

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 983

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 60-464,
2 60-480, 60-4,118.05, 60-4,141, 60-4,147.01, 60-4,149.01,
3 60-4,157, 60-4,158, 60-4,159, 60-4,160, 60-4,162,
4 60-4,169, 60-4,172, 60-2905, 60-2907, and 75-369.03,
5 Reissue Revised Statutes of Nebraska, sections 29-3608,
6 60-484.03, 60-484.04, 60-484.05, 60-484.06, 60-487,
7 60-4,112, 60-4,115, 60-4,116, 60-4,131, 60-4,137,
8 60-4,138, 60-4,139, 60-4,142, 60-4,143, 60-4,144,
9 60-4,144.01, 60-4,144.02, 60-4,146, 60-4,149, 60-4,150,
10 60-4,151, 60-4,153, 60-4,154, 60-4,167, 60-4,168,
11 60-4,170, 60-4,171, and 60-2909.01, Revised Statutes
12 Cumulative Supplement, 2012, and sections 60-462,
13 60-462.01, and 60-484, Revised Statutes Supplement, 2013;
14 to change and eliminate commercial driver's licensing
15 provisions; to provide for commercial learners' permits;
16 to provide for compliance with certain federal
17 regulations regarding commercial drivers' licenses and

1 commercial learners' permits; to eliminate obsolete
2 provisions; to harmonize provisions; to provide operative
3 dates; to repeal the original sections; and to outright
4 repeal section 60-4,156, Reissue Revised Statutes of
5 Nebraska, and section 60-4,145, Revised Statutes
6 Cumulative Supplement, 2012.

7 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 26, 27,
13 and 34 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 60-464, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 60-464 Commercial driver's license shall mean an

1 operator's license issued in accordance with the requirements of the
2 Motor Vehicle Operator's License Act to an individual which
3 authorizes such individual to ~~drive~~operate a class of commercial
4 motor vehicle.

5 Sec. 5. Section 60-480, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 60-480 Operators' licenses issued by the ~~Department of~~
8 ~~Motor Vehicles~~department pursuant to the Motor Vehicle Operator's
9 License Act shall be classified as follows:

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

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

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

22 (4) CLP-commercial learner's permit. A permit which when
23 carried with a Class O license authorizes an individual to operate a
24 class of commercial motor vehicle when accompanied by a holder of a
25 valid commercial driver's license for purposes of behind-the-wheel

1 training. When issued to a commercial driver's license holder, a CLP-
2 commercial learner's permit serves as authorization for accompanied
3 behind-the-wheel training in a commercial motor vehicle for which the
4 holder's current commercial driver's license is not valid;

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

15 ~~(5)~~(6) POP-provisional operator's permit. A motor
16 vehicle operating permit with restrictions issued pursuant to section
17 60-4,120.01 to a person who is at least sixteen years of age but less
18 than eighteen years of age which authorizes the person to operate any
19 motor vehicle except a commercial motor vehicle or motorcycle;

20 ~~(6)~~(7) SCP-school permit. A permit issued to a student
21 between fourteen years and two months of age and sixteen years of age
22 for the purpose of driving in accordance with the requirements of
23 section 60-4,124;

24 ~~(7)~~(8) FMP-farm permit. A permit issued to a person for
25 purposes of operating farm tractors and other motorized implements of

1 farm husbandry on highways in accordance with the requirements of
2 section 60-4,126;

3 ~~(8) LPC-learner's permit. A permit which when held in~~
4 ~~conjunction with a Class O license or commercial driver's license~~
5 ~~authorizes a person to operate a commercial motor vehicle for~~
6 ~~learning purposes when accompanied by a person who is at least~~
7 ~~twenty-one years of age;~~

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

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

19 (11) EDP-employment driving permit. A permit issued to a
20 person which authorizes the person to operate a motor vehicle, except
21 a commercial motor vehicle, pursuant to the requirements of sections
22 60-4,129 and 60-4,130;

23 (12) IIP-ignition interlock permit. A permit issued to a
24 person which authorizes the person to operate a motor vehicle, except
25 a commercial motor vehicle, which is equipped with an ignition

1 interlock device;

2 (13) SEP-seasonal permit. A permit issued to a person who
3 holds a restricted commercial driver's license authorizing the person
4 to operate a commercial motor vehicle, as prescribed by section
5 60-4,146.01, for no more than one hundred eighty consecutive days in
6 any twelve-month period. The seasonal permit shall be valid and run
7 from the date of original issuance of the permit for one hundred
8 eighty days and from the date of annual revalidation of the permit;
9 and

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

14 Sec. 6. Section 60-484, Revised Statutes Supplement,
15 2013, is amended to read:

16 60-484 (1)(a) ~~This subsection applies until the~~
17 ~~implementation date designated by the director on or before January~~
18 ~~1, 2014. Except as otherwise provided in the Motor Vehicle Operator's~~
19 ~~License Act, no resident of the State of Nebraska shall operate a~~
20 ~~motor vehicle upon the alleys or highways of this state until the~~
21 ~~person has obtained an operator's license for that purpose.~~

22 (b) ~~Application for an operator's license or a state~~
23 ~~identification card shall be made in a manner prescribed by the~~
24 ~~department. Such application may be made to department personnel in~~
25 ~~any county. Department personnel shall conduct the examination of the~~

1 ~~applicant and deliver to each successful applicant an issuance~~
2 ~~certificate containing the statements made pursuant to subdivision~~
3 ~~(c) of this subsection.~~

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

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

17 ~~(I) lost voluntary control or consciousness ... yes ...~~
18 ~~no~~

19 ~~(II) experienced vertigo or multiple episodes of~~
20 ~~dizziness or fainting ... yes ... no~~

21 ~~(III) experienced disorientation ... yes ... no~~

22 ~~(IV) experienced seizures ... yes ... no~~

23 ~~(V) experienced impairment of memory, memory loss ...~~
24 ~~yes ... no~~

25 ~~Please explain:~~

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

5 ~~Please explain:~~

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

9 ~~Please explain, including how the above affects your~~
 10 ~~ability to drive:, and (v) may answer the~~
 11 ~~following:~~

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

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

19 ~~OPTIONAL — YOU ARE NOT REQUIRED TO ANSWER ANY OF THE~~
 20 ~~FOLLOWING QUESTIONS:~~

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

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

25 ~~(E) Do you wish to donate \$1 to promote the Organ and~~

1 ~~Tissue Donor Awareness and Education Fund?~~

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

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

19 ~~(f)(i) Each individual applying for an operator's license~~
20 ~~or a state identification card shall furnish proof of date of birth~~
21 ~~and identity with documents containing a photograph or with nonphoto~~
22 ~~identity documents which include his or her full legal name and date~~
23 ~~of birth. Such documents shall include, but not be limited to, any~~
24 ~~valid Nebraska operator's license or Nebraska state identification~~
25 ~~card, a valid operator's license or identification card from another~~

1 ~~state or jurisdiction of the United States, a certified birth~~
2 ~~certificate, a valid United States passport, or any other United~~
3 ~~States based identification as approved by the director.~~

4 ~~(ii) 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 (1)(f)(i) 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) An applicant may present other documents as proof~~
16 ~~of identification and age designated by the director. Any documents~~
17 ~~accepted shall be recorded according to a written exceptions process~~
18 ~~established by the director.~~

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

23 ~~(2)(a) This subsection applies beginning on an~~
24 ~~implementation date designated by the director on or before January~~
25 ~~1, 2014.—(1) Except as otherwise provided in the Motor Vehicle~~

1 Operator's License Act, no resident of the State of Nebraska shall
2 operate a motor vehicle upon the alleys or highways of this state
3 until the person has obtained an operator's license for that purpose.

4 ~~(b)-(2)~~ Application for an operator's license or a state
5 identification card shall be made in a manner prescribed by the
6 department. Such application may be made to department personnel in
7 any county. Department personnel shall conduct the examination of the
8 applicant and deliver to each successful applicant an issuance
9 certificate containing the statements made pursuant to ~~subdivision~~
10 ~~(c) of this subsection.~~ subsection (3) of this section.

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

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

25 ~~(I)-(A)~~ lost voluntary control or consciousness ...

1 yes ... no

2 ~~(II)~~ (B) experienced vertigo or multiple episodes of
3 dizziness or fainting ... yes ... no

4 ~~(III)~~ (C) experienced disorientation ... yes ... no

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

6 ~~(V)~~ (E) experienced impairment of memory, memory loss ...
7 yes ... no

8 Please explain:

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

13 Please explain:

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

17 Please explain, including how the above affects your
18 ability to drive:, and ~~(iv)~~ (d) may answer the
19 following:

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

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

1 Veterans' Affairs registry.)

2 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE
3 FOLLOWING QUESTIONS:

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

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

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

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

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

1 Revenue under section 77-362.02.

2 ~~(f)(i)-(6)(a)~~ Each individual applying for an operator's
3 license or a state identification card shall furnish proof of date of
4 birth and identity with documents containing a photograph or with
5 nonphoto identity documents which include his or her full legal name
6 and date of birth. Such documents shall be those provided in
7 subsection ~~(2)-(1)~~ of section 60-484.04.

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

19 ~~(iii)-(c)~~ An applicant may present other documents as
20 proof of identification and age designated by the director. Any
21 documents accepted shall be recorded according to a written
22 exceptions process established by the director.

23 ~~(g)-(7)~~ Any individual applying for an operator's license
24 or a state identification card who indicated his or her wish to have
25 the word "veteran" displayed on the front of such license or card

1 shall comply with section 60-4,189.

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

4 Sec. 7. Section 60-484.03, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:

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

14 Sec. 8. Section 60-484.04, Revised Statutes Cumulative
15 Supplement, 2012, is amended to read:

16 60-484.04 ~~(1) This section applies beginning on an~~
17 ~~implementation date designated by the director on or before January~~
18 ~~1, 2014.~~

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

- 1 (a) A valid, unexpired United States passport;
- 2 (b) A certified copy of a birth certificate filed with a
3 state office of vital statistics or equivalent agency in the
4 individual's state of birth;
- 5 (c) A Consular Report of Birth Abroad (CRBA) issued by
6 the United States Department of State, Form FS-240, DS-1350, or
7 FS-545;
- 8 (d) A valid, unexpired Permanent Resident Card (Form
9 I-551) issued by the United States Department of Homeland Security or
10 Bureau of United States Citizenship and Immigration Services;
- 11 (e) An unexpired employment authorization document (EAD)
12 issued by the United States Department of Homeland Security, Form
13 I-766 or Form I-688B;
- 14 (f) An unexpired foreign passport with a valid, unexpired
15 United States visa affixed accompanied by the approved I-94 form
16 documenting the applicant's most recent admittance into the United
17 States;
- 18 (g) A Certificate of Naturalization issued by the United
19 States Department of Homeland Security, Form N-550 or Form N-570;
- 20 (h) A Certificate of Citizenship, Form N-560 or Form
21 N-561, issued by the United States Department of Homeland Security;
- 22 (i) A driver's license or identification card issued in
23 compliance with the standards established by the REAL ID Act of 2005,
24 Public Law 109-13, division B, section 1, 119 Stat. 302; or
- 25 (j) Such other documents as the director may approve.

1 ~~(3)(a)~~(2)(a) If an applicant presents one of the
2 documents listed under subdivision ~~(2)(a)~~, ~~(1)(a)~~, (b), (c), (d),
3 (g), or (h) of this section, the verification of the applicant's
4 identity in the manner prescribed in section 60-484 will also provide
5 satisfactory evidence of lawful status.

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

15 ~~(4)~~(3) An applicant may present other documents as
16 designated by the director as proof of lawful status. Any documents
17 accepted shall be recorded according to a written exceptions process
18 established by the director.

19 Sec. 9. Section 60-484.05, Revised Statutes Cumulative
20 Supplement, 2012, is amended to read:

21 60-484.05 (1) The department shall only issue an
22 operator's license or a state identification card that is temporary
23 to any applicant who presents documentation under ~~section~~sections
24 60-484 and ~~subsection (2) of section~~ 60-484.04 that shows his or her
25 ~~lawful presence~~authorized stay in the United States is temporary. An

1 operator's license or a state identification card that is temporary
2 shall be valid only during the period of time of the applicant's
3 authorized stay in the United States or, if there is no definite end
4 to the period of authorized stay, a period of one year.

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

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

15 Sec. 10. Section 60-484.06, Revised Statutes Cumulative
16 Supplement, 2012, is amended to read:

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

24 Sec. 11. Section 60-487, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

1 60-487 (1) If any magistrate or judge finds in his or her
2 judgment of conviction that the application, ~~or~~ issuance certificate,
3 or medical examiner's certificate pursuant to which the director has
4 issued an operator's license under the Motor Vehicle Operator's
5 License Act contains any false or fraudulent statement deliberately
6 and knowingly made to any officer as to any matter material to the
7 issuance of such license or does not contain required or correct
8 information or that the person to whom the license was issued was not
9 eligible to receive such license, then the license shall be
10 absolutely void from the date of issue and such motor vehicle
11 operator shall be deemed to be not licensed to operate a motor
12 vehicle. Such license shall be at once canceled of record in his or
13 her office by the director upon receipt of a copy of such judgment of
14 conviction. The director may, upon his or her own motion, summarily
15 cancel any license for any of the reasons set forth in this section
16 if such reason or reasons affirmatively appear on his or her official
17 records.

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

1 provided in subsection (1) of this section and disqualify the person
2 from operating a commercial motor vehicle for sixty days.

3 Sec. 12. Section 60-4,112, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

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

8 Sec. 13. Section 60-4,115, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

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

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

21			Department		
22			County	of Motor	State
23	Document	Total	General	Vehicles	General
24		Fee	Fund	Cash Fund	Fund

25 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. 14. 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. 15. 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. 16. Section 60-4,131, Revised Statutes Cumulative
18 Supplement, 2012, is amended to read:

19 60-4,131 (1) Sections 60-462.01 and 60-4,132 to 60-4,172
20 and sections 26, 27, and 34 of this act shall apply to the operation
21 of any commercial motor vehicle.

22 (2) For purposes of such sections:

23 (a) Disqualification means:

24 (i) The suspension, revocation, cancellation, or any
25 other withdrawal by a state of a person's privilege to ~~drive~~operate

1 a commercial motor vehicle;

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

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

8 (b) Downgrade means the state:

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

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

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

21 (iv) Removes the commercial driver's license privilege
22 from the operator's license;

23 (c) Employee means any operator of a commercial motor
24 vehicle, including full time, regularly employed drivers; casual,
25 intermittent, or occasional drivers; and leased drivers and

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

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

8 (e) Endorsement means an authorization to an individual's
9 CLP-commercial learner's permit or commercial driver's license
10 required to permit the individual to operate certain types of
11 commercial motor vehicles;

12 (f) Foreign means outside the fifty United States and the
13 District of Columbia;

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

21 (h) Issue and issuance means initial issuance, transfer,
22 renewal, or upgrade of a CLP-commercial learner's permit, commercial
23 driver's license, nondomiciled CLP-commercial learner's permit, or
24 nondomiciled commercial driver's license, as described in 49 C.F.R.
25 383.73;

1 (i) Medical examiner means for medical examinations
2 conducted on and after May 21, 2014, an individual certified by the
3 Federal Motor Carrier Safety Administration and listed on the
4 National Registry of Certified Medical Examiners in accordance with
5 49 C.F.R. part 390, subpart D;

6 ~~(f)~~—(j) Medical examiner's certificate means a form
7 meeting the requirements of 49 C.F.R. 391.43 issued by a medical
8 examiner in compliance with such regulation;

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

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

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

22 (ii) To an individual domiciled in another state meeting
23 the requirements of 49 C.F.R. 383.23(b)(2);

24 ~~(h)~~—(m) Representative vehicle means a motor vehicle
25 which represents the type of motor vehicle that a driver applicant

1 operates or expects to operate;

2 ~~(i)-(n)~~ State means a state of the United States and the
3 District of Columbia;

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

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

21 (q) Third-party skills test examiner means a person
22 employed by a third-party tester who is authorized by this state to
23 administer the commercial driver's license skills tests specified in
24 49 C.F.R. part 383, subparts G and H;

25 (r) Third-party tester means a person, including, but not

1 limited to, another state, a motor carrier, a private driver training
2 facility or other private institution, or a department, agency, or
3 instrumentality of a local government, authorized by this state to
4 employ skills test examiners to administer the commercial driver's
5 license skills tests specified in 49 C.F.R. part 383, subparts G and
6 H;

7 ~~(l)~~~~(s)~~ United States means the fifty states and the
8 District of Columbia; and

9 ~~(m)~~~~(t)~~ Vehicle group means a class or type of vehicle
10 with certain operating characteristics.

11 Sec. 17. Section 60-4,137, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 60-4,137 Any resident of this state operating a
14 commercial motor vehicle on the highways of this state shall possess
15 a valid commercial driver's license or ~~LPC learner's~~ a valid CLP-
16 commercial learner's permit issued pursuant to ~~sections 60-462.01 and~~
17 ~~60-4,138 to 60-4,172.~~ the Motor Vehicle Operator's License Act.

18 Sec. 18. Section 60-4,138, Revised Statutes Cumulative
19 Supplement, 2012, is amended to read:

20 60-4,138 (1) Commercial drivers' licenses and restricted
21 commercial drivers' licenses shall be issued by the department in
22 compliance with 49 C.F.R. parts 383 and 391, shall be classified as
23 provided in subsection (2) of this section, and shall bear such
24 endorsements and restrictions as are provided in subsections (3) and
25 (4) of this section.

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

3 (a) Class A Combination Vehicle - Any combination of
4 motor vehicles and towed vehicles with a gross vehicle weight rating
5 of more than twenty-six thousand pounds if the gross vehicle weight
6 rating of the vehicles being towed are in excess of ten thousand
7 pounds;

8 (b) Class B Heavy Straight Vehicle - Any single
9 commercial motor vehicle with a gross vehicle weight rating of
10 twenty-six thousand one pounds or more or any such commercial motor
11 vehicle towing a vehicle with a gross vehicle weight rating not
12 exceeding ten thousand pounds; and

13 (c) Class C Small Vehicle - Any single commercial motor
14 vehicle with a gross vehicle weight rating of less than twenty-six
15 thousand one pounds or any such commercial motor vehicle towing a
16 vehicle with a gross vehicle weight rating not exceeding ten thousand
17 pounds comprising:

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

20 (ii) Motor vehicles used in the transportation of
21 hazardous materials and required to be placarded pursuant to section
22 75-364.

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

25 (a) T - Double/triple trailers;

- 1 (b) P - Passenger;
2 (c) N - Tank vehicle;
3 (d) H - Hazardous materials;
4 (e) X - Combination tank vehicle and hazardous materials;

5 and

- 6 (f) S - School bus.
7 (4) The restrictions to a commercial driver's license
8 shall be as follows:

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

12 (a) E - No manual transmission equipped commercial motor
13 vehicle;

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

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

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

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

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

24 (g) V - Operation of a commercial motor vehicle for
25 drivers with medical variance documentation. The documentation shall

1 be required to be carried on the driver's person while operating a
2 commercial motor vehicle; and -

3 (h) Z - No full air brake equipped commercial motor
4 vehicle.

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

7 60-4,139 Any nonresident may operate a commercial motor
8 vehicle upon the highways of this state if (1) such nonresident has
9 in his or her immediate possession a valid commercial driver's
10 license or ~~LPC learner's~~ a valid commercial learner's permit issued
11 by his or her state of residence or by a jurisdiction with standards
12 that are in accord with 49 C.F.R. parts 383 and 391, (2) the license
13 or permit is not suspended, revoked, or canceled, (3) such
14 nonresident is not disqualified from operating a commercial motor
15 vehicle, and (4) the commercial motor vehicle is not operated in
16 violation of any downgrade.

17 Sec. 20. Section 60-4,141, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 60-4,141 (1) Except as provided in subsections (2), and
20 (3), and (4) of this section, no person shall operate any class of
21 commercial motor vehicle upon the highways of this state unless such
22 person possesses a valid commercial driver's license authorizing the
23 operation of the class of commercial motor vehicle being operated,
24 except that (a) any person possessing a valid commercial driver's
25 license authorizing the operation of a Class A commercial motor

1 vehicle may lawfully operate any Class B or C commercial motor
2 vehicle and (b) any person possessing a valid commercial driver's
3 license authorizing the operation of a Class B commercial motor
4 vehicle may lawfully operate a Class C commercial motor vehicle. No
5 person shall operate upon the highways of this state any commercial
6 motor vehicle which requires a specific endorsement unless such
7 person possesses a valid commercial driver's license with such
8 endorsement. No person possessing a restricted commercial driver's
9 license shall operate upon the highways of this state any commercial
10 motor vehicle to which such restriction is applicable.

11 ~~(2)~~(2)(a) Any person holding ~~an LPC learner's~~ a CLP-
12 commercial learner's permit may operate a commercial motor vehicle
13 for learning purposes upon the highways of this state if accompanied
14 by a person who is twenty-one years of age or older, who holds a
15 commercial driver's license valid for the class of commercial motor
16 vehicle being operated, and who occupies the seat beside the person
17 for the purpose of giving instruction in the operation of the
18 commercial motor vehicle. Any person holding ~~an LPC learner's~~ a CLP-
19 commercial learner's permit may operate a commercial motor vehicle
20 upon the highways of this state for purposes of taking a driving
21 skills examination if accompanied by ~~an examiner~~ licensing staff who
22 is designated by the director under section 60-4,149 or employed by a
23 third-party tester certified pursuant to section 60-4,158 and who
24 occupies the seat beside the person for the purpose of giving the
25 examination. A person holding ~~an LPC learner's~~ a CLP-commercial

1 learner's permit shall not operate a commercial motor vehicle
2 transporting hazardous materials. A holder of a commercial learner's
3 permit may operate a Class A combination vehicle, Class B Heavy
4 Straight Vehicle, or Class C Small Vehicle, as appropriate.

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

8 (c) A CLP-commercial learner's permit shall only be
9 allowed to bear any of the following restrictions: (i) K - Operation
10 of a commercial motor vehicle only in intrastate commerce; (ii) L -
11 Operation of only a commercial motor vehicle which is not equipped
12 with air brakes; (iii) V - Operation of a commercial motor vehicle
13 for drivers with medical variance documentation; (iv) P - No
14 passengers in commercial motor vehicle bus; and (v) X - No cargo in
15 commercial motor vehicle tank vehicle.

16 ~~(3) The provisions of subsection (1) of this section~~
17 ~~shall not apply to any nonresident until the state of residence of~~
18 ~~such nonresident begins the issuance of commercial drivers' licenses~~
19 ~~in conformance with the requirements of the Commercial Motor Vehicle~~
20 ~~Safety Act of 1986, 49 U.S.C. 31100 et seq., and the Motor Carrier~~
21 ~~Safety Improvement Act of 1999, 49 U.S.C. 31301 et seq., and section~~
22 ~~1012 of the federal Uniting and Strengthening America by Providing~~
23 ~~Appropriate Tools Required to Intercept and Obstruct Terrorism Act of~~
24 ~~2001, USA PATRIOT Act, 49 U.S.C. 5103a, and such nonresident is~~
25 ~~required by his or her state of residence to possess a commercial~~

1 ~~driver's license to operate a commercial motor vehicle. Any~~
2 ~~nonresident~~ Except for nonresident individuals who are enrolled and
3 taking training in a driver training school in this state, any holder
4 of a nonresident commercial learner's permit or nonresident
5 commercial driver's license who is in this state for a period of
6 thirty consecutive days or more shall apply for a Nebraska-issued
7 CLP-commercial learner's permit or commercial driver's license and
8 shall surrender to the ~~Department of Motor Vehicles~~ department any
9 operator's license issued to such nonresident by any other state.

10 (4) Except for individuals who are enrolled and taking
11 training in a driver training school in this state, any holder of a
12 nondomiciled commercial learner's permit or nondomiciled commercial
13 driver's license issued by another state who is in this state for a
14 period of thirty consecutive days or more shall apply for a Nebraska-
15 issued CLP-commercial learner's permit or commercial driver's license
16 and shall surrender to the department any operator's license issued
17 to such individual by any other state.

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

21 ~~(4)~~ (6) Any person who operates a commercial motor
22 vehicle upon the highways of this state in violation of this section
23 shall, upon conviction, be guilty of a Class III misdemeanor.

24 Sec. 21. Section 60-4,142, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

1 60-4,142 Any resident or nondomiciled applicant may
2 obtain ~~an LPC-learner's~~ a CLP-commercial learner's permit from the
3 department by making application to ~~an examiner~~ licensing staff of
4 the department. An applicant shall present proof to ~~the examiner~~
5 licensing staff that he or she holds a valid Class 0 license or
6 commercial driver's license or a foreign nondomiciled applicant shall
7 successfully complete the requirements for the Class 0 license before
8 ~~an LPC-learner's~~ a CLP-commercial learner's permit is issued. An
9 applicant shall also successfully complete the commercial driver's
10 license general knowledge examination under section 60-4,155 and
11 examinations for all previously issued endorsements as provided in 49
12 C.F.R. 383.25(a)(3) and 49 C.F.R. 383.153(b)(2)(vii). Upon
13 application, the examination may be waived if the applicant presents
14 a Nebraska commercial driver's license which is valid or has been
15 expired for less than one year, presents a valid commercial driver's
16 license from another state, or is renewing ~~an LPC-learner's~~ a CLP-
17 commercial learner's permit. The ~~LPC-learner's~~ CLP-commercial
18 learner's permit shall be valid for a period of ~~six months~~ one
19 hundred eighty days and shall be renewed only once within any two-
20 year period. The ~~county treasurer shall charge~~ successful applicant
21 shall pay the fee prescribed in section 60-4,115 for the issuance or
22 renewal of ~~an LPC-learner's~~ a CLP-commercial learner's permit.

23 Sec. 22. Section 60-4,143, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 60-4,143 (1) No commercial driver's license or ~~LPC-~~

1 learner's ~~CLP-commercial~~ learner's permit shall, under any
2 circumstances, be issued to any person who has not attained the age
3 of eighteen years.

4 (2) A commercial driver's license or ~~LPC-learner's CLP-~~
5 commercial learner's permit shall not be issued to any person during
6 the period the person is subject to a disqualification in this or any
7 other state, while the person's operator's license is suspended,
8 revoked, or canceled in this or any other state, or when the
9 Commercial Driver License Information System indicates "not-
10 certified".

11 (3) The department shall not issue any commercial
12 driver's license to any person unless the person applying for a
13 commercial driver's license first surrenders to the department all
14 operators' licenses issued to such person by this or any other state.
15 Any operator's license issued by another state which is surrendered
16 to the department shall be ~~returned to that state by the director for~~
17 ~~cancellation-~~ destroyed, and the director shall send notice to the
18 other state that the operator's license has been surrendered.

19 Sec. 23. Section 60-4,144, Revised Statutes Cumulative
20 Supplement, 2012, is amended to read:

21 60-4,144 (1) An applicant for issuance of any original or
22 renewal commercial driver's license or an applicant for a change of
23 class of commercial motor vehicle, endorsement, or restriction shall
24 demonstrate his or her knowledge and skills for operating a
25 commercial motor vehicle as prescribed in the Motor Vehicle

1 Operator's License Act. An applicant for a commercial driver's
2 license shall provide the information and documentation required by
3 this section and ~~sections 60-484 and section 60-4,144.01, and also,~~
4 ~~beginning on an implementation date designated by the director on or~~
5 ~~before January 1, 2014, the information and documentation required by~~
6 ~~section 60-484.04.~~ Such information and documentation shall include
7 any additional information required by 49 C.F.R. parts 383 and 391
8 and also include:

9 (a) Certification that the commercial motor vehicle in
10 which the applicant takes any driving skills examination is
11 representative of the class of commercial motor vehicle that the
12 applicant operates or expects to operate; and

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

16 (2)(a) Before being issued a CLP-commercial learner's
17 permit or commercial driver's license, the applicant shall provide
18 his or her (i) full legal name, (ii) date of birth, (iii) mailing
19 address, (iv) gender, (v) race or ethnicity, (vi) social security
20 number, (vii) two forms of proof of address of his or her principal
21 residence unless the applicant is a program participant under the
22 Address Confidentiality Act, except that a nondomiciled applicant for
23 a CLP-commercial learner's permit or nondomiciled commercial driver's
24 license holder does not have to provide proof of residence in
25 Nebraska, (viii) evidence of identity as required by this section,

1 and (ix) a brief physical description of himself or herself.

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

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

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

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

- 1 (b) The following are acceptable as proof of identity:
- 2 (i) A valid, unexpired United States passport;
- 3 (ii) A certified copy of a birth certificate filed with a
4 state office of vital statistics or equivalent agency in the
5 individual's state of birth;
- 6 (iii) A Consular Report of Birth Abroad issued by the
7 United States Department of State;
- 8 (iv) A valid, unexpired permanent resident card issued by
9 the United States Department of Homeland Security or Bureau of United
10 States Citizenship and Immigration Services;
- 11 (v) An unexpired employment authorization document issued
12 by the United States Department of Homeland Security;
- 13 (vi) An unexpired foreign passport with a valid,
14 unexpired United States visa affixed accompanied by the approved form
15 documenting the applicant's most recent admittance into the United
16 States;
- 17 (vii) A Certificate of Naturalization issued by the
18 United States Department of Homeland Security;
- 19 (viii) A Certificate of Citizenship issued by the United
20 States Department of Homeland Security;
- 21 (ix) A driver's license or identification card issued in
22 compliance with the standards established by the REAL ID Act of 2005,
23 Public Law 109-13, division B, section 1, 119 Stat. 302; or
- 24 (x) Such other documents as the director may approve.
- 25 (c) If an applicant presents one of the documents listed

1 under subdivision (b)(i), (ii), (iii), (iv), (vii), or (viii) of this
2 subsection, the verification of the applicant's identity will also
3 provide satisfactory evidence of lawful status.

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

14 (e) An applicant may present other documents as
15 designated by the director as proof of identity. Any documents
16 accepted shall be recorded according to a written exceptions process
17 established by the director.

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

24 (b) The following are acceptable as proof of citizenship
25 or lawful status:

- 1 (i) A valid, unexpired United States passport;
- 2 (ii) A certified copy of a birth certificate filed with a
3 state office of vital statistics or equivalent agency in the
4 individual's state of birth, Puerto Rico, the Virgin Islands, Guam,
5 American Samoa, or the Commonwealth of the Northern Mariana Islands;
- 6 (iii) A Consular Report of Birth Abroad issued by the
7 United States Department of State;
- 8 (iv) A Certificate of Naturalization issued by the United
9 States Department of Homeland Security;
- 10 (v) A Certificate of Citizenship issued by the United
11 States Department of Homeland Security; or
- 12 (vi) A valid, unexpired Permanent Resident Card issued by
13 the United States Department of Homeland Security or Bureau of United
14 States Citizenship and Immigration Services.
- 15 (6) An applicant may present other documents as
16 designated by the director as proof of lawful status. Any documents
17 accepted shall be recorded according to a written exceptions process
18 established by the director.
- 19 (7)(a) An applicant shall obtain a nondomiciled CLP-
20 commercial driver's license or nondomiciled CLP-commercial learner's
21 permit:
- 22 (i) If the applicant is domiciled in a foreign
23 jurisdiction and the Federal Motor Carrier Safety Administrator has
24 not determined that the commercial motor vehicle operator testing and
25 licensing standards of that jurisdiction meet the standards contained

1 in subparts G and H of 49 C.F.R. part 383; or

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

9 (b) An applicant for a nondomiciled CLP-commercial
10 learner's permit and nondomiciled commercial driver's license must do
11 the following:

12 (i) Complete the requirements to obtain a CLP-commercial
13 learner's permit or a commercial driver's license under the Motor
14 Vehicle Operator's License Act, except that an applicant domiciled in
15 a foreign jurisdiction must provide an unexpired employment
16 authorization document issued by the United States Citizenship and
17 Immigration Services or an unexpired foreign passport accompanied by
18 an approved I-94 form documenting the applicant's most recent
19 admittance into the United States. No proof of domicile is required;

20 (ii) After receipt of the nondomiciled CLP-commercial
21 learner's permit or nondomiciled commercial driver's license and, for
22 as long as the permit or license is valid, notify the Department of
23 Motor Vehicles of any adverse action taken by any jurisdiction or
24 governmental agency, foreign or domestic, against his or her driving
25 privileges. Such adverse actions include, but are not limited to,

1 license disqualification or disqualification from operating a
2 commercial motor vehicle for the convictions described in 49 C.F.R.
3 383.51. Notifications must be made within the time periods specified
4 in 49 C.F.R. 383.33; and

5 (iii) Provide a mailing address. If the applicant is
6 applying for a foreign nondomiciled CLP-commercial learner's permit
7 or foreign nondomiciled commercial driver's licence, he or she must
8 provide a Nebraska mailing address and his or her employer's mailing
9 address.

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

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

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

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

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

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

25 (d) Do you wish to receive any additional specific

1 information regarding organ and tissue donation and the Donor
2 Registry of Nebraska?

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

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

8 ~~(3)-(9) Any person applying for any a CLP-commercial~~
9 ~~learner's permit or commercial driver's license on or after January~~
10 ~~1, 2012, must make one of the certifications in section 60-4,144.01~~
11 ~~and any certification required under section 60-4,146 and must~~
12 ~~provide such certifications to the department Department of Motor~~
13 ~~Vehicles in order to be issued a CLP-commercial learner's permit or a~~
14 ~~commercial driver's license.~~

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

24 Sec. 24. Section 60-4,144.01, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

1 60-4,144.01 Certification shall be made as follows:

2 (1) A person must certify that he or she operates or
3 expects to operate a commercial motor vehicle in interstate commerce,
4 is both subject to and meets the qualification requirements under 49
5 C.F.R. part 391, and is required to obtain a medical examiner's
6 certificate by 49 C.F.R. 391.45. Any nonexcepted holder of a
7 commercial learner's permit or commercial driver's license ~~on or~~
8 ~~after January 1, 2012,~~ who certifies that he or she will operate a
9 commercial motor vehicle in nonexcepted, interstate commerce must
10 maintain a current medical examiner's certificate and provide a copy
11 of it to the department in order to maintain his or her medical
12 certification status;

13 (2) A person must certify that he or she operates or
14 expects to operate a commercial motor vehicle in interstate commerce,
15 but engages exclusively in transportation or operations excepted
16 under 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3 from all or part of
17 the qualification requirements of 49 C.F.R. part 391, and is therefor
18 not required to obtain a medical examiner's certificate by 49 C.F.R.
19 391.45;

20 (3) A person must certify that he or she operates a
21 commercial motor vehicle only in intrastate commerce and therefor is
22 subject to state driver qualification requirements as provided in
23 section 75-363; or

24 (4) A person must certify that he or she operates a
25 commercial motor vehicle in intrastate commerce, but engages

1 exclusively in transportation or operations excepted from all or
2 parts of the state driver qualification requirements.

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

5 60-4,144.02 (1) ~~Beginning January 1, 2012, for~~ For each
6 operator of a commercial motor vehicle required to have a commercial
7 driver's license or CLP-commercial learner's permit, the department,
8 in compliance with 49 C.F.R. 383.73, shall:

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

11 (b) Retain the medical examiner's certificate of any
12 driver required to provide documentation of physical qualification
13 for three years beyond the date the certificate was issued; and

14 (c) Post the information from the medical examiner's
15 certificate within ten calendar days to the Commercial Driver License
16 Information System driver record, including:

17 (i) The medical examiner's name;

18 (ii) The medical examiner's telephone number;

19 (iii) The date of the medical examiner's certificate
20 issuance;

21 (iv) The medical examiner's license number and the state
22 that issued it;

23 (v) The medical examiner's National Registry
24 identification number (if the National Registry of Medical Examiners,
25 mandated by 49 U.S.C. 31149(d), requires one);

1 (vi) The indicator of the medical certification status,
2 either "certified" or "not-certified";

3 (vii) The expiration date of the medical examiner's
4 certificate;

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

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

11 (x) The date the medical examiner's certificate
12 information was posted to the Commercial Driver License Information
13 System driver record.

14 (2) ~~Beginning January 1, 2012, the~~ The department shall,
15 within ten calendar days of the driver's medical certification status
16 expiring or a medical variance expiring or being rescinded, update
17 the medical certification status of that driver as "not-certified".

18 (3) ~~Beginning January 1, 2012, within~~ Within ten calendar
19 days of receiving information from the Federal Motor Carrier Safety
20 Administration regarding issuance or renewal of a medical variance
21 for a driver, the department shall update the Commercial Driver
22 License Information System driver record to include the medical
23 variance information provided by the Federal Motor Carrier Safety
24 Administration.

25 (4)(a) ~~Beginning January 1, 2012, if~~ If a driver's

1 medical certification or medical variance expires, or the Federal
2 Motor Carrier Safety Administration notifies the department that a
3 medical variance was removed or rescinded, the department shall:

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

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

17 (b) ~~Beginning January 1, 2012, if~~ If a driver fails to
18 provide the department with the certification contained in 49 C.F.R.
19 383.71(a)(1)(ii), or a current medical examiner's certificate if the
20 driver self-certifies according to 49 C.F.R. 383.71(a)(1)(ii)(A) that
21 he or she is operating in nonexcepted interstate commerce as required
22 by 49 C.F.R. 383.71(h), the department shall mark that Commercial
23 Driver License Information System driver record as "not-certified"
24 and initiate a commercial driver's license downgrade following
25 department procedures in accordance with subdivision (4)(a)(ii) of

1 this section. The CLP-commercial learner's permit or commercial
2 driver's license shall be canceled and marked as "not-certified".

3 Sec. 26. (1) The department shall issue a CLP-commercial
4 learner's permit or a commercial driver's license that is temporary
5 only to any applicant who presents documentation under section
6 60-4,144 that shows his or her authorized stay in the United States
7 is temporary. A CLP-commercial learner's permit or a commercial
8 driver's license that is temporary shall be valid only during the
9 period of time of the applicant's authorized stay in the United
10 States or, if there is no definite end to the period of authorized
11 stay, a period of one year.

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

16 (3) A CLP-commercial learner's permit or a commercial
17 driver's license that is temporary may be renewed only upon
18 presentation of valid documentary evidence that the status, by which
19 the applicant qualified for the CLP-commercial learner's permit or
20 commercial driver's license that is temporary, has been extended by
21 the United States Department of Homeland Security.

22 Sec. 27. (1) The issuance of a CLP-commercial learner's
23 permit is a precondition to the initial issuance of a commercial
24 driver's license. The issuance of a CLP-commercial learner's permit
25 is also a precondition to the upgrade of a commercial driver's

1 license if the upgrade requires a skills test, however, the CLP-
2 commercial learner's permit holder is not eligible to take the skills
3 test in the first fourteen days after initial issuance of the CLP-
4 commercial learner's permit.

5 (2) The CLP-commercial learner's permit holder is not
6 eligible to take the commercial driver's license skills test in the
7 first fourteen days after initial issuance of the CLP-commercial
8 learner's permit.

9 Sec. 28. Section 60-4,146, Revised Statutes Cumulative
10 Supplement, 2012, is amended to read:

11 60-4,146 (1) ~~Beginning January 1, 2012, in~~ In addition to
12 certifying himself or herself under this section, an applicant shall
13 also certify himself or herself under section 60-4,144.01.

14 (2) Upon making application pursuant to section 60-4,144,
15 any applicant who operates or expects to operate a commercial motor
16 vehicle in interstate or foreign commerce and who is not subject to
17 49 C.F.R. part 391 shall certify that he or she is not subject to 49
18 C.F.R. part 391. Any applicant making certification pursuant to this
19 subsection shall meet the physical and vision requirements
20 established in section 60-4,118 and shall be subject to the
21 provisions of such section relating to the Health Advisory Board.

22 (3) Upon making application pursuant to section 60-4,144,
23 any applicant who operates or expects to operate a commercial motor
24 vehicle solely in intrastate commerce and who is subject to 49 C.F.R.
25 part 391 adopted pursuant to section 75-363 shall certify that the

1 applicant meets the qualification requirements of 49 C.F.R. part 391.

2 (4) Upon making application ~~pursuant to section 60-4,144,~~
 3 for a CLP-commercial learner's permit or commercial driver's license,
 4 any applicant who operates or expects to operate a commercial motor
 5 vehicle solely in intrastate commerce and who is not subject to 49
 6 C.F.R. part 391 adopted pursuant to section 75-363 shall certify that
 7 he or she is not subject to 49 C.F.R. part 391. Any applicant making
 8 certification pursuant to this subsection shall meet the physical and
 9 vision requirements established in section 60-4,118 and shall be
 10 subject to the provisions of such section relating to the Health
 11 Advisory Board.

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

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

18 (i) lost voluntary control or consciousness ... yes ...
 19 no

20 (ii) experienced vertigo or multiple episodes of
 21 dizziness or fainting ... yes ... no

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

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

24 (v) experienced impairment of memory, memory loss ...
 25 yes ... no

1 Please explain:

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

6 Please explain:

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

10 Please explain, including how the above affects your
11 ability to drive:

12 Sec. 29. Section 60-4,147.01, Reissue Revised Statutes of
13 Nebraska, is amended to read:

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

23 Sec. 30. Section 60-4,149, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 60-4,149 (1) The examination for commercial drivers'

1 licenses by the department shall occur in and for each county of the
2 State of Nebraska. Each county shall furnish office space for the
3 administration of the examinations, except that two or more counties
4 may, with the permission of the director, establish a separate
5 facility to jointly conduct the examinations for such licenses.

6 (2)(a) The segments of the driving skills examination
7 shall be administered and successfully completed in the following
8 order: Pre-trip inspection, basic vehicle control skills, and on-road
9 skills. If an applicant fails one segment of the driving skills
10 examination:

11 (i) The applicant cannot continue to the next segment of
12 the examination; and

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

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

19 ~~(2)-(3) Except as provided for by section 60-4,157, in~~
20 sections 60-4,157 and 60-4,158, all commercial driver's license
21 examinations shall be conducted by department personnel designated by
22 the director. Each successful applicant shall be issued a certificate
23 entitling the applicant to secure a commercial driver's license. If
24 department personnel refuse to issue such certificate for cause, he
25 or she shall state such cause in writing and deliver the same to the

1 applicant. Department personnel shall not be required to hold a
2 commercial driver's license to administer a driving skills
3 examination and occupy the seat beside an applicant for a commercial
4 driver's license.

5 ~~(3)~~ (4) The successful applicant shall, within ~~thirty ten~~
6 days after renewal or within twenty-four hours after initial
7 issuance, present his or her issuance certificate ~~to the county~~
8 ~~treasurer who shall collect and pay~~ the fee and surcharge as provided
9 in section 60-4,115. ~~A and issue a receipt with driving privileges~~
10 which is valid for up to thirty days shall be issued. The commercial
11 driver's license shall be delivered to the applicant as provided in
12 section 60-4,113.

13 Sec. 31. Section 60-4,149.01, Reissue Revised Statutes of
14 Nebraska, is amended to read:

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

25 (2) A nonresident who holds a valid commercial driver's

1 license from another state shall not be required to take the
2 commercial driver's license knowledge examination, except the
3 hazardous material portion of the examination and any knowledge
4 examinations not previously taken for that class of commercial motor
5 vehicle or endorsement, if the nonresident commercial driver's
6 license holder surrenders his or her valid out-of-state commercial
7 driver's license to the ~~commercial driver's license examiner.~~
8 licensing staff.

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

14 Sec. 32. Section 60-4,150, Revised Statutes Cumulative
15 Supplement, 2012, is amended to read:

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

24 (2) The application for a replacement license or permit
25 because of a change of name or address shall be made within sixty

1 days after the change of name or address.

2 (3) A duplicate or replacement commercial driver's
3 license or CLP-commercial learner's permit shall be delivered to the
4 applicant as provided in section 60-4,113 after the county treasurer
5 collects the fee and surcharge prescribed in section 60-4,115 and
6 issues the applicant a receipt with driving privileges which is valid
7 for up to thirty days.

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

16 Sec. 33. Section 60-4,151, Revised Statutes Cumulative
17 Supplement, 2012, is amended to read:

18 60-4,151 (1)(a) The commercial driver's license shall be
19 conspicuously marked Nebraska Commercial Driver's License and shall
20 be, to the maximum extent practicable, tamper and forgery proof. The
21 commercial driver's license shall be marked Nondomiciled if the
22 license is a nondomiciled commercial driver's license.

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

25 (2) The ~~restricted~~ RCDL-restricted commercial driver's

1 license shall be conspicuously marked Nebraska Restricted Commercial
2 Driver's License and shall be, to the maximum extent practicable,
3 tamper and forgery proof. The ~~restricted~~-RCDL-restricted commercial
4 driver's license shall contain such additional information as deemed
5 necessary by the director.

6 (3) The ~~seasonal~~-SEP-seasonal permit shall contain such
7 information as deemed necessary by the director but shall include the
8 time period during which the commercial motor vehicle operating
9 privilege is effective. The ~~seasonal~~-SEP-seasonal permit shall be
10 valid only when held in conjunction with a ~~restricted~~-an RCDL-
11 restricted commercial driver's license.

12 (4) The CLP-commercial learner's permit shall be
13 conspicuously marked Nebraska Commercial Learner's Permit and shall
14 be, to the maximum extent practicable, tamper and forgery proof. The
15 permit shall also be marked Nondomiciled if the permit is a
16 nondomiciled CLP-commercial learner's permit.

17 Sec. 34. A commercial driver's license examiner shall not
18 require the driving skills examination for a commercial motor vehicle
19 driver with military commercial motor vehicle experience who is
20 currently licensed at the time of his or her application for a
21 commercial driver's license and may substitute an applicant's driving
22 record in combination with certain driving experience. The department
23 may impose conditions and limitations as allowed under 49 C.F.R. 383
24 to restrict the applicants from whom the department may accept
25 alternative requirements for the driving skills examination

1 authorized in section 60-4,155. Such conditions and limitations shall
2 require at least the following:

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

6 (a) Has not had more than one operator's license, except
7 for a military operator's license;

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

10 (c) Has not had any convictions for any type of motor
11 vehicle for the disqualifying offenses contained in 49 C.F.R.
12 383.51(b);

13 (d) Has not had more than one conviction for any type of
14 motor vehicle for serious traffic violations contained in 49 C.F.R.
15 383.51(c);

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

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

22 (2) An applicant must provide evidence and certify that
23 he or she:

24 (a) Is regularly employed or was regularly employed
25 within the last ninety days in a military position requiring

1 operation of a commercial motor vehicle;

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

4 (c) Was operating a vehicle representative of the
5 commercial motor vehicle the driver applicant operates or expects to
6 operate, for at least two years immediately preceding discharge from
7 the military.

8 Sec. 35. Section 60-4,153, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

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

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

22 (2) Contact the Commercial Driver License Information
23 System to determine whether the applicant possesses any valid
24 commercial driver's license or commercial learner's permit issued by
25 any other state, whether such license or permit or the applicant's

1 privilege to operate a commercial motor vehicle has been suspended,
2 revoked, or canceled, or whether the applicant has been disqualified
3 from operating a commercial motor vehicle; and

4 (3) Contact the National Driver Register to determine if
5 the applicant (a) has been disqualified from operating any motor
6 vehicle, (b) has had an operator's license suspended, revoked, or
7 canceled for cause in the three-year period ending on the date of
8 application, (c) has been convicted of operation of a motor vehicle
9 while under the influence of or while impaired by alcohol or a
10 controlled substance, a traffic violation arising in connection with
11 a fatal traffic accident, reckless driving, racing on the highways,
12 failure to render aid or provide identification when involved in an
13 accident which resulted in a fatality or personal injury, or perjury
14 or the knowledgeable making of a false affidavit or statement to
15 officials in connection with activities governed by a law, rule, or
16 regulation related to the operation of a motor vehicle, (d) is not
17 eligible, or (e) is deceased.

18 Sec. 36. Section 60-4,154, Revised Statutes Cumulative
19 Supplement, 2012, is amended to read:

20 60-4,154 (1) Prior to the issuance of any original or
21 renewal commercial driver's license, ~~or~~ the reissuance of any
22 commercial driver's license with a change of any classification,
23 endorsement, or restriction, or the issuance of a CLP-commercial
24 learner's permit, the director shall notify the Commercial Driver
25 License Information System of the issuance and shall provide the

1 applicant's name, social security number, and any other required
2 information to the operator of the system.

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

7 Sec. 37. Section 60-4,157, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 60-4,157 (1) A commercial driver's license examiner may
10 waive the driving skills examination when an applicant presents
11 evidence, on a form to be prescribed by the director, that he or she
12 has successfully passed a driving skills examination administered by
13 a third-party tester.

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

21 (2) A third-party skills test examiner may administer a
22 driving skills examination to an applicant who has taken training in
23 this state but is to be licensed in another state. The driving skills
24 examination results shall be reported by the third-party skills test
25 examiner to the department. The department shall transmit

1 electronically the driving skills examination results directly from
2 this state to the licensing state in an efficient and secure manner
3 to be determined by the director.

4 (3) A third-party skills test examiner who is also a
5 skills instructor either as part of a school, training program, or
6 otherwise is prohibited from administering a skills test to an
7 applicant who received skills training by that skills test examiner.

8 Sec. 38. Section 60-4,158, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 60-4,158 (1) The director shall adopt and promulgate
11 rules and regulations governing the certification of third-party
12 testers by the ~~Department of Motor Vehicles.~~ department. Such rules
13 and regulations shall substantially comply with the requirements of
14 49 C.F.R. 383.75. ~~An~~ A third-party skills test examiner employed by a
15 certified third-party tester is not required to hold a commercial
16 driver's license to administer a driving skills examination and
17 occupy the seat beside an applicant for a commercial driver's
18 license.

19 (2)(a) An applicant to be certified as a third-party
20 skills test examiner shall provide fingerprints to the Nebraska State
21 Patrol. The Nebraska State Patrol shall undertake a search for
22 criminal history record information relating to such applicant,
23 including transmittal of the applicant's fingerprints to the Federal
24 Bureau of Investigation for a national criminal history record
25 information check. The criminal history record information shall

1 include information concerning the applicant from federal
2 repositories of such information and repositories of such information
3 in other states if authorized by federal law. The Nebraska State
4 Patrol shall issue a report to the department that includes the
5 criminal history record information concerning the applicant. The
6 applicant shall pay the actual cost of the fingerprinting and
7 criminal background check.

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

10 (c) The department shall maintain a record of the results
11 of the criminal background check and third-party skills test examiner
12 test training and certification of all third-party skills test
13 examiners.

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

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

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

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

23 (B) Any conviction involving fraudulent activities.

24 ~~(2)~~-(3) A certification to conduct third-party testing
25 shall be valid for two years, and the department shall charge a fee

1 of one hundred dollars to issue or renew the certification of any
2 third-party tester. The department shall remit the fees collected to
3 the State Treasurer for credit to the General Fund.

4 ~~(3)~~(4) Any third-party tester who violates any of the
5 rules and regulations adopted and promulgated pursuant to this
6 section shall be subject to having his or her certification revoked
7 by the department.

8 Sec. 39. Section 60-4,159, Reissue Revised Statutes of
9 Nebraska, is amended to read:

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

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

23 (3) Any person possessing a commercial driver's license
24 or CLP-commercial learner's permit issued by the department whose
25 commercial driver's license or CLP-commercial learner's permit is

1 suspended, revoked, or canceled by any state, who loses the privilege
2 to ~~drive~~operate a commercial motor vehicle in any state for any
3 period, or who is disqualified from ~~driving~~operating a commercial
4 motor vehicle for any period shall notify his or her employer of that
5 fact before the end of the business day following the day the driver
6 received notice of that fact.

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

10 Sec. 40. Section 60-4,160, Reissue Revised Statutes of
11 Nebraska, is amended to read:

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

19 Sec. 41. Section 60-4,162, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 60-4,162 (1) Each employer shall require prospective
22 applicants for employment as a driver of a commercial motor vehicle
23 to provide the information required by section 60-4,161.

24 ~~(2) An employer shall not knowingly allow, permit, or~~
25 ~~authorize a person to operate a commercial motor vehicle in the~~

1 ~~United States during any period in which:~~

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

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

6 ~~(c) The person has been disqualified from driving a~~
7 ~~commercial motor vehicle; or~~

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

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

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

16 (a) During any period in which the driver does not have a
17 current commercial learner's permit or commercial driver's license or
18 does not have a commercial learner's permit or commercial driver's
19 license with the proper class or endorsements. An employer may not
20 use a driver to operate a commercial motor vehicle who violates any
21 restriction on the driver's commercial learner's permit or commercial
22 driver's license;

23 (b) During any period in which the driver has a
24 commercial learner's permit or commercial driver's license
25 disqualified by a state, has lost the right to operate a commercial

1 motor vehicle in a state, or has been disqualified from operating a
2 commercial motor vehicle;

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

5 (d) During any period in which the driver, the commercial
6 motor vehicle he or she is operating, or the motor carrier operation
7 is subject to an out-of-service order; or

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

10 ~~(4)~~-(3) Any employer who violates this section shall,
11 upon conviction, be guilty of a Class III misdemeanor.

12 Sec. 42. Section 60-4,167, Revised Statutes Cumulative
13 Supplement, 2012, is amended to read:

14 60-4,167 Upon receipt of a law enforcement officer's
15 sworn report provided for in section 60-4,164, the director shall
16 serve the notice of disqualification to the person who is the subject
17 of the report by regular United States mail to the person's last-
18 known address appearing on the records of the director. If the
19 address on the director's records differs from the address on the
20 arresting officer's report, the notice of disqualification shall be
21 sent to both addresses. The notice of disqualification shall contain
22 a statement explaining the operation of the disqualification
23 procedure and the rights of the person. The director shall also
24 provide to the person a self-addressed envelope and a petition form
25 which the person may use to request a hearing before the director to

1 contest the disqualification. The petition form shall clearly state
2 on its face that the petition must be completed and delivered to the
3 department or postmarked within ten days after receipt or the
4 person's right to a hearing to contest the disqualification will be
5 foreclosed. The director shall prescribe and approve the form for the
6 petition, the self-addressed envelope, and the notice of
7 disqualification. If not contested, the disqualification shall
8 automatically take effect thirty days after the date of mailing of
9 the notice of disqualification by the director. Any chemical test or
10 tests made under section 60-4,164, if made in conformity with the
11 requirements of section 60-6,201, shall be competent evidence of the
12 alcoholic content of such person's blood or breath. The commercial
13 driver's license or commercial learner's permit of the person who is
14 the subject of the report shall be automatically disqualified upon
15 the expiration of thirty days after the date of the mailing of the
16 notice of disqualification by the director. The director shall
17 conduct the hearing in the county in which the violation occurred or
18 in any county agreed to by the parties. Upon receipt of a petition,
19 the director shall notify the petitioner of the date and location for
20 the hearing by regular United States mail postmarked at least seven
21 days prior to the hearing date.

22 After granting the petitioner an opportunity to be heard
23 on such issue, if it is not shown to the director that the
24 petitioner's refusal to submit to such chemical test or tests was
25 reasonable or unless it is shown to the director that the petitioner

1 was not operating or in the actual physical control of a commercial
2 motor vehicle with an alcoholic concentration in his or her blood or
3 breath equal to or in excess of that specified in subsection (5) of
4 section 60-4,164, the director shall enter an order pursuant to
5 section 60-4,169 revoking the petitioner's commercial driver's
6 license or commercial learner's permit and the petitioner's privilege
7 to operate a commercial motor vehicle in this state and disqualifying
8 the person from operating a commercial motor vehicle for the period
9 specified by section 60-4,168.

10 Sec. 43. Section 60-4,168, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 60-4,168 (1) Except as provided in subsections (2) and
13 (3) of this section, a person shall be disqualified from ~~driving~~
14 operating a commercial motor vehicle for one year upon his or her
15 first conviction, ~~after April 1, 1992,~~ in this or any other state
16 for:

17 (a) ~~Driving a commercial motor vehicle in violation of~~
18 ~~section 60-6,196 or 60-6,197 or under the influence of a controlled~~
19 ~~substance or, beginning September 30, 2005, driving~~ Operating any
20 motor vehicle in violation of section 60-6,196 or 60-6,197 or under
21 the influence of a controlled substance;

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

24 (c) Leaving the scene of an accident involving a
25 ~~commercial motor vehicle driven by the person or, beginning September~~

1 ~~30, 2005, leaving the scene of an accident involving any motor~~
2 ~~vehicle driven operated by the person;~~

3 (d) ~~Using a commercial motor vehicle in the commission of~~
4 ~~a felony other than a felony described in subdivision (3)(b) of this~~
5 ~~section or, beginning September 30, 2005, using any motor vehicle in~~
6 the commission of a felony other than a felony described in
7 subdivision (3)(b) of this section;

8 (e) ~~Beginning September 30, 2005, driving~~ Operating a
9 commercial motor vehicle after his or her commercial driver's license
10 has been suspended, revoked, or canceled or the driver is
11 disqualified from ~~driving~~ operating a commercial motor vehicle; or

12 (f) ~~Beginning September 30, 2005, causing~~ Causing a
13 fatality through the negligent or criminal operation of a commercial
14 motor vehicle.

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

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

25 (a) Is convicted of or administratively determined to

1 have committed a second or subsequent violation of any of the
2 offenses described in subsection (1) of this section or any
3 combination of those offenses arising from two or more separate
4 incidents; or

5 (b) ~~Beginning September 30, 2005, used~~ Used a commercial
6 motor vehicle in the commission of a felony involving the
7 manufacturing, distributing, or dispensing of a controlled substance.

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

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

25 (5)(a) A person who is convicted of operating a

1 commercial motor vehicle in violation of a federal, state, or local
2 law or regulation pertaining to one of the following six offenses at
3 a highway-rail grade crossing shall be disqualified for the period of
4 time specified in subdivision (5)(b) of this section:

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

8 (ii) For drivers who are not required to always stop,
9 failing to stop before reaching the crossing, if the tracks are not
10 clear;

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

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

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

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

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

23 (ii) A person shall be disqualified for not less than one
24 hundred twenty days if, during any three-year period, the person is
25 convicted of a second violation described in this subsection in

1 separate incidents.

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

6 (6) A person shall be disqualified from operating a
7 commercial motor vehicle for at least one year if the person has been
8 convicted of fraud related to the issuance of his or her CLP-
9 commercial learner's permit or commercial driver's license.

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

1 commercial driver's license. If the holder of a CLP-commercial
2 learner's permit or commercial driver's license has had his or her
3 CLP-commercial learner's permit or commercial driver's license
4 disqualified, he or she must reapply for a CLP-commercial learner's
5 permit or commercial driver's license under department procedures
6 applicable to all applicants for a CLP-commercial learner's permit or
7 commercial driver's license.

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

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

19 ~~(8)~~—(10) For purposes of this section, serious traffic
20 violation means:

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

23 (b) Willful reckless driving as described in section
24 60-6,214 or reckless driving as described in section 60-6,213;

25 (c) Improper lane change as described in section

1 60-6,139;

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

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

8 (f) ~~Beginning September 30, 2005, driving~~ Operating a
9 commercial motor vehicle without a commercial driver's license;

10 (g) ~~Beginning September 30, 2005, driving~~ Operating a
11 commercial motor vehicle without a commercial driver's license in the
12 operator's possession;

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

18 (i) ~~Beginning October 27, 2013, texting~~ Texting while
19 driving as described in section 60-6,179.02.

20 Sec. 44. Section 60-4,169, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 60-4,169 Whenever it comes to the attention of the
23 director that any person when operating a motor vehicle has, based
24 upon the records of the director, been convicted of or
25 administratively determined to have committed an offense for which

1 disqualification is required pursuant to section 60-4,146.01,
2 60-4,168, or 60-4,168.01, the director shall summarily revoke (1) the
3 commercial driver's license or CLP-commercial learner's permit and
4 privilege of such person to operate a commercial motor vehicle in
5 this state or (2) the privilege, if such person is a nonresident, of
6 operating a commercial motor vehicle in this state. Any revocation
7 ordered by the director pursuant to this section shall commence on
8 the date of the signing of the order of revocation or the date of the
9 release of such person from the jail or a Department of Correctional
10 Services adult correctional facility, whichever is later, unless the
11 order of the court requires the jail time and the revocation to run
12 concurrently.

13 Sec. 45. Section 60-4,170, Revised Statutes Cumulative
14 Supplement, 2012, is amended to read:

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

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

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

22 Sec. 46. Section 60-4,171, Revised Statutes Cumulative
23 Supplement, 2012, is amended to read:

24 60-4,171 (1) Following any period of revocation ordered
25 by a court, a resident who has had a commercial driver's license or

1 CLP-commercial learner's permit revoked pursuant to section 60-4,169
2 may apply for a Class O or M operator's license.

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

21 Sec. 47. Section 60-4,172, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 60-4,172 (1) Within ten days after receiving an abstract
24 of conviction of any nonresident ~~holder of a~~ who holds a commercial
25 learner's permit or commercial driver's license for any violation of

1 state law or local ordinance related to motor vehicle traffic
2 control, other than parking violations, committed in a commercial
3 motor vehicle operated in this state, the director shall notify the
4 driver licensing authority which licensed the nonresident who holds a
5 commercial learner's permit or commercial driver's license and the
6 Commercial Driver License Information System of such conviction.

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

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

21 (3) ~~Beginning September 30, 2005, within~~ Within ten days
22 after receiving an abstract of conviction of any nonresident ~~holder~~
23 ~~of a~~ who holds a commercial learner's permit or commercial driver's
24 license for any violation of state law or local ordinance related to
25 motor vehicle traffic control, other than parking violations,

1 committed in any type of motor vehicle operated in this state, the
2 director shall notify the driver licensing authority which licensed
3 the nonresident and the Commercial Driver License Information System
4 of such conviction.

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

12 Sec. 48. Section 60-2905, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 60-2905 (1) Notwithstanding any other provision of state
15 law to the contrary, except as provided in sections 60-2906 and
16 60-2907, the department and any officer, employee, agent, or
17 contractor of the department shall not disclose personal information
18 about any person obtained by the department in connection with a
19 motor vehicle record.

20 (2) Notwithstanding any other provision of state law to
21 the contrary, except as provided in sections 60-483, 60-484,
22 60-4,144, and 60-2909.01, the department and any officer, employee,
23 agent, or contractor of the department shall not disclose sensitive
24 personal information about any person obtained by the department in
25 connection with a motor vehicle record without the express written

1 consent of the person to whom such information pertains.

2 Sec. 49. Section 60-2907, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 60-2907 The department and any officer, employee, agent,
5 or contractor of the department having custody of a motor vehicle
6 record shall, upon the verification of identity and purpose of a
7 requester, disclose and make available the requested motor vehicle
8 record, including the personal information in the record, for the
9 following purposes:

10 (1) For use by any federal, state, or local governmental
11 agency, including any court or law enforcement agency, in carrying
12 out the agency's functions or by a private person or entity acting on
13 behalf of a governmental agency in carrying out the agency's
14 functions;

15 (2) For use in connection with matters of motor vehicle
16 or driver safety and theft; motor vehicle emissions; motor vehicle
17 product alterations, recalls, or advisories; performance monitoring
18 of motor vehicles, motor vehicle parts, and dealers; motor vehicle
19 market research activities, including survey research; and removal of
20 nonowner records from the original owner records of motor vehicle
21 manufacturers;

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

25 (a) To verify the accuracy of personal information

1 submitted by the individual to the business or its agents, employees,
2 or contractors; and

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

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

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

17 (6) For use by any insurer or insurance support
18 organization, or by a self-insured entity, or its agents, employees,
19 or contractors, in connection with claims investigation activities,
20 anti-fraud activities, rating, or underwriting;

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

23 (8) For use only for a purpose permitted under this
24 section either by a private detective, plain clothes investigator, or
25 private investigative agency licensed under sections 71-3201 to

1 71-3213;

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

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

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

16 (12) For any use if the requester has obtained the
17 notarized written consent of the individual who is the subject of the
18 personal information being requested and has provided proof of
19 receipt of such written consent to the department or an officer,
20 employee, agent, or contractor of the department;

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

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

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

6 Sec. 50. Section 60-2909.01, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 60-2909.01 The department and any officer, employee,
9 agent, or contractor of the department having custody of a motor
10 vehicle record shall, upon the verification of identity and purpose
11 of a requester, disclose and make available the requested motor
12 vehicle record, including the sensitive personal information in the
13 record, other than the social security number, for the following
14 purposes:

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

20 (2) For use in connection with any civil, criminal,
21 administrative, or arbitral proceeding in any federal, state, or
22 local court or governmental agency or before any self-regulatory
23 body, including service of process, investigation in anticipation of
24 litigation, and execution or enforcement of judgments and orders, or
25 pursuant to an order of a federal, state, or local court, an

1 administrative agency, or a self-regulatory body;

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

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

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

16 Sec. 51. Section 75-369.03, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 75-369.03 (1) The Superintendent of Law Enforcement and
19 Public Safety may issue an order imposing a civil penalty against a
20 motor carrier transporting persons or property in interstate commerce
21 for a violation of sections 75-392 to 75-399 or against a motor
22 carrier transporting persons or property in intrastate commerce for a
23 violation or violations of section 75-363 or 75-364 based upon an
24 inspection conducted pursuant to section 75-366 in an amount which
25 shall not exceed five hundred dollars for any single violation in any

1 proceeding or series of related proceedings against any person or
2 motor carrier as defined in 49 C.F.R. part 390.5 as adopted in
3 section 75-363.

4 (2) The superintendent shall issue an order imposing a
5 civil penalty in an amount not to exceed ten thousand dollars against
6 a motor carrier transporting persons or property in interstate
7 commerce for a violation of ~~subsection (3)~~ subdivision (2)(e) of
8 section 60-4,162 based upon a conviction of such a violation.

9 (3) The superintendent shall issue an order imposing a
10 civil penalty against a driver operating a commercial motor vehicle,
11 as defined in section 60-465, that requires a commercial driver's
12 license or CLP-commercial learner's permit, in violation of an out-
13 of-service order. The civil penalty shall be in an amount not less
14 than two thousand five hundred dollars but not more than five
15 thousand dollars for a first violation and not less than five
16 thousand one dollars but not more than seven thousand five hundred
17 dollars for a second or subsequent violation.

18 (4) The superintendent shall issue an order imposing a
19 civil penalty against a motor carrier who knowingly allows, requires,
20 permits, or authorizes the operation of a commercial motor vehicle,
21 as defined in section 60-465, that requires a commercial driver's
22 license or CLP-commercial learner's permit, in violation of an out-
23 of-service order. The civil penalty shall be not less than two
24 thousand seven hundred fifty dollars but not more than twenty-five
25 thousand dollars per violation.

1 (5) Upon the discovery of any violation by a motor
2 carrier transporting persons or property in interstate commerce of
3 section 75-307, 75-363, or 75-364 or sections 75-392 to 75-399 based
4 upon an inspection conducted pursuant to section 75-366, the
5 superintendent shall immediately refer such violation to the
6 appropriate federal agency for disposition, and upon the discovery of
7 any violation by a motor carrier transporting persons or property in
8 intrastate commerce of section 75-307 based upon such inspection, the
9 superintendent shall refer such violation to the Public Service
10 Commission for disposition.

11 Sec. 52. Sections 1, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14,
12 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31,
13 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49,
14 50, 51, 54, and 55 of this act become operative on July 8, 2015. The
15 other sections of this act become operative three calendar months
16 after the adjournment of this legislative session.

17 Sec. 53. Original section 60-484.05, Revised Statutes
18 Cumulative Supplement, 2012, and sections 60-462 and 60-462.01,
19 Revised Statutes Supplement, 2013, are repealed.

20 Sec. 54. Original sections 60-464, 60-480, 60-4,118.05,
21 60-4,141, 60-4,147.01, 60-4,149.01, 60-4,157, 60-4,158, 60-4,159,
22 60-4,160, 60-4,162, 60-4,169, 60-4,172, 60-2905, 60-2907, and
23 75-369.03, Reissue Revised Statutes of Nebraska, sections 29-3608,
24 60-484.03, 60-484.04, 60-484.06, 60-487, 60-4,112, 60-4,115,
25 60-4,116, 60-4,131, 60-4,137, 60-4,138, 60-4,139, 60-4,142, 60-4,143,

1 60-4,144, 60-4,144.01, 60-4,144.02, 60-4,146, 60-4,149, 60-4,150,
2 60-4,151, 60-4,153, 60-4,154, 60-4,167, 60-4,168, 60-4,170, 60-4,171,
3 and 60-2909.01, Revised Statutes Cumulative Supplement, 2012, and
4 section 60-484, Revised Statutes Supplement, 2013, are repealed.

5 Sec. 55. The following sections are outright repealed:
6 Section 60-4,156, Reissue Revised Statutes of Nebraska, and section
7 60-4,145, Revised Statutes Cumulative Supplement, 2012.