

E AND R AMENDMENTS TO LB 623

Introduced by Hansen, 26, Chairman Enrollment and Review

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

3 Section 1. Section 60-484.04, Revised Statutes Cumulative
4 Supplement, 2014, is amended to read:

5 60-484.04 (1) The Legislature finds and declares that section 202(c)
6 (2)(B)(i) through (ix) of the federal REAL ID Act of 2005, Public Law
7 109-13, enumerated categories of individuals who may demonstrate lawful
8 status for the purpose of eligibility for a federally secure motor
9 vehicle operator's license or state identification card. The Legislature
10 further finds and declares that it was the intent of the Legislature in
11 2011 to adopt the enumerated categories by the passage of Laws 2011, LB
12 215. The Legislature declares that the passage of this legislative bill
13 is for the limited purpose of reaffirming the original legislative intent
14 of Laws 2011, LB 215. Except as provided in section 60-4,144 with respect
15 to operators of commercial motor vehicles, before being issued any other
16 type of operator's license or a state identification card under the Motor
17 Vehicle Operator's License Act, the department shall require an applicant
18 to present valid documentary evidence that he or she has lawful status in
19 the United States as enumerated in section 202(c)(2)(B)(i) through (ix)
20 of the federal REAL ID Act of 2005, Public Law 109-13. Lawful status may
21 be shown by:

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

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

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

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

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

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

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

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

14 (i) A driver's license or identification card issued in compliance
15 with the standards established by the REAL ID Act of 2005, Public Law
16 109-13, division B, section 1, 119 Stat. 302; or

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

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

22 (b) If the applicant presents one of the identity documents listed
23 under subdivision (1)(e), (f), or (i) of this section, the verification
24 of the identity documents does not provide satisfactory evidence of
25 lawful status. The applicant must also present a second document from
26 subsection (1) of this section or documentation issued by the United
27 States Department of Homeland Security, the United States Citizenship and
28 Immigration Services, or other federal agencies, such as one of the types
29 of Form I-797 used by the United States Citizenship and Immigration
30 Services, demonstrating that the applicant has lawful status as
31 enumerated in section 202(c)(2)(B)(i) through (ix) of the federal REAL ID

1 ~~Act of 2005, Public Law 109-13 lawful status as determined by the United~~
2 ~~States Citizenship and Immigration Services.~~

3 (3) An applicant may present other documents as designated by the
4 director as proof of lawful status as enumerated in section 202(c)(2)(B)
5 (i) through (ix) of the federal REAL ID Act of 2005, Public Law 109-13.
6 Any documents accepted shall be recorded according to a written
7 exceptions process established by the director.

8 Sec. 2. Section 60-484.05, Revised Statutes Cumulative Supplement,
9 2014, is amended to read:

10 60-484.05 (1) The department shall only issue an operator's license
11 or a state identification card that is temporary to any applicant who
12 presents documentation under sections 60-484 and 60-484.04 that shows his
13 or her authorized stay in the United States is temporary. An operator's
14 license or a state identification card that is temporary shall be valid
15 only during the period of time of the applicant's authorized stay in the
16 United States or, if there is no definite end to the period of authorized
17 stay, a period of one year.

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

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

27 (4) If an individual has an operator's license or a state
28 identification card issued based on approved lawful status granted under
29 section 202(c)(2)(B)(i) through (ix) of the federal REAL ID Act of 2005,
30 Public Law 109-13, and the basis for the approved lawful status is
31 terminated, the individual shall return the operator's license or state

1 identification card to the Department of Motor Vehicles.

2 Sec. 3. Original sections 60-484.04 and 60-484.05, Revised Statutes
3 Cumulative Supplement, 2014, are repealed.

4 Sec. 4. Since an emergency exists, this act takes effect when
5 passed and approved according to law.

6 2. On page 1, strike lines 2 through 5 and insert "to amend sections
7 60-484.04 and 60-484.05, Revised Statutes Cumulative Supplement, 2014; to
8 state findings and intent; to change provisions relating to evidence of
9 lawful status, operators' licenses, and state identification cards; to
10 repeal the original sections; and to declare an emergency."