

AMENDMENTS TO LB623

(Amendments to E & R amendments, ER130)

Introduced by Groene, 42.

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. Section 60-462, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 60-462 Sections 60-462 to 60-4,189 and section 4 of this act shall
6 be known and may be cited as the Motor Vehicle Operator's License Act.

7 Sec. 2. Section 60-479, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 60-479 Sections 60-479.01 to 60-4,111.01, 60-4,113, 60-4,114,
10 60-4,115 to 60-4,118, and 60-4,182 to 60-4,189 and section 4 of this act
11 shall apply to any operator's license subject to the Motor Vehicle
12 Operator's License Act.

13 Sec. 3. Section 60-480, Revised Statutes Cumulative Supplement,
14 2014, is amended to read:

15 60-480 Operators' licenses issued by the department pursuant to the
16 Motor Vehicle Operator's License Act shall be classified as follows:

17 (1) Class 0 license. The operator's license which authorizes the
18 person to whom it is issued to operate on highways any motor vehicle
19 except a commercial motor vehicle or motorcycle;

20 (2) Class M license. The operator's license or endorsement on a
21 Class 0 license, provisional operator's permit, learner's permit, school
22 permit, or commercial driver's license which authorizes the person to
23 whom it is issued to operate a motorcycle on highways;

24 (3) CDL-commercial driver's license. The operator's license which
25 authorizes the person to whom it is issued to operate a class of
26 commercial motor vehicle or any motor vehicle, except a motorcycle, on

1 highways;

2 (4) CLP-commercial learner's permit. A permit which when carried
3 with a Class 0 license authorizes an individual to operate a class of
4 commercial motor vehicle when accompanied by a holder of a valid
5 commercial driver's license for purposes of behind-the-wheel training.
6 When issued to a commercial driver's license holder, a CLP-commercial
7 learner's permit serves as authorization for accompanied behind-the-wheel
8 training in a commercial motor vehicle for which the holder's current
9 commercial driver's license is not valid;

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

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

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

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

30 (9) LPD-learner's permit. A permit issued in accordance with the
31 requirements of section 60-4,123 to a person at least fifteen years of

1 age which authorizes the person to operate a motor vehicle, except a
2 commercial motor vehicle, for learning purposes when accompanied by a
3 licensed operator who is at least twenty-one years of age and who
4 possesses a valid operator's license issued by this state or another
5 state;

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

10 (11) EDP-employment driving permit. A permit issued to a person
11 which authorizes the person to operate a motor vehicle, except a
12 commercial motor vehicle, pursuant to the requirements of sections
13 60-4,129 and 60-4,130;

14 (12) IIP-ignition interlock permit. A permit issued to a person
15 which authorizes the person to operate a motor vehicle, except a
16 commercial motor vehicle, which is equipped with an ignition interlock
17 device;

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

25 (14) MHP-medical hardship driving permit. A permit issued to a
26 person which authorizes the person to operate a motor vehicle, except a
27 commercial motor vehicle, pursuant to the requirements of sections
28 60-4,130.01 and 60-4,130.02; ~~and~~ -

29 (15) DPC-driving privilege card. A card issued in accordance with
30 section 4 of this act which authorizes the person to operate a motor
31 vehicle as provided in this section other than subdivisions (3), (4),

1 (5), and (13) of this section, but which may not be accepted by a
2 governmental entity as proof of personal identification, and which is
3 temporary pursuant to section 60-484.05.

4 Sec. 4. (1) The department shall only issue a driving privilege card
5 to a person presenting unexpired documents claiming lawful presence under
6 the program of the United States Citizenship and Immigration Services
7 known as Deferred Action for Childhood Arrivals as it existed on January
8 1, 2015.

9 (2) The driving privilege card shall be visually distinctive from
10 any other operator's license and shall clearly display on the front of
11 the card a phrase substantially similar to DRIVING PRIVILEGE – NOT VALID
12 IDENTIFICATION FOR NEBRASKA GOVERNMENT ENTITY.

13 Sec. 5. Section 60-484.04, Revised Statutes Cumulative Supplement,
14 2014, is amended to read:

15 60-484.04 (1) The Legislature finds and declares that section 202(c)
16 (2)(B)(i) through (ix) of the federal REAL ID Act of 2005, Public Law
17 109-13, enumerated categories of individuals who may demonstrate lawful
18 status for the purpose of eligibility for a federally secure motor
19 vehicle operator's license or state identification card. The Legislature
20 further finds and declares that it was the intent of the Legislature in
21 2011 to adopt the enumerated categories by the passage of Laws 2011, LB
22 215. The Legislature declares that the passage of this legislative bill
23 is for the limited purpose of reaffirming the original legislative intent
24 of Laws 2011, LB 215. Except as provided in section 60-4,144 with respect
25 to operators of commercial motor vehicles, before being issued any other
26 type of operator's license or a state identification card under the Motor
27 Vehicle Operator's License Act, the department shall require an applicant
28 to present valid documentary evidence that he or she has lawful status in
29 the United States as enumerated in section 202(c)(2)(B)(i) through (ix)
30 of the federal REAL ID Act of 2005, Public Law 109-13, except that if the
31 applicant presents unexpired documents claiming lawful presence under the

1 program of the United States Citizenship and Immigration Services known
2 as Deferred Action for Childhood Arrivals as it existed on January 1,
3 2015, the applicant may only be issued a driving privilege card. Lawful
4 status may be shown by:

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

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

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

11 (d) A valid, unexpired Permanent Resident Card (Form I-551) issued
12 by the United States Department of Homeland Security or United States
13 Citizenship and Immigration Services;

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

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

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

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

24 (i) A driver's license or identification card issued in compliance
25 with the standards established by the REAL ID Act of 2005, Public Law
26 109-13, division B, section 1, 119 Stat. 302; or

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

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

1 (b) If the applicant presents one of the identity documents listed
2 under subdivision (1)(e), (f), or (i) of this section, the verification
3 of the identity documents does not provide satisfactory evidence of
4 lawful status. The applicant must also present a second document from
5 subsection (1) of this section or documentation issued by the United
6 States Department of Homeland Security, the United States Citizenship and
7 Immigration Services, or other federal agencies demonstrating that the
8 applicant has lawful status as enumerated in section 202(c)(2)(B)(i)
9 through (ix) of the federal REAL ID Act of 2005, Public Law 109-13, such
10 as one of the types of Form I-797 used by the United States Citizenship
11 and Immigration Services, except that if the applicant presents unexpired
12 documents claiming lawful presence under the program of the United States
13 Citizenship and Immigration Services known as Deferred Action for
14 Childhood Arrivals as it existed on January 1, 2015, the applicant may
15 only be issued a driving privilege card determined by the United States
16 Citizenship and Immigration Services.

17 (3) An applicant may present other documents as designated by the
18 director as proof of lawful status as enumerated in section 202(c)(2)(B)
19 (i) through (ix) of the federal REAL ID Act of 2005, Public Law 109-13,
20 except that if the applicant presents unexpired documents claiming lawful
21 presence under the program of the United States Citizenship and
22 Immigration Services known as Deferred Action for Childhood Arrivals as
23 it existed on January 1, 2015, the applicant may only be issued a driving
24 privilege card. Any documents accepted shall be recorded according to a
25 written exceptions process established by the director.

26 Sec. 6. Section 60-484.05, Revised Statutes Cumulative Supplement,
27 2014, is amended to read:

28 60-484.05 (1) The department shall only issue an operator's license
29 or a state identification card that is temporary to any applicant who
30 presents documentation under sections 60-484 and 60-484.04 that shows his
31 or her authorized stay in the United States is temporary. An operator's

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

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

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

14 (4) If the department has information that an individual has an
15 operator's license or a state identification card issued based on
16 approved lawful status granted under section 202(c)(2)(B)(i) through (ix)
17 of the federal REAL ID Act of 2005, Public Law 109-13, and the basis for
18 the approved lawful status is terminated or that an individual no longer
19 has lawful presence as documented under section 60-484.04, the department
20 may summarily cancel the license or card and send notice of the
21 cancellation to the licensee or cardholder.

22 Sec. 7. Section 60-4,115, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:

24 60-4,115 (1) Fees for operators' licenses and state identification
25 cards shall be collected and distributed according to the table in
26 subsection (2) of this section, except for the ignition interlock permit
27 and associated fees as outlined in subsection (4) of this section. County
28 officials shall remit the county portion of the fees collected to the
29 county treasurer for placement in the county general fund. All other fees
30 collected shall be remitted to the State Treasurer for credit to the
31 appropriate fund.

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

3	4	5	6 Department		
			7	8	9
10	11	12	13	14	15
16	17	18	19	20	21
22	23	24	25	26	27
28	29	30	31	32	33
Document	Total	County	of Motor	State	
	Fee	General	Vehicles	General	
		Fund	Cash Fund	Fund	
State identification card:					
Valid for 1 year or less	5.00	2.75	1.25	1.00	
Valid for more than 1 year					
but not more than 2 years	10.00	2.75	4.00	3.25	
Valid for more than 2 years					
but not more than 3 years	14.00	2.75	5.25	6.00	
Valid for more than 3 years					
but not more than 4 years	19.00	2.75	8.00	8.25	
Valid for more than 4 years					
for person under 21	24.00	2.75	10.25	11.00	
Valid for 5 years	24.00	3.50	10.25	10.25	
Replacement	11.00	2.75	6.00	2.25	
Class O or M operator's					
license:					
Valid for 1 year or less	5.00	2.75	1.25	1.00	
Valid for more than 1 year					
but not more than 2 years	10.00	2.75	4.00	3.25	
Valid for more than 2 years					
but not more than 3 years	14.00	2.75	5.25	6.00	
Valid for more than 3 years					
but not more than 4 years	19.00	2.75	8.00	8.25	
Valid for 5 years	24.00	3.50	10.25	10.25	
Bioptic or telescopic lens					

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

1	Replacement	11.00	2.75	6.00	2.25
2	Add, change, or remove class,				
3	endorsement, or restriction	5.00	0	5.00	0
4	Farm permit:				
5	Original or renewal	5.00	.25	0	4.75
6	Replacement	5.00	.25	0	4.75
7	Temporary	5.00	.25	0	4.75
8	Add, change, or remove class,				
9	endorsement, or restriction	5.00	0	5.00	0
10	Driving permits:				
11	Employment	45.00	0	5.00	40.00
12	Medical hardship	45.00	0	5.00	40.00
13	Replacement	10.00	.25	5.00	4.75
14	Add, change, or remove class,				
15	endorsement, or restriction	5.00	0	5.00	0
16	Commercial driver's license:				
17	Valid for 1 year or less	11.00	1.75	5.00	4.25
18	Valid for more than 1 year				
19	but not more than 2 years	22.00	1.75	5.00	15.25
20	Valid for more than 2 years				
21	but not more than 3 years	33.00	1.75	5.00	26.25
22	Valid for more than 3 years				
23	but not more than 4 years	44.00	1.75	5.00	37.25
24	Valid for 5 years	55.00	1.75	5.00	48.25
25	Bioptic or telescopic lens				
26	restriction:				
27	Valid for one year or less	11.00	1.75	5.00	4.25
28	Valid for more than 1 year				
29	but not more than 2 years	22.00	1.75	5.00	15.25

1	Replacement	11.00	2.75	6.00	2.25
2	Add, change, or remove class,				
3	endorsement, or restriction	10.00	1.75	5.00	3.25
4	CLP-commercial learner's				
5	permit:				
6	Original or renewal	10.00	.25	5.00	4.75
7	Replacement	10.00	.25	5.00	4.75
8	Add, change, or remove class,				
9	endorsement, or restriction	10.00	.25	5.00	4.75
10	Seasonal permit:				
11	Original or renewal	10.00	.25	5.00	4.75
12	Replacement	10.00	.25	5.00	4.75
13	Add, change, or remove class,				
14	endorsement, or restriction	10.00	.25	5.00	4.75
15	School bus permit:				
16	Original or renewal	5.00	0	5.00	0
17	Replacement	5.00	0	5.00	0
18	Add, change, or remove class,				
19	endorsement, or restriction	5.00	0	5.00	0

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

24 (4)(a) The fee for an ignition interlock permit shall be forty-five
25 dollars. Five dollars of the fee shall be remitted to the State Treasurer
26 for credit to the Department of Motor Vehicles Cash Fund. Forty dollars
27 of the fee shall be remitted to the State Treasurer for credit to the
28 Department of Motor Vehicles Ignition Interlock Fund.

29 (b) The fee for a replacement ignition interlock permit shall be
30 eleven dollars. Two dollars and seventy-five cents of the fee shall be

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

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

10 (5) The fee for a driving privilege card shall be the same as the
11 fee established by subsection (2) of this section for any type of
12 operator's license or class, endorsement, or restriction other than any
13 type of commercial driver's license or permit.

14 (~~6~~ 5) The department and its agents may collect an identity security
15 surcharge to cover the cost of security and technology practices used to
16 protect the identity of applicants for and holders of operators' licenses
17 and state identification cards and to reduce identity theft, fraud, and
18 forgery and counterfeiting of such licenses and cards to the maximum
19 extent possible. The surcharge shall be in addition to all other required
20 fees for operators' licenses and state identification cards. The amount
21 of the surcharge shall be determined by the department. The surcharge
22 shall not exceed eight dollars. The surcharge shall be remitted to the
23 State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

24 Sec. 8. This act becomes operative on July 1, 2016.

25 Sec. 9. Original sections 60-462, 60-479, 60-480, 60-484.04,
26 60-484.05, and 60-4,115, Revised Statutes Cumulative Supplement, 2014,
27 are repealed.