-4,141;
17 and

18 (5) For use by employers of a holder of a commercial
19 driver's license holders~~or CLP-commercial learner's permit~~ and by
20 the Commercial Driver License Information System as provided in
21 section 60-4,144.02 and 49 C.F.R. 383.73.

22 Sec. 60. Section 75-362, Revised Statutes Cumulative
23 Supplement, 2012, is amended to read:

24 75-362 For purposes of sections 75-362 to 75-369.07,
25 unless the context otherwise requires:

1 (1) Accident means:

2 (a) Except as provided in subdivision (b) of this
3 subdivision, an occurrence involving a commercial motor vehicle
4 operating on a highway in interstate or intrastate commerce which
5 results in:

6 (i) A fatality;

7 (ii) Bodily injury to a person who, as a result of the
8 injury, immediately receives medical treatment away from the scene of
9 the accident; or

10 (iii) One or more motor vehicles incurring disabling
11 damage as a result of the accident, requiring the motor vehicles to
12 be transported away from the scene by a tow truck or other motor
13 vehicle.

14 (b) The term accident does not include:

15 (i) An occurrence involving only boarding and alighting
16 from a stationary motor vehicle; or

17 (ii) An occurrence involving only the loading or
18 unloading of cargo;

19 (2) Bulk packaging means a packaging, other than a vessel
20 or a barge, including a transport vehicle or freight container, in
21 which hazardous materials are loaded with no intermediate form of
22 containment and which has:

23 (a) A maximum capacity greater than one hundred nineteen
24 gallons as a receptacle for a liquid;

25 (b) A maximum net mass greater than eight hundred eighty-

1 two pounds and a maximum capacity greater than one hundred nineteen
2 gallons as a receptacle for a solid; or

3 (c) A water capacity greater than one thousand pounds as
4 a receptacle for a gas as defined in 49 C.F.R. 173.115;

5 (3) Cargo tank means a bulk packaging that:

6 (a) Is a tank intended primarily for the carriage of
7 liquids or gases and includes appurtenances, reinforcements,
8 fittings, and closures;

9 (b) Is permanently attached to or forms a part of a motor
10 vehicle or is not permanently attached to a motor vehicle but which,
11 by reason of its size, construction, or attachment to a motor
12 vehicle, is loaded or unloaded without being removed from the motor
13 vehicle; and

14 (c) Is not fabricated under a specification for
15 cylinders, intermediate bulk containers, multi-unit tank-car tanks,
16 portable tanks, or tank cars;

17 (4) Cargo tank motor vehicle means a motor vehicle with
18 one or more cargo tanks permanently attached to or forming an
19 integral part of the motor vehicle;

20 (5) Commercial enterprise means any business activity
21 relating to or based upon the production, distribution, or
22 consumption of goods or services;

23 (6) Commercial motor vehicle means any self-propelled or
24 towed motor vehicle used on a highway in interstate commerce or
25 intrastate commerce to transport passengers or property when the

1 vehicle:

2 (a) Has a gross vehicle weight rating or gross
3 combination weight rating or gross vehicle weight or gross
4 combination weight of ten thousand one pounds or more, whichever is
5 greater;

6 (b) Is designed or used to transport more than eight
7 passengers, including the driver, for compensation;

8 (c) Is designed or used to transport more than fifteen
9 passengers, including the driver, and is not used to transport
10 passengers for compensation; or

11 (d) Is used in transporting material found to be
12 hazardous and such material is transported in a quantity requiring
13 placarding pursuant to section 75-364;

14 (7) Compliance review means an onsite examination of
15 motor carrier operations, such as drivers' hours of service,
16 maintenance and inspection, driver qualification, commercial driver's
17 license requirements, financial responsibility, accidents, hazardous
18 materials, and other safety and transportation records to determine
19 whether a motor carrier meets the safety fitness standard. A
20 compliance review may be conducted in response to a request to change
21 a safety rating, to investigate potential violations of safety
22 regulations by motor carriers, or to investigate complaints or other
23 evidence of safety violations. The compliance review may result in
24 the initiation of an enforcement action with penalties;

25 (8)(a) Covered farm vehicle means a motor vehicle,

1 including an articulated motor vehicle:

2 (i) That:

3 (A) Is traveling in the state in which the vehicle is
4 registered or another state;

5 (B) Is operated by:

6 (I) A farm owner or operator;

7 (II) A ranch owner or operator; or

8 (III) An employee or family member of an individual
9 specified in subdivision (8)(a)(i)(B)(I) or (8)(a)(i)(B)(II) of this
10 section;

11 (C) Is transporting to or from a farm or ranch:

12 (I) Agricultural commodities;

13 (II) Livestock; or

14 (III) Machinery or supplies;

15 (D) Except as provided in subdivision (8)(b) of this
16 section, is not used in the operations of a for-hire motor carrier;
17 and

18 (E) Is equipped with a special license plate or other
19 designation by the state in which the vehicle is registered to allow
20 for identification of the vehicle as a farm vehicle by law
21 enforcement personnel; and

22 (ii) That has a gross vehicle weight rating or gross
23 vehicle weight, whichever is greater, that is:

24 (A) Less than twenty-six thousand one pounds; or

25 (B) Twenty-six thousand one pounds or more and is

1 traveling within the state or within one hundred fifty air miles of
2 the farm or ranch with respect to which the vehicle is being
3 operated.

4 (b) Covered farm vehicle includes a motor vehicle that
5 meets the requirements of subdivision (8)(a) of this section, except
6 for subdivision (8)(a)(i)(D) of this section, and:

7 (i) Is operated pursuant to a crop share farm lease
8 agreement;

9 (ii) Is owned by a tenant with respect to that agreement;
10 and

11 (iii) Is transporting the landlord's portion of the crops
12 under that agreement.

13 (c) Covered farm vehicle does not include:

14 (i) A combination of truck-tractor and semitrailer which
15 is operated by a person under eighteen years of age; or

16 (ii) A combination of truck-tractor and semitrailer which
17 is used in the transportation of materials found to be hazardous for
18 the purposes of the federal Hazardous Materials Transportation Act
19 and which require the combination to be placarded under 49 C.F.R.
20 part 172, subpart F;

21 ~~(8)~~ (9) Disabling damage means damage which precludes
22 departure of a motor vehicle from the scene of the accident in its
23 usual manner in daylight after simple repairs.

24 (a) Inclusions: Damage to motor vehicles that could have
25 been driven but would have been further damaged if so driven.

1 (b) Exclusions:

2 (i) Damage which can be remedied temporarily at the scene
3 of the accident without special tools or parts;

4 (ii) Tire disablement without other damage even if no
5 spare tire is available;

6 (iii) Headlight or taillight damage; and

7 (iv) Damage to turnsignals, horn, or windshield wipers
8 which makes them inoperative;

9 ~~(9)~~—(10) Driver means any person who operates any
10 commercial motor vehicle;

11 ~~(10)~~—(11) Elevated temperature material means a material
12 which, when offered for transportation or transported in a bulk
13 packaging:

14 (a) Is in a liquid phase and at a temperature at or above
15 two hundred twelve degrees Fahrenheit;

16 (b) Is in a liquid phase with a flash point at or above
17 one hundred degrees Fahrenheit that is intentionally heated and
18 offered for transportation or transported at or above its flash
19 point; or

20 (c) Is in a solid phase and at a temperature at or above
21 four hundred sixty-four degrees Fahrenheit;

22 ~~(11)~~—(12) Employee means any individual, other than an
23 employer, who is employed by an employer and who in the course of his
24 or her employment directly affects commercial motor vehicle safety.
25 Such term includes a driver of a commercial motor vehicle, including

1 an independent contractor while in the course of operating a
2 commercial motor vehicle, a mechanic, and a freight handler. Such
3 term does not include an employee of the United States, any state,
4 any political subdivision of a state, or any agency established under
5 a compact between states and approved by the Congress of the United
6 States who is acting within the course of such employment;

7 ~~(12)~~(13) Employer means any person engaged in a business
8 affecting commerce who owns or leases a commercial motor vehicle in
9 connection with that business or assigns employees to operate it.
10 Such term does not include the United States, any state, any
11 political subdivision of a state, or an agency established under a
12 compact between states approved by the Congress of the United States;

13 ~~(13)~~(14) Exempt motor carrier means a person engaged in
14 transportation exempt from economic regulation under 49 U.S.C. 13506.
15 An exempt motor carrier is subject to the safety regulations adopted
16 in sections 75-362 to 75-369.07;

17 ~~(14)~~(15) Farm vehicle driver means a person who drives
18 only a commercial motor vehicle that is controlled and operated by a
19 farmer as a private motor carrier of property;

20 ~~(15)~~(16) Farmer means any person who operates a farm or
21 is directly involved in the cultivation of land, crops, or livestock
22 which:

23 (a) Are owned by that person; or

24 (b) Are under the direct control of that person;

25 ~~(16)~~(17) Fatality means any injury which results in the

1 death of a person at the time of the motor vehicle accident or within
2 thirty days after the accident;

3 ~~(17)~~—(18) Fertilizer and agricultural chemical
4 application and distribution equipment means:

5 (a) Self-propelled or towed equipment, designed and used
6 exclusively to apply commercial fertilizer, as that term is defined
7 in section 81-2,162.02, chemicals, or related products to
8 agricultural soil and crops; or

9 (b) Towed equipment designed and used exclusively to
10 carry commercial fertilizer, as that term is defined in section
11 81-2,162.02, chemicals, or related products for use on agricultural
12 soil and crops, which are equipped with implement or floatation
13 tires;

14 ~~(18)~~—(19) For-hire motor carrier means a person engaged
15 in the transportation of goods or passengers for compensation;

16 ~~(19)~~—(20) Gross combination weight means the sum of the
17 empty weight of a motor vehicle plus the total weight of any load
18 carried thereon and the empty weight of the towed unit or units plus
19 the total weight of any load carried on such towed unit or units;

20 ~~(20)~~—(21) Gross combination weight rating means the value
21 specified by the manufacturer as the loaded weight of a combination
22 (articulated) motor vehicle. In the absence of a value specified by
23 the manufacturer, gross combination weight rating will be determined
24 by adding either the gross vehicle weight rating or gross vehicle
25 weight of the motor vehicle plus the gross vehicle weight rating or

1 gross vehicle weight of the towed unit or units;

2 ~~(21)~~(22) Gross vehicle weight means the sum of the empty
3 weight of a motor vehicle plus the total weight of any load carried
4 thereon;

5 ~~(22)~~(23) Gross vehicle weight rating means the value
6 specified by the manufacturer as the loaded weight of a single motor
7 vehicle. In the absence of such value specified by the manufacturer
8 or the absence of any marking of such value on the vehicle, the gross
9 vehicle weight rating shall be determined from the sum of the axle
10 weight ratings of the vehicle or the sum of the tire weight ratings
11 as marked on the sidewall of the tires, whichever is greater. In the
12 absence of any tire sidewall marking, the tire weight ratings shall
13 be determined for the specified tires from any of the publications of
14 any of the organizations listed in 49 C.F.R. 571.119;

15 ~~(23)~~(24) Hazardous material means a substance or
16 material that the Secretary of the United States Department of
17 Transportation has determined is capable of posing an unreasonable
18 risk to health, safety, and property when transported in commerce and
19 has designated as hazardous under 49 U.S.C. 5103. The term includes
20 hazardous substances, hazardous wastes, marine pollutants, elevated
21 temperature materials, materials designated as hazardous in the
22 Hazardous Materials Table, 49 C.F.R. 172.101, and materials that meet
23 the defining criteria for hazard classes and divisions in 49 C.F.R.
24 part 173;

25 ~~(24)~~(25) Hazardous substance means a material, including

1 its mixtures and solutions, that is listed in 49 C.F.R. 172.101,
2 Appendix A, List Of Hazardous Substances and Reportable Quantities,
3 and is in a quantity, in one package, which equals or exceeds the
4 reportable quantity listed in 49 C.F.R. 172.101, Appendix A. This
5 definition does not apply to petroleum products that are lubricants
6 or fuels or to mixtures or solutions of hazardous substances if in a
7 concentration less than that shown in the table in 49 C.F.R. 171.8
8 under the definition of hazardous substance based on the reportable
9 quantity specified for the materials listed in 49 C.F.R. 172.101,
10 Appendix A;

11 ~~(25)~~(26) Hazardous waste means any material that is
12 subject to the hazardous waste manifest requirements of the United
13 States Environmental Protection Agency specified in 40 C.F.R. 262;

14 ~~(26)~~(27) Highway means the entire width between the
15 boundary limits of any street, road, avenue, boulevard, or way which
16 is publicly maintained when any part thereof is open to the use of
17 the public for purposes of vehicular travel;

18 ~~(27)~~(28) Interstate commerce means trade, traffic, or
19 transportation provided in the furtherance of a commercial enterprise
20 in the United States:

21 (a) Between a place in a state and a place outside of
22 such state, including a place outside of the United States;

23 (b) Between two places in a state through another state
24 or a place outside of the United States; or

25 (c) Between two places in a state as part of trade,

1 traffic, or transportation originating or terminating outside the
2 state or the United States;

3 ~~(28)~~ (29) Intrastate commerce means any trade, traffic,
4 or transportation provided in the furtherance of a commercial
5 enterprise between any place in the State of Nebraska and any other
6 place in Nebraska and not through any other state;

7 ~~(29)~~ (30) Marine pollutant means a material which is
8 listed in the Hazardous Materials Table, 49 C.F.R. 172.101, Appendix
9 B, as a marine pollutant (see 49 C.F.R. 171.4 for applicability to
10 marine pollutants) and, when in a solution or mixture of one or more
11 marine pollutants, is packaged in a concentration which equals or
12 exceeds:

13 (a) Ten percent by weight of the solution or mixture for
14 materials listed in 49 C.F.R. 172.101, Appendix B; or

15 (b) One percent by weight of the solution or mixture for
16 materials that are identified as severe marine pollutants in the
17 Hazardous Materials Table, 49 C.F.R. 172.101, Appendix B;

18 ~~(30)~~ (31) Motor carrier means a for-hire motor carrier or
19 a private motor carrier. The term includes a motor carrier's agents,
20 officers, and representatives as well as employees responsible for
21 hiring, supervising, training, assigning, or dispatching of drivers
22 and employees concerned with the installation, inspection, and
23 maintenance of motor vehicle equipment or accessories. This
24 definition includes the terms employer and exempt motor carrier;

25 ~~(31)~~ (32) Motor vehicle means any vehicle, truck, truck-

1 tractor, trailer, or semitrailer propelled or drawn by mechanical
2 power except (a) farm tractors, (b) vehicles which run only on rails
3 or tracks, and (c) road and general-purpose construction and
4 maintenance machinery which by design and function is obviously not
5 intended for use on a public highway, including, but not limited to,
6 motor scrapers, earthmoving equipment, backhoes, trenchers, motor
7 graders, compactors, tractors, bulldozers, bucket loaders,
8 ditchdigging apparatus, asphalt spreaders, leveling graders, power
9 shovels, and crawler tractors;

10 ~~(32)~~(33) Nonbulk packaging means a packaging which has:

11 (a) A maximum capacity of one hundred nineteen gallons or
12 less as a receptacle for a liquid;

13 (b) A maximum net mass of eight hundred eighty-two pounds
14 or less and a maximum capacity of one hundred nineteen gallons or
15 less as a receptacle for a solid; or

16 (c) A water capacity of one thousand pounds or less as a
17 receptacle for a gas as defined in 49 C.F.R. 173.115;

18 ~~(33)~~(34) Out-of-service order means a declaration by an
19 authorized enforcement officer of a federal, state, Canadian,
20 Mexican, or local jurisdiction that a driver, a commercial motor
21 vehicle, or a motor carrier operation is out of service pursuant to
22 49 C.F.R. 386.72, 392.5, 392.9a, 395.13, or 396.9, or compatible laws
23 or the North American Uniform Out-of-Service Criteria;

24 ~~(34)~~(35) Packaging means a receptacle and any other
25 components or materials necessary for the receptacle to perform its

1 containment function in conformance with the minimum packing
2 requirements of Title 49 of the Code of Federal Regulations. For
3 radioactive materials packaging, see 49 C.F.R. 173.403;

4 ~~(35)~~—(36) Person means any individual, partnership,
5 association, corporation, business trust, or any other organized
6 group of individuals;

7 (37) Planting and harvesting season means the period
8 beginning on January 1 up to and including December 31 of each
9 calendar year;

10 ~~(36)~~—(38) Principal place of business means the single
11 location designated by the motor carrier, normally its headquarters,
12 for purposes of identification. The motor carrier must make records
13 required by the regulations referred to in sections ~~75-363-75-362~~ to
14 75-369.07 ~~and this section~~ available for inspection at this location
15 within forty-eight hours, Saturdays, Sundays, and state or federal
16 holidays excluded, after a request has been made by an officer of the
17 Nebraska State Patrol;

18 ~~(37)~~—(39) Private motor carrier means a person who
19 provides transportation of property or passengers by commercial motor
20 vehicle and is not a for-hire motor carrier;

21 ~~(38)~~—(40) Safety audit means an examination of a motor
22 carrier's operations to provide educational and technical assistance
23 on drivers' hours of service, maintenance and inspection, driver
24 qualification, commercial driver's license requirements, financial
25 responsibility, accidents, hazardous materials, and other safety and

1 transportation records to determine whether a motor carrier meets the
2 safety fitness standard. The purpose of a safety audit is to gather
3 critical safety data needed to make an assessment of the carrier's
4 safety performance and basic safety management controls. Safety
5 audits do not result in safety ratings; and

6 ~~(39)~~(41) Tank means a container, consisting of a shell
7 and heads, that forms a pressure-tight vessel having openings
8 designed to accept pressure-tight fittings or closures, but excludes
9 any appurtenances, reinforcements, fittings, or closures.

10 Sec. 61. Section 75-363, Revised Statutes Supplement,
11 2013, is amended to read:

12 75-363 (1) The parts, subparts, and sections of Title 49
13 of the Code of Federal Regulations listed below, as modified in this
14 section, or any other parts, subparts, and sections referred to by
15 such parts, subparts, and sections, in existence and effective as of
16 January 1, ~~2013~~,2014, are adopted as Nebraska law.

17 (2) Except as otherwise provided in this section, the
18 regulations shall be applicable to:

19 (a) All motor carriers, drivers, and vehicles to which
20 the federal regulations apply; and

21 (b) All motor carriers transporting persons or property
22 in intrastate commerce to include:

23 (i) All vehicles of such motor carriers with a gross
24 vehicle weight rating, gross combination weight rating, gross vehicle
25 weight, or gross combination weight over ten thousand pounds;

1 (ii) All vehicles of such motor carriers designed or used
2 to transport more than eight passengers, including the driver, for
3 compensation, or designed or used to transport more than fifteen
4 passengers, including the driver, and not used to transport
5 passengers for compensation;

6 (iii) All vehicles of such motor carriers transporting
7 hazardous materials required to be placarded pursuant to section
8 75-364; and

9 (iv) All drivers of such motor carriers if the drivers
10 are operating a commercial motor vehicle as defined in section 60-465
11 which requires a commercial driver's license.

12 (3) The Legislature hereby adopts, as modified in this
13 section, the following parts of Title 49 of the Code of Federal
14 Regulations:

15 (a) Part 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND
16 TESTING;

17 (b) Part 385 - SAFETY FITNESS PROCEDURES;

18 (c) Part 386 - RULES OF PRACTICE FOR MOTOR CARRIER,
19 INTERMODAL EQUIPMENT PROVIDER, BROKER, FREIGHT FORWARDER, AND
20 HAZARDOUS MATERIALS PROCEEDINGS;

21 (d) Part 387 - MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY
22 FOR MOTOR CARRIERS;

23 (e) Part 390 - FEDERAL MOTOR CARRIER SAFETY REGULATIONS;
24 GENERAL;

25 (f) Part 391 - QUALIFICATIONS OF DRIVERS AND LONGER

1 COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS;

2 (g) Part 392 - DRIVING OF COMMERCIAL MOTOR VEHICLES;

3 (h) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE

4 OPERATION;

5 (i) Part 395 - HOURS OF SERVICE OF DRIVERS;

6 (j) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE;

7 (k) Part 397 - TRANSPORTATION OF HAZARDOUS MATERIALS;

8 DRIVING AND PARKING RULES; and

9 (l) Part 398 - TRANSPORTATION OF MIGRANT WORKERS.

10 (4) The provisions of subpart E - Physical Qualifications

11 And Examinations of 49 C.F.R. part 391 - QUALIFICATIONS OF DRIVERS

12 AND LONGER COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS shall not

13 apply to any driver subject to this section who: (a) Operates a

14 commercial motor vehicle exclusively in intrastate commerce; and (b)

15 holds, or has held, a commercial driver's license issued by this

16 state prior to July 30, 1996.

17 (5) The regulations adopted in subsection (3) of this

18 section shall not apply to farm trucks registered pursuant to section

19 60-3,146 with a gross weight of sixteen tons or less. The following

20 parts and sections of 49 C.F.R. chapter III shall not apply to

21 drivers of farm trucks registered pursuant to section 60-3,146 and

22 operated solely in intrastate commerce:

23 (a) All of part 391;

24 (b) Section 395.8 of part 395; and

25 (c) Section 396.11 of part 396.

1 (6) The following parts and subparts of 49 C.F.R. chapter
2 III shall not apply to the operation of covered farm vehicles:

3 (a) Part 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND
4 TESTING;

5 (b) Part 391, subpart E - Physical Qualifications and
6 Examinations;

7 (c) Part 395 - HOURS OF SERVICE OF DRIVERS; and

8 (d) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE.

9 ~~(6)-(7)~~ Part 393 - PARTS AND ACCESSORIES NECESSARY FOR
10 SAFE OPERATION and Part 396 - INSPECTION, REPAIR, AND MAINTENANCE
11 shall not apply to fertilizer and agricultural chemical application
12 and distribution equipment transported in units with a capacity of
13 three thousand five hundred gallons or less.

14 ~~(7)-(8)~~ For purposes of this section, intrastate motor
15 carriers shall not include any motor carrier or driver excepted from
16 49 C.F.R. chapter III by section 390.3(f) of part 390.

17 ~~(8)(a)-(9)(a)~~ Part 395 - HOURS OF SERVICE OF DRIVERS
18 shall apply to motor carriers and drivers who engage in intrastate
19 commerce as defined in section 75-362, except that no motor carrier
20 who engages in intrastate commerce shall permit or require any driver
21 used by it to drive nor shall any driver drive:

22 (i) More than twelve hours following eight consecutive
23 hours off duty; or

24 (ii) For any period after having been on duty sixteen
25 hours following eight consecutive hours off duty.

1 (b) No motor carrier who engages in intrastate commerce
2 shall permit or require a driver of a commercial motor vehicle,
3 regardless of the number of motor carriers using the driver's
4 services, to drive, nor shall any driver of a commercial motor
5 vehicle drive, for any period after:

6 (i) Having been on duty seventy hours in any seven
7 consecutive days if the employing motor carrier does not operate
8 every day of the week; or

9 (ii) Having been on duty eighty hours in any period of
10 eight consecutive days if the employing motor carrier operates motor
11 vehicles every day of the week.

12 ~~(9)–(10)~~ Part 395 - HOURS OF SERVICE OF DRIVERS, as
13 adopted in subsections (3) and ~~(8)–(9)~~ of this section, shall not
14 apply to drivers transporting agricultural commodities or farm
15 supplies for agricultural purposes ~~when the transportation of such~~
16 ~~commodities or supplies occurs within a one hundred air-mile radius~~
17 ~~of the source of the commodities or the distribution point for the~~
18 ~~supplies when such transportation occurs during the period beginning~~
19 ~~on February 15 up to and including December 15 of each calendar year.~~
20 during planting and harvesting season when:

21 (a) The transportation of such agricultural commodities
22 is from the source of the commodities to a location within a one-
23 hundred-fifty-air-mile radius of the source of the commodities;

24 (b) The transportation of such farm supplies is from a
25 wholesale or retail distribution point of the farm supplies to a farm

1 or other location where the farm supplies are intended to be used
2 which is within a one-hundred-fifty-air-mile radius of the wholesale
3 or retail distribution point; or

4 (c) The transportation of such farm supplies is from a
5 wholesale distribution point of the farm supplies to a retail
6 distribution point of the farm supplies which is within a one-
7 hundred-fifty-air-mile radius of the wholesale distribution point.

8 ~~(10)~~(11) 49 C.F.R. 390.21 - MARKING OF SELF-PROPELLED
9 CMVS AND INTERMODAL EQUIPMENT shall not apply to farm trucks and farm
10 truck-tractors registered pursuant to section 60-3,146 and operated
11 solely in intrastate commerce.

12 ~~(11)~~(12) 49 C.F.R. 392.9a - Operating Authority shall
13 not apply to Nebraska motor carriers operating commercial motor
14 vehicles solely in intrastate commerce.

15 ~~(12)~~(13) No motor carrier shall permit or require a
16 driver of a commercial motor vehicle to violate, and no driver of a
17 commercial motor vehicle shall violate, any out-of-service order.

18 Sec. 62. Section 75-364, Revised Statutes Supplement,
19 2013, is amended to read:

20 75-364 The parts, subparts, and sections of Title 49 of
21 the Code of Federal Regulations listed below, or any other parts,
22 subparts, and sections referred to by such parts, subparts, and
23 sections, in existence and effective as of January 1, ~~2013,~~2014, are
24 adopted as part of Nebraska law and shall be applicable to all motor
25 carriers whether engaged in interstate or intrastate commerce,

1 drivers of such motor carriers, and vehicles of such motor carriers:

2 (1) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES,
3 subpart F-Registration of Cargo Tank and Cargo Tank Motor Vehicle
4 Manufacturers, Assemblers, Repairers, Inspectors, Testers, and Design
5 Certifying Engineers;

6 (2) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES,
7 subpart G-Registration of Persons Who Offer or Transport Hazardous
8 Materials;

9 (3) Part 171 - GENERAL INFORMATION, REGULATIONS, AND
10 DEFINITIONS;

11 (4) Part 172 - HAZARDOUS MATERIALS TABLE, SPECIAL
12 PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE
13 INFORMATION, TRAINING REQUIREMENTS, AND SECURITY PLANS;

14 (5) Part 173 - SHIPPERS - GENERAL REQUIREMENTS FOR
15 SHIPMENTS AND PACKAGINGS;

16 (6) Part 177 - CARRIAGE BY PUBLIC HIGHWAY;

17 (7) Part 178 - SPECIFICATIONS FOR PACKAGINGS; and

18 (8) Part 180 - CONTINUING QUALIFICATION AND MAINTENANCE
19 OF PACKAGINGS.

20 Sec. 63. Section 75-366, Revised Statutes Supplement,
21 2013, is amended to read:

22 75-366 For the purpose of enforcing Chapter 75, article
23 3, any officer of the Nebraska State Patrol may, upon demand, inspect
24 the accounts, records, and equipment of any motor carrier or shipper.
25 Any officer of the Nebraska State Patrol shall have the authority to

1 enforce the federal motor carrier safety regulations, as such
2 regulations existed on January 1, ~~2013,~~2014, and federal hazardous
3 materials regulations, as such regulations existed on January 1,
4 ~~2013,~~2014, and is authorized to enter upon, inspect, and examine any
5 and all lands, buildings, and equipment of any motor carrier, any
6 shipper, and any other person subject to the federal Interstate
7 Commerce Act, the federal Department of Transportation Act, and other
8 related federal laws and to inspect and copy any and all accounts,
9 books, records, memoranda, correspondence, and other documents of a
10 motor carrier, a shipper, and any other person subject to Chapter 75,
11 article 3, for the purposes of enforcing Chapter 75, article 3. To
12 promote uniformity of enforcement, the carrier enforcement division
13 of the Nebraska State Patrol shall cooperate and consult with the
14 Public Service Commission and the Division of Motor Carrier Services.

15 Sec. 64. Section 75-369.03, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 75-369.03 (1) The Superintendent of Law Enforcement and
18 Public Safety may issue an order imposing a civil penalty against a
19 motor carrier transporting persons or property in interstate commerce
20 for a violation of sections 75-392 to 75-399 or against a motor
21 carrier transporting persons or property in intrastate commerce for a
22 violation or violations of section 75-363 or 75-364 based upon an
23 inspection conducted pursuant to section 75-366 in an amount which
24 shall not exceed five hundred dollars for any single violation in any
25 proceeding or series of related proceedings against any person or

1 motor carrier as defined in 49 C.F.R. part 390.5 as adopted in
2 section 75-363.

3 (2) The superintendent shall issue an order imposing a
4 civil penalty in an amount not to exceed ten thousand dollars against
5 a motor carrier transporting persons or property in interstate
6 commerce for a violation of ~~subsection (3)~~ subdivision (2)(e) of
7 section 60-4,162 based upon a conviction of such a violation.

8 (3) The superintendent shall issue an order imposing a
9 civil penalty against a driver operating a commercial motor vehicle,
10 as defined in section 60-465, that requires a commercial driver's
11 license or CLP-commercial learner's permit, in violation of an out-
12 of-service order. The civil penalty shall be in an amount not less
13 than two thousand five hundred dollars but not more than five
14 thousand dollars for a first violation and not less than five
15 thousand one dollars but not more than seven thousand five hundred
16 dollars for a second or subsequent violation.

17 (4) The superintendent shall issue an order imposing a
18 civil penalty against a motor carrier who knowingly allows, requires,
19 permits, or authorizes the operation of a commercial motor vehicle,
20 as defined in section 60-465, that requires a commercial driver's
21 license or CLP-commercial learner's permit, in violation of an out-
22 of-service order. The civil penalty shall be not less than two
23 thousand seven hundred fifty dollars but not more than twenty-five
24 thousand dollars per violation.

25 (5) Upon the discovery of any violation by a motor

1 carrier transporting persons or property in interstate commerce of
2 section 75-307, 75-363, or 75-364 or sections 75-392 to 75-399 based
3 upon an inspection conducted pursuant to section 75-366, the
4 superintendent shall immediately refer such violation to the
5 appropriate federal agency for disposition, and upon the discovery of
6 any violation by a motor carrier transporting persons or property in
7 intrastate commerce of section 75-307 based upon such inspection, the
8 superintendent shall refer such violation to the Public Service
9 Commission for disposition.

10 Sec. 65. Sections 1, 5, 9, 10, 11, 12, 14, 16, 17, 18,
11 19, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, 36, 37, 38, 39, 41,
12 42, 43, 44, 45, 46, 47, 48, 50, 51, 52, 53, 57, 58, 59, 64, 68, and
13 69 of this act become operative on July 8, 2015. Sections 13, 40, and
14 67 of this act become operative three calendar months after the
15 adjournment of this legislative session. The other sections of this
16 act become operative on their effective date.

17 Sec. 66. Original sections 60-463 and 60-465, Reissue
18 Revised Statutes of Nebraska, sections 60-487, 60-4,131, 60-4,131.01,
19 60-4,132, 60-4,144.01, 60-4,144.02, 60-4,168, 60-4,182, 60-6,179.01,
20 60-6,179.02, and 75-362, Revised Statutes Cumulative Supplement,
21 2012, and sections 60-462, 60-462.01, 60-479, 75-363, 75-364, and
22 75-366, Revised Statutes Supplement, 2013, are repealed.

23 Sec. 67. Original section 60-484.05, Revised Statutes
24 Cumulative Supplement, 2012, is repealed.

25 Sec. 68. Original sections 60-464, 60-480, 60-4,118.05,

1 60-4,141, 60-4,147.01, 60-4,149.01, 60-4,157, 60-4,158, 60-4,159,
2 60-4,160, 60-4,162, 60-4,169, 60-4,172, 60-2905, 60-2907, and
3 75-369.03, Reissue Revised Statutes of Nebraska, sections 29-3608,
4 60-484.03, 60-484.04, 60-484.06, 60-4,112, 60-4,115, 60-4,116,
5 60-4,137, 60-4,138, 60-4,139, 60-4,142, 60-4,143, 60-4,144, 60-4,146,
6 60-4,149, 60-4,150, 60-4,151, 60-4,153, 60-4,154, 60-4,167, 60-4,170,
7 60-4,171, and 60-2909.01, Revised Statutes Cumulative Supplement,
8 2012, and section 60-484, Revised Statutes Supplement, 2013, are
9 repealed.

10 Sec. 69. The following sections are outright repealed:
11 Section 60-4,156, Reissue Revised Statutes of Nebraska, and section
12 60-4,145, Revised Statutes Cumulative Supplement, 2012.

13 Sec. 70. Since an emergency exists, this act takes effect
14 when passed and approved according to law.