

E AND R AMENDMENTS TO LB 311

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 60-462, Revised Statutes Supplement, 2015, is  
4 amended to read:

5           60-462 Sections 60-462 to 60-4,189 and sections 3 and 11 of this act  
6 shall be known and may be cited as the Motor Vehicle Operator's License  
7 Act.

8           Sec. 2. Section 60-463, Revised Statutes Supplement, 2015, is  
9 amended to read:

10          60-463 For purposes of the Motor Vehicle Operator's License Act, the  
11 definitions found in sections 60-463.01 to 60-478 and section 3 of this  
12 act shall be used.

13          Sec. 3. Gross combination weight rating means the greater of (1) a  
14 value specified by the manufacturer of the power unit, if such value is  
15 displayed on the Federal Motor Vehicle Safety Standard certification  
16 label required by the National Highway Traffic Safety Administration, or  
17 (2) the sum of the gross vehicle weight ratings or the gross vehicle  
18 weights of the power unit and the towed unit or units, or any combination  
19 thereof, that produces the highest value. Gross combination weight rating  
20 does not apply to a commercial motor vehicle if the power unit is not  
21 towing another vehicle.

22          Sec. 4. Section 60-469, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24          60-469 Gross vehicle weight rating (GVWR) ~~means shall mean~~ the value  
25 specified by the manufacturer as the ~~maximum~~ loaded weight of a single or  
26 a combination or articulated vehicle. ~~The gross vehicle weight rating of~~  
27 ~~a combination or articulated vehicle shall be the gross vehicle weight~~

~~1 rating of the power unit plus the gross vehicle weight rating of the  
2 towed unit or units. In the absence of a value specified for the towed  
3 unit or units by the manufacturer, the gross vehicle weight rating of a  
4 combination or articulated vehicle shall be the gross vehicle weight  
5 rating of the power unit plus the total weight of the towed unit or units  
6 and the loads on such towed unit or units.~~

7 Sec. 5. 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 11 of this act  
11 shall apply to any operator's license subject to the Motor Vehicle  
12 Operator's License Act.

13 Sec. 6. Section 60-484, Revised Statutes Cumulative Supplement,  
14 2014, is amended to read:

15 60-484 (1) Except as otherwise provided in the Motor Vehicle  
16 Operator's License Act, no resident of the State of Nebraska shall  
17 operate a motor vehicle upon the alleys or highways of this state until  
18 the person has obtained an operator's license for that purpose.

19 (2) Application for an operator's license or a state identification  
20 card shall be made in a manner prescribed by the department.—Such  
21 ~~application may be made to department personnel in any county. Department~~  
22 ~~personnel shall conduct the examination of the applicant and deliver to~~  
23 ~~each successful applicant an issuance certificate containing the~~  
24 ~~statements made pursuant to subsection (3) of this section.~~

25 (3) The applicant shall provide his or her full legal name, date of  
26 birth, mailing address, gender, race or ethnicity, and social security  
27 number, two forms of proof of address of his or her principal residence  
28 unless the applicant is a program participant under the Address  
29 Confidentiality Act, evidence of identity as required by subsection (6)  
30 of this section, and a brief physical description of himself or herself.  
31 The applicant (a) may also complete the voter registration portion

1 pursuant to section 32-308, (b) shall be provided the advisement language  
2 required by subsection (5) of section 60-6,197, (c) shall answer the  
3 following:

4 (i) Have you within the last three months (e.g. due to diabetes,  
5 epilepsy, mental illness, head injury, stroke, heart condition,  
6 neurological disease, etc.):

7 (A) lost voluntary control or consciousness ... yes ... no

8 (B) experienced vertigo or multiple episodes of dizziness or  
9 fainting ... yes ... no

10 (C) experienced disorientation ... yes ... no

11 (D) experienced seizures ... yes ... no

12 (E) experienced impairment of memory, memory loss ... yes ... no

13 Please explain: .....

14 (ii) Do you experience any condition which affects your ability to  
15 operate a motor vehicle? (e.g. due to loss of, or impairment of, foot,  
16 leg, hand, arm; neurological or neuromuscular disease, etc.) ... yes ...  
17 no

18 Please explain: .....

19 (iii) Since the issuance of your last driver's license/permit, has  
20 your health or medical condition changed or worsened? ... yes ... no

21 Please explain, including how the above affects your ability to  
22 drive: ....., and (d) may answer the following:

23 (i) Do you wish to register to vote as part of this application  
24 process?

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

29 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING  
30 QUESTIONS:

31 (iii) Do you wish to be an organ and tissue donor?

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

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

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

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

22 (6)(a) Each individual applying for an operator's license or a state  
23 identification card shall furnish proof of date of birth and identity  
24 with documents containing a photograph or with nonphoto identity  
25 documents which include his or her full legal name and date of birth.  
26 Such documents shall be those provided in subsection (1) of section  
27 60-484.04.

28 (b) Any individual under the age of eighteen years applying for an  
29 operator's license or a state identification card shall provide a  
30 certified copy of his or her birth certificate or, if such individual is  
31 unable to provide a certified copy of his or her birth certificate, other

1 reliable proof of his or her identity and age, as required in subdivision  
2 (6)(a) of this section, accompanied by a certification signed by a parent  
3 or guardian explaining the inability to produce a copy of such birth  
4 certificate. The applicant also may be required to furnish proof to  
5 department personnel that the parent or guardian signing the  
6 certification is in fact the parent or guardian of such applicant.

7 (c) An applicant may present other documents as proof of  
8 identification and age designated by the director. Any documents accepted  
9 shall be recorded according to a written exceptions process established  
10 by the director.

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

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

17 Sec. 7. Section 60-493, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 60-493 (1) When a person applies for an operator's license or state  
20 identification card, the county treasurer or licensing staff examiner of  
21 the Department of Motor Vehicles shall distribute a brochure provided by  
22 an organ and tissue procurement organization and approved by the  
23 Department of Health and Human Services containing a description and  
24 explanation of the Revised Uniform Anatomical Gift Act to each person  
25 applying for a new or renewal license or card.

26 (2) If an individual desires to receive additional specific  
27 information regarding organ and tissue donation and the Donor Registry of  
28 Nebraska as indicated on an application and retained by the department or  
29 examiner's certificate under section 60-484, 60-4,144, or 60-4,181, the  
30 department shall notify a representative of the federally designated  
31 organ procurement organization for Nebraska within five working days of

1 the name and address of such individual.

2 Sec. 8. Section 60-495, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 60-495 (1) The director shall adopt and promulgate such rules and  
5 regulations and prepare and furnish all forms and information necessary  
6 to carry out sections 60-493 to 60-495 and the duties of the department  
7 under the Revised Uniform Anatomical Gift Act.

8 (2) The Organ and Tissue Donor Awareness and Education Fund is  
9 created. Department personnel and the ~~The~~ county treasurer shall remit  
10 all funds contributed under sections 60-484, 60-4,144, and 60-4,181 to  
11 the State Treasurer for credit to the fund. The Department of Health and  
12 Human Services shall administer the Organ and Tissue Donor Awareness and  
13 Education Fund for the promotion of organ and tissue donation. The  
14 department shall use the fund to assist organizations such as the  
15 federally designated organ procurement organization for Nebraska and the  
16 State Anatomical Board in carrying out activities which promote organ and  
17 tissue donation through the creation and dissemination of educational  
18 information. Any money in the fund available for investment shall be  
19 invested by the state investment officer pursuant to the Nebraska Capital  
20 Expansion Act and the Nebraska State Funds Investment Act.

21 Sec. 9. Section 60-4,113, Revised Statutes Cumulative Supplement,  
22 2014, is amended to read:

23 60-4,113 (1) ~~The In and for each county in the State of Nebraska,~~  
24 ~~the~~ director shall appoint as his or her agents one or more department  
25 personnel who shall examine all applicants for a state identification  
26 card or an operator's license as provided in section 60-4,114, except as  
27 otherwise provided in subsection (8) of section 60-4,122. The same  
28 department personnel may be assigned to one or more counties by the  
29 director. In counties in which the county treasurer collects the fees and  
30 issues receipts, the ~~Each~~ county shall furnish office space for the  
31 administration of the operator's license examination. Department ~~The~~

1 ~~department~~ personnel shall conduct the examination of applicants and  
2 deliver to each successful applicant an issuance certificate or receipt.  
3 The certificate may be presented to the county treasurer ~~of any county~~  
4 within ninety days after issuance, and the county treasurer shall collect  
5 the fee and surcharge as provided in section 60-4,115 and issue a receipt  
6 which is valid for up to thirty days. If an operator's license is being  
7 issued, the receipt shall also authorize driving privileges for such  
8 thirty-day period. If ~~the~~ department personnel refuse to issue an  
9 issuance certificate or receipt ~~for cause~~, the department personnel shall  
10 state such cause in writing and deliver such written cause to the  
11 applicant.

12 (2) The department may provide for the central production and  
13 issuance of operators' licenses and state identification cards.  
14 Production shall take place at a secure production facility designated by  
15 the director. The licenses and cards shall be of such a design and  
16 produced in such a way as to discourage, to the maximum extent possible,  
17 fraud in applicant enrollment, identity theft, and the forgery and  
18 counterfeiting of such licenses and cards. Delivery of an operator's  
19 license or state identification card shall be to the mailing address  
20 provided by the applicant at the time of application.

21 Sec. 10. Section 60-4,115, Revised Statutes Cumulative Supplement,  
22 2014, is amended to read:

23 60-4,115 (1) Fees for operators' licenses and state identification  
24 cards shall be collected by department personnel or the county treasurer  
25 and distributed according to the table in subsection (2) of this section,  
26 except for the ignition interlock permit and associated fees as outlined  
27 in subsection (4) of this section. County officials shall remit the  
28 county portion of the fees collected to the county treasurer for  
29 placement in the county general fund. All other fees collected shall be  
30 remitted to the State Treasurer for credit to the appropriate fund.

31 (2) The fees provided in this subsection in the following dollar

1 amounts apply for operators' licenses and state identification cards.

2			Department		
3		Total	County	of Motor	State
4	Document	Fee	General	Vehicles	General
5			Fund	Cash Fund	Fund
6	State identification card:				
7	Valid for 1 year or less	5.00	2.75	1.25	1.00
8	Valid for more than 1 year				
9	but not more than 2 years	10.00	2.75	4.00	3.25
10	Valid for more than 2 years				
11	but not more than 3 years	14.00	2.75	5.25	6.00
12	Valid for more than 3 years				
13	but not more than 4 years	19.00	2.75	8.00	8.25
14	Valid for more than 4 years				
15	for person under 21	24.00	2.75	10.25	11.00
16	Valid for 5 years	24.00	3.50	10.25	10.25
17	Replacement	11.00	2.75	6.00	2.25
18	Class 0 or M operator's				
19	license:				
20	Valid for 1 year or less	5.00	2.75	1.25	1.00
21	Valid for more than 1 year				
22	but not more than 2 years	10.00	2.75	4.00	3.25
23	Valid for more than 2 years				
24	but not more than 3 years	14.00	2.75	5.25	6.00
25	Valid for more than 3 years				
26	but not more than 4 years	19.00	2.75	8.00	8.25
27	Valid for 5 years	24.00	3.50	10.25	10.25
28	Bioptic or telescopic lens				
29	restriction:				



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

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

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

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

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

28 (b) The fee for a replacement ignition interlock permit shall be  
29 eleven dollars. Two dollars and seventy-five cents of the fee shall be  
30 remitted to the county treasurer for credit to the county general fund.

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

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

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

19 Sec. 11. (1) If a fee required under the Motor Vehicle Operator's  
20 License Act for issuance of any operator's license or state  
21 identification card has been paid by check, draft, or other financial  
22 transaction, including an electronic financial transaction, and the  
23 check, draft, or financial transaction has been returned or not honored  
24 because of insufficient funds, no account, a stop-payment order, or any  
25 other reason, the department may cancel or refuse to issue or renew the  
26 operator's license or state identification card. Such license shall  
27 remain cancelled or shall not be issued until the applicant has made full  
28 payment as required by subsection (4) of this section.

29 (2) Prior to taking action described in subsection (1) of this  
30 section, the department shall notify the applicant of the proposed action  
31 and the reasons for such action in writing, by first-class mail, mailed

1 to the applicant's last-known mailing address provided by the applicant  
2 at the time of application.

3 (3) The department may take the action described in subsection (1)  
4 of this section no sooner than seven days after the notice required in  
5 subsection (2) of this section has been made.

6 (4) If an operator's license or state identification card is  
7 cancelled or refused by the department pursuant to this section, the  
8 department shall issue or reinstate the operator's license or state  
9 identification card without delay upon the full payment of the fees owed  
10 by the applicant and payment of costs as authorized by section 84-620.

11 Sec. 12. Section 60-4,117, Revised Statutes Cumulative Supplement,  
12 2014, is amended to read:

13 60-4,117 (1) An applicant shall present ~~Upon presentation of an~~  
14 issuance certificate to the county treasurer for an operator's license or  
15 state identification card. Department personnel or issued by department  
16 personnel to the applicant, the county treasurer shall collect the  
17 applicable fee and surcharge as prescribed in section 60-4,115 and issue  
18 a receipt which is valid for up to thirty days. If there is cause for an  
19 operator's license to be issued, the receipt shall also authorize driving  
20 privileges for such thirty-day period. The license or card shall be  
21 delivered as provided in section 60-4,113.

22 (2) The operator's license and state identification card shall be in  
23 a form prescribed by the department. The license and card may include  
24 security features prescribed by the department. The license and card  
25 shall be conspicuously marked Nebraska Operator's License or Nebraska  
26 Identification Card, shall be, to the maximum extent practicable, tamper  
27 and forgery proof, and shall include the following information:

28 (a) The full legal name and principal residence address of the  
29 holder;

30 (b) The holder's full facial digital image;

31 (c) A physical description of the holder, including gender, height,

1 weight, and eye and hair colors;

2 (d) The holder's date of birth;

3 (e) The holder's signature;

4 (f) The class of motor vehicle which the holder is authorized to  
5 operate and any applicable endorsements or restrictions;

6 (g) The issuance and expiration date of the license or card;

7 (h) The organ and tissue donation information specified in section  
8 60-494;

9 (i) A notation of the word "veteran" as provided in section  
10 60-4,189; and

11 (j) Such other marks and information as the director may determine.

12 (3) Each operator's license and state identification card shall  
13 contain the following encoded, machine-readable information: The holder's  
14 full legal name; date of birth; gender; race or ethnicity; document issue  
15 date; document expiration date; principal residence address; unique  
16 identification number; revision date; inventory control number; and state  
17 of issuance.

18 Sec. 13. Section 60-4,120.01, Reissue Revised Statutes of Nebraska,  
19 is amended to read:

20 60-4,120.01 (1)(a) Any person who is at least sixteen years of age  
21 but less than eighteen years of age may be issued a provisional  
22 operator's permit by the Department of Motor Vehicles. The provisional  
23 operator's permit shall expire on the applicant's eighteenth birthday.

24 (b) No provisional operator's permit shall be issued to any person  
25 unless such person:

26 (i) Has possessed a valid LPD-learner's permit, LPE-learner's  
27 permit, or SCP-school permit for at least a six-month period beginning on  
28 the date of issuance of such person's LPD-learner's permit, LPE-learner's  
29 permit, or SCP-school permit; and

30 (ii) Has not accumulated three or more points pursuant to section  
31 60-4,182 during the six-month period immediately preceding the date of

1 the application for the provisional operator's permit.

2 (c) The requirements for the provisional operator's permit  
3 prescribed in subdivisions (2)(a) and (b) of this section may be  
4 completed prior to the applicant's sixteenth birthday. A person may apply  
5 for a provisional operator's permit and take the driving test and the  
6 written examination, if required, at any time within sixty days prior to  
7 his or her sixteenth birthday upon proof of age in the manner provided in  
8 section 60-484.

9 (2) In order to obtain a provisional operator's permit, the  
10 applicant shall present (a)(i) proof of successful completion of a  
11 department-approved driver safety course which includes behind-the-wheel  
12 driving specifically emphasizing (A) the effects of the consumption of  
13 alcohol on a person operating a motor vehicle, (B) occupant protection  
14 systems, (C) risk assessment, and (D) railroad crossing safety and (ii)  
15 proof of successful completion of a written examination and driving test  
16 administered by a driver safety course instructor or (b) a certificate in  
17 a form prescribed by the department, signed by a parent, guardian, or  
18 licensed driver at least twenty-one years of age, verifying that the  
19 applicant has completed fifty hours of lawful motor vehicle operation  
20 including at least ten hours of motor vehicle operation between sunset  
21 and sunrise, under conditions that reflect department-approved driver  
22 safety course curriculum, with a parent, guardian, or adult at least  
23 twenty-one years of age, who has a current Nebraska operator's license or  
24 who is licensed in another state. If the applicant presents such a  
25 certificate, the applicant shall be required to successfully complete a  
26 driving test administered by the department. The written examination  
27 shall be waived if the applicant has been issued a Nebraska LPD-learner's  
28 permit or has been issued a Nebraska LPE-learner's permit and such permit  
29 is valid or has been expired for no more than one year. However, the  
30 department shall not waive the written examination if the provisional  
31 operator's permit being applied for contains a class or endorsement which

1 is different from the class or endorsement of the LPD-learner's or LPE-  
2 learner's permit. Upon presentation by the applicant of a form prescribed  
3 by the department showing successful completion of the driver safety  
4 course, the written examination and driving test may be waived. Upon  
5 presentation of the certificate, the written examination but not the  
6 driving test may be waived. Licensing staff ~~The examiner~~ shall waive the  
7 written examination and the driving test if the applicant has been issued  
8 a school permit and such permit is valid or has expired no more than one  
9 year prior to application. The written examination shall not be waived if  
10 the provisional operator's permit being applied for contains a class or  
11 endorsement which is different from the class or endorsement of the  
12 school permit.

13 (3)(a) The holder of a provisional operator's permit shall only  
14 operate a motor vehicle on the highways of this state during the period  
15 beginning at 6 a.m. and ending at 12 midnight except when he or she is en  
16 route to or from his or her residence to his or her place of employment  
17 or a school activity. The holder of a provisional operator's permit may  
18 operate a motor vehicle on the highways of this state at any hour of the  
19 day or night if accompanied by a parent, guardian, or adult at least  
20 twenty-one years of age, who has a current Nebraska operator's license or  
21 who is licensed in another state.

22 (b) The holder of a provisional operator's permit shall only operate  
23 a motor vehicle on the highways of this state during the first six months  
24 of holding the permit with no more than one passenger who is not an  
25 immediate family member and who is under nineteen years of age.

26 (c) The holder of a provisional operator's permit shall not use any  
27 type of interactive wireless communication device while operating a motor  
28 vehicle on the highways of this state.

29 (d) Enforcement of subdivisions (a), (b), and (c) of this subsection  
30 shall be accomplished only as a secondary action when the holder of the  
31 provisional operator's permit has been cited or charged with a violation



1 of some other law.

2 (4) Department personnel or the The county treasurer shall collect  
3 the fee and surcharge prescribed in section 60-4,115 for the issuance of  
4 each provisional operator's permit.

5 Sec. 14. Section 60-4,123, Revised Statutes Supplement, 2015, is  
6 amended to read:

7 60-4,123 (1) Any person who is at least fifteen years of age may  
8 apply for an LPD-learner's permit from the department. In order to obtain  
9 an LPD-learner's permit, the applicant shall successfully complete a  
10 written examination. A person may take the written examination beginning  
11 sixty days prior to his or her fifteenth birthday but shall not be issued  
12 a permit until he or she is fifteen years of age. The written examination  
13 may be waived for any person who has been issued an LPE-learner's permit,  
14 LPD-learner's permit, or SCP-school permit that has been expired for no  
15 more than one year.

16 (2) Upon successful completion of the written examination and the  
17 payment of a fee and surcharge as prescribed in section 60-4,115, the  
18 applicant shall be issued an LPD-learner's permit as provided in section  
19 60-4,113. The permit shall be valid for twelve months.

20 (3)(a) The holder of an LPD-learner's permit shall only operate a  
21 motor vehicle on the highways of this state if he or she is accompanied  
22 at all times by a licensed operator who is at least twenty-one years of  
23 age and who has been licensed by this state or another state and if (i)  
24 for all motor vehicles other than autocycles, motorcycles, or mopeds, he  
25 or she is actually occupying the seat beside the licensed operator, (ii)  
26 in the case of an autocycle, he or she is actually occupying the seat  
27 beside or in front of the licensed operator, or (iii) in the case of a  
28 motorcycle or moped, he or she is within visual contact of and under the  
29 supervision of, in the case of a motorcycle, a licensed motorcycle  
30 operator or, in the case of a moped, a licensed motor vehicle operator.

31 (b) The holder of an LPD-learner's permit shall not use any type of

1 interactive wireless communication device while operating a motor vehicle  
2 on the highways of this state. Enforcement of this subdivision shall be  
3 accomplished only as a secondary action when the holder of the LPD-  
4 learner's permit has been cited or charged with a violation of some other  
5 law.

6 (4) Department personnel or the ~~The~~ county treasurer shall collect  
7 the fee and surcharge prescribed in section 60-4,115 for the issuance of  
8 each LPD-learner's permit.

9 Sec. 15. Section 60-4,124, Revised Statutes Supplement, 2015, is  
10 amended to read:

11 60-4,124 (1) A person who is younger than sixteen years and three  
12 months of age but is older than fourteen years and two months of age may  
13 be issued a school permit if such person lives a distance of one and one-  
14 half miles or more from the school he or she attends and either resides  
15 outside a city of the metropolitan, primary, or first class or attends a  
16 school which is outside a city of the metropolitan, primary, or first  
17 class and if such person has held an LPE-learner's permit for two months.  
18 A school permit shall not be issued until such person has demonstrated  
19 that he or she is capable of successfully operating a motor vehicle,  
20 moped, or motorcycle and has in his or her possession an issuance  
21 certificate authorizing the county treasurer to issue a school permit. In  
22 order to obtain an issuance certificate, the applicant shall present (a)  
23 proof of successful completion of a department-approved driver safety  
24 course which includes behind-the-wheel driving specifically emphasizing  
25 (i) the effects of the consumption of alcohol on a person operating a  
26 motor vehicle, (ii) occupant protection systems, (iii) risk assessment,  
27 and (iv) railroad crossing safety and (b)(i) proof of successful  
28 completion of a written examination and driving test administered by a  
29 driver safety course instructor or (ii) a certificate in a form  
30 prescribed by the department, signed by a parent, guardian, or licensed  
31 driver at least twenty-one years of age, verifying that the applicant has

1 completed fifty hours of lawful motor vehicle operation, under conditions  
2 that reflect department-approved driver safety course curriculum, with a  
3 parent, guardian, or adult at least twenty-one years of age, who has a  
4 current Nebraska operator's license or who is licensed in another state.  
5 The department may waive the written examination if the applicant has  
6 been issued an LPE-learner's permit or LPD-learner's permit and if such  
7 permit is valid or has expired no more than one year prior to  
8 application. The written examination shall not be waived if the permit  
9 being applied for contains a class or endorsement which is different from  
10 the class or endorsement of the LPE-learner's permit.

11 (2) A person holding a school permit may operate a motor vehicle,  
12 moped, or motorcycle or an autocycle:

13 (a) To and from where he or she attends school and between schools  
14 of enrollment over the most direct and accessible route by the nearest  
15 highway from his or her place of residence to transport such person or  
16 any family member who resides with such person to attend duly scheduled  
17 courses of instruction and extracurricular or school-related activities  
18 at the school he or she attends; or

19 (b) Under the personal supervision of a licensed operator. Such  
20 licensed operator shall be at least twenty-one years of age and licensed  
21 by this state or another state and shall (i) for all motor vehicles other  
22 than autocycles, motorcycles, or mopeds, actually occupy the seat beside  
23 the permitholder, (ii) in the case of an autocycle, actually occupy the  
24 seat beside or behind the permitholder, or (iii) in the case of a  
25 motorcycle or moped, if the permitholder is within visual contact of and  
26 under the supervision of, in the case of a motorcycle, a licensed  
27 motorcycle operator or, in the case of a moped, a licensed motor vehicle  
28 operator.

29 (3) The holder of a school permit shall not use any type of  
30 interactive wireless communication device while operating a motor vehicle  
31 on the highways of this state. Enforcement of this subsection shall be

1 accomplished only as a secondary action when the holder of the school  
2 permit has been cited or charged with a violation of some other law.

3 (4) A person who is younger than sixteen years of age but is over  
4 fourteen years of age may be issued an LPE-learner's permit, which permit  
5 shall be valid for a period of three months. An LPE-learner's permit  
6 shall not be issued until such person successfully completes a written  
7 examination prescribed by the department and demonstrates that he or she  
8 has sufficient powers of eyesight to safely operate a motor vehicle,  
9 moped, or motorcycle or an autocycle.

10 (5)(a) While holding the LPE-learner's permit, the person may  
11 operate a motor vehicle on the highways of this state if (i) for all  
12 motor vehicles other than autocycles, motorcycles, or mopeds, he or she  
13 has seated next to him or her a person who is a licensed operator, (ii)  
14 in the case of an autocycle, he or she has seated next to or behind him  
15 or her a person who is a licensed operator, or (iii) in the case of a  
16 motorcycle or moped, he or she is within visual contact of and is under  
17 the supervision of a person who, in the case of a motorcycle, is a  
18 licensed motorcycle operator or, in the case of a moped, is a licensed  
19 motor vehicle operator. Such licensed motor vehicle or motorcycle  
20 operator shall be at least twenty-one years of age and licensed by this  
21 state or another state.

22 (b) The holder of an LPE-learner's permit shall not use any type of  
23 interactive wireless communication device while operating a motor vehicle  
24 on the highways of this state. Enforcement of this subdivision shall be  
25 accomplished only as a secondary action when the holder of the LPE-  
26 learner's permit has been cited or charged with a violation of some other  
27 law.

28 (6) Department personnel or the ~~The~~ county treasurer shall collect  
29 the fee and surcharge prescribed in section 60-4,115 from each successful  
30 applicant for a school or LPE-learner's permit. All school permits shall  
31 be subject to impoundment or revocation under the terms of section

1 60-496. Any person who violates the terms of a school permit shall be  
2 guilty of an infraction and shall not be eligible for another school,  
3 farm, LPD-learner's, or LPE-learner's permit until he or she has attained  
4 the age of sixteen years.

5 (7) Any person who holds a permit issued under this section and has  
6 violated subdivision (3)(b) or (c) of section 28-306, subdivision (3)(b)  
7 or (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197, or  
8 60-6,197.06 shall not be eligible for an ignition interlock permit.

9 Sec. 16. Section 60-4,127, Revised Statutes Cumulative Supplement,  
10 2014, is amended to read:

11 60-4,127 (1) No person shall operate a motorcycle on the alleys or  
12 highways of the State of Nebraska until such person has obtained a Class  
13 M license. No such license shall be issued until the applicant has (a)  
14 met the vision and physical requirements established under section  
15 60-4,118 for operation of a motor vehicle and (b) successfully completed  
16 an examination, including the actual operation of a motorcycle,  
17 prescribed by the director, except that the required examination may be  
18 waived, including the actual operation of a motorcycle, if the applicant  
19 presents proof of successful completion of a motorcycle safety course  
20 under the Motorcycle Safety Education Act within the immediately  
21 preceding twenty-four months.

22 (2) Department personnel shall conduct the examination of the  
23 applicants and deliver to each successful applicant an issuance  
24 certificate or a receipt. If department personnel issue a receipt,  
25 department personnel shall collect the fee and surcharge as provided in  
26 section 60-4,115 and issue a receipt with driving privileges which is  
27 valid for up to thirty days. In counties where the county treasurer  
28 collects fees and issues receipts, the certificate may be presented to  
29 the county treasurer within ninety days after issuance. Upon presentation  
30 of an issuance certificate, the county treasurer shall collect the fee  
31 and surcharge for a Class M license as prescribed by section 60-4,115 and

1 issue a receipt with driving privileges which is valid for up to thirty  
2 days. If department personnel refuse to issue an issuance certificate or  
3 receipt, the department personnel shall state such cause in writing and  
4 deliver such written cause to the applicant. The license shall be  
5 delivered as provided in section 60-4,113. If the applicant is the holder  
6 of an operator's license, the county treasurer or department personnel  
7 shall, ~~upon receipt of the issuance certificate,~~ have endorsed on the  
8 license the authorization to operate a motorcycle. Fees for Class M  
9 licenses shall be as provided by section 60-4,115.

10 Sec. 17. Section 60-4,142, Revised Statutes Cumulative Supplement,  
11 2014, is amended to read:

12 60-4,142 Any resident or nondomiciled applicant may obtain a CLP-  
13 commercial learner's permit from the department by making application to  
14 licensing staff of the department. An applicant shall present proof to  
15 licensing staff that he or she holds a valid Class 0 license or  
16 commercial driver's license or a foreign nondomiciled applicant shall  
17 successfully complete the requirements for the Class 0 license before a  
18 CLP-commercial learner's permit is issued. An applicant shall also  
19 successfully complete the commercial driver's license general knowledge  
20 examination under section 60-4,155 and examinations for all previously  
21 issued endorsements as provided in 49 C.F.R. 383.25(a)(3) and 49 C.F.R.  
22 383.153(b)(2)(vii). Upon application, the examination may be waived if  
23 the applicant presents a Nebraska commercial driver's license which is  
24 valid or has been expired for less than one year, presents a valid  
25 commercial driver's license from another state, or is renewing a CLP-  
26 commercial learner's permit. The CLP-commercial learner's permit shall be  
27 valid for a period of one hundred eighty days. The CLP-commercial  
28 learner's permit holder may renew the CLP-commercial learner's permit for  
29 an additional one hundred eighty days without retaking the general and  
30 endorsement knowledge tests and shall be renewed only once within any  
31 ~~two-year period.~~ The successful applicant shall pay the fee prescribed in

1 section 60-4,115 for the issuance or renewal of a CLP-commercial  
2 learner's permit.

3 Sec. 18. Section 60-4,144, Revised Statutes Supplement, 2015, is  
4 amended to read:

5 60-4,144 (1) An applicant for issuance of any original or renewal  
6 commercial driver's license or an applicant for a change of class of  
7 commercial motor vehicle, endorsement, or restriction shall demonstrate  
8 his or her knowledge and skills for operating a commercial motor vehicle  
9 as prescribed in the Motor Vehicle Operator's License Act. An applicant  
10 for a commercial driver's license shall provide the information and  
11 documentation required by this section and section 60-4,144.01. Such  
12 information and documentation shall include any additional information  
13 required by 49 C.F.R. parts 383 and 391 and also include:

14 (a) Certification that the commercial motor vehicle in which the  
15 applicant takes any driving skills examination is representative of the  
16 class of commercial motor vehicle that the applicant operates or expects  
17 to operate; and

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

21 (2)(a) Before being issued a CLP-commercial learner's permit or  
22 commercial driver's license, the applicant shall provide (i) his or her  
23 full legal name, date of birth, mailing address, gender, race or  
24 ethnicity, and social security number, (ii) two forms of proof of address  
25 of his or her principal residence unless the applicant is a program  
26 participant under the Address Confidentiality Act, except that a  
27 nondomiciled applicant for a CLP-commercial learner's permit or  
28 nondomiciled commercial driver's license holder does not have to provide  
29 proof of residence in Nebraska, (iii) evidence of identity as required by  
30 this section, and (iv) a brief physical description of himself or  
31 herself.

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

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

18 (3) Before being issued a CLP-commercial learner's permit or  
19 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 person's  
22 name and residential address within this state.

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

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

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

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

31 (iii) A Consular Report of Birth Abroad issued by the United States



1 Department of State;

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

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

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

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

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

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

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

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

31 (e) An applicant may present other documents as designated by the

1 director as proof of identity. Any documents accepted shall be recorded  
2 according to a written exceptions process established by the director.

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

9 (b) The following are acceptable as proof of citizenship or lawful  
10 status:

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

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

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

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

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

22 (vi) A valid, unexpired Permanent Resident Card issued by the United  
23 States Department of Homeland Security or United States Citizenship and  
24 Immigration Services.

25 (6) An applicant may present other documents as designated by the  
26 director as proof of lawful status. Any documents accepted shall be  
27 recorded according to a written exceptions process established by the  
28 director.

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

31 (i) If the applicant is domiciled in a foreign jurisdiction and the

1 Federal Motor Carrier Safety Administrator has not determined that the  
2 commercial motor vehicle operator testing and licensing standards of that  
3 jurisdiction meet the standards contained in subparts G and H of 49  
4 C.F.R. part 383; or

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

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

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

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

31 (iii) Provide a mailing address to the Department of Motor Vehicles.

1 If the applicant is applying for a foreign nondomiciled CLP-commercial  
2 learner's permit or foreign nondomiciled commercial driver's license, he  
3 or she must provide a Nebraska mailing address and his or her employer's  
4 mailing address to the Department of Motor Vehicles.

5 (c) An applicant for a nondomiciled CLP-commercial learner's permit  
6 or nondomiciled commercial driver's license who holds a foreign  
7 operator's license is not required to surrender his or her foreign  
8 operator's license.

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

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

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

17 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING  
18 QUESTIONS:

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

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

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

24 (9) Application for a CLP-commercial learner's permit or commercial  
25 driver's license shall include a signed oath, affirmation, or declaration  
26 of the applicant that the information provided on the application for the  
27 permit or license is true and correct.

28 (10 9) Any person applying for a CLP-commercial learner's permit or  
29 commercial driver's license must make one of the certifications in  
30 section 60-4,144.01 and any certification required under section 60-4,146  
31 and must provide such certifications to the Department of Motor Vehicles

1 in order to be issued a CLP-commercial learner's permit or a commercial  
2 driver's license.

3 ~~(11 10)~~ Every person who holds any commercial driver's license must  
4 provide to the department medical certification as required by section  
5 60-4,144.01. The department may provide notice and prescribe medical  
6 certification compliance requirements for all holders of commercial  
7 drivers' licenses. Holders of commercial drivers' licenses who fail to  
8 meet the prescribed medical certification compliance requirements may be  
9 subject to downgrade.

10 Sec. 19. Section 60-4,149, Revised Statutes Cumulative Supplement,  
11 2014, is amended to read:

12 60-4,149 ~~(1) The examination for commercial drivers' licenses by~~  
13 ~~the department shall occur in and for each county of the State of~~  
14 ~~Nebraska. Each county shall furnish office space for the administration~~  
15 ~~of the examinations, except that two or more counties may, with the~~  
16 ~~permission of the director, establish a separate facility to jointly~~  
17 ~~conduct the examinations for such licenses.~~

18 (1) The director shall appoint as his or her agents one or more  
19 department personnel who shall examine all applicants for a commercial  
20 driver's license or a CLP-commercial learner's permit as provided in  
21 section 60-4,144. The same department personnel may be assigned to one or  
22 more counties by the director. In counties in which the county treasurer  
23 collects the fees and issues receipts, the county shall furnish office  
24 space for the administration of the license or permit examination.  
25 Department personnel shall conduct the examination of applicants and  
26 deliver to each successful applicant an issuance certificate or receipt.  
27 The certificate may be presented to the county treasurer within ninety  
28 days after issuance, and the county treasurer shall collect the fee and  
29 surcharge as provided in section 60-4,115 and issue a receipt which is  
30 valid for up to thirty days. If a commercial driver's license or CLP-  
31 commerical learner's permit is being issued, the receipt shall also

1 authorize driving privileges for such thirty-day period. If department  
2 personnel refuse to issue an issuance certificate or receipt, the  
3 department personnel shall state such cause in writing and deliver such  
4 written cause to the applicant.

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

9 (i) The applicant cannot continue to the next segment of the  
10 examination; and

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

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

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

27 (4) The successful applicant shall, within ten days after renewal or  
28 within twenty-four hours after initial issuance, ~~present his or her~~  
29 ~~issuance certificate and~~ pay the fee and surcharge as provided in section  
30 60-4,115. A receipt with driving privileges which is valid for up to  
31 thirty days shall be issued. The commercial driver's license shall be

1 delivered to the applicant as provided in section 60-4,113.

2 Sec. 20. Section 60-4,150, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 60-4,150 (1) Any person holding a commercial driver's license or  
5 CLP-commercial learner's permit who loses his or her license or permit,  
6 who requires issuance of a replacement license or permit because of a  
7 change of name or address, or whose license or permit is mutilated or  
8 unreadable may obtain a replacement commercial driver's license or CLP-  
9 commercial learner's permit by filing an application and by furnishing  
10 proof of identification in accordance with section 60-4,144.

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

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

20 (4) Replacement commercial drivers' licenses or CLP-commercial  
21 learners' permits shall be issued in the manner provided for the issuance  
22 of original and renewal commercial drivers' licenses or permits as  
23 provided for by section 60-4,149. Upon issuance of any replacement  
24 commercial driver's license or permit, the commercial driver's license or  
25 CLP-commercial learner's permit for which the replacement license or  
26 permit is issued shall be void.

27 (5) Each replacement commercial driver's license or CLP-commercial  
28 learner's permit shall be issued with the same expiration date as the  
29 license or permit for which the replacement is issued. The replacement  
30 license or permit shall also state the new issuance date.

31 Sec. 21. Section 60-4,168, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 60-4,168 (1) Except as provided in subsections (2) and (3) of this  
3 section, a person shall be disqualified from operating a commercial motor  
4 vehicle for one year upon his or her first conviction, after April 1,  
5 1992, in this or any other state for:

6 (a) Operating a commercial motor vehicle in violation of section  
7 60-6,196 or 60-6,197 or under the influence of a controlled substance or,  
8 beginning September 30, 2005, operating any motor vehicle in violation of  
9 section 60-6,196 or 60-6,197 or under the influence of a controlled  
10 substance;

11 (b) Operating a commercial motor vehicle in violation of section  
12 60-4,163 or 60-4,164;

13 (c) Leaving the scene of an accident involving a commercial motor  
14 vehicle operated by the person or, beginning September 30, 2005, leaving  
15 the scene of an accident involving any motor vehicle operated by the  
16 person;

17 (d) Using a commercial motor vehicle in the commission of a felony  
18 other than a felony described in subdivision (3)(b) of this section or,  
19 beginning September 30, 2005, using any motor vehicle in the commission  
20 of a felony other than a felony described in subdivision (3)(b) of this  
21 section;

22 (e) Beginning September 30, 2005, operating a commercial motor  
23 vehicle after his or her commercial driver's license has been suspended,  
24 revoked, or canceled or the driver is disqualified from operating a  
25 commercial motor vehicle; or

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

28 (2) Except as provided in subsection (3) of this section, if any of  
29 the offenses described in subsection (1) of this section occurred while a  
30 person was transporting hazardous material in a commercial motor vehicle  
31 which required placarding pursuant to section 75-364, the person shall,



1 upon conviction or administrative determination, be disqualified from  
2 operating a commercial motor vehicle for three years.

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

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

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

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

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

28 (5)(a) A person who is convicted of operating a commercial motor  
29 vehicle in violation of a federal, state, or local law or regulation  
30 pertaining to one of the following six offenses at a highway-rail grade  
31 crossing shall be disqualified for the period of time specified in

1 subdivision (5)(b) of this section:

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

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

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

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

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

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

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

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

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

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

28 (7) ~~This subsection applies beginning July 8, 2015.~~ If the  
29 department receives credible information that a CLP-commercial learner's  
30 permit holder or a commercial driver's license holder is suspected, but  
31 has not been convicted, on or after July 8, 2015, of fraud related to the

1 issuance of his or her CLP-commercial learner's permit or commercial  
2 driver's license, the department must require the driver to retake the  
3 skills and knowledge tests. Within thirty days after receiving  
4 notification from the department that retesting is necessary, the  
5 affected CLP-commercial learner's permit holder or commercial driver's  
6 license holder must make an appointment or otherwise schedule to take the  
7 next available test. If the CLP-commercial learner's permit holder or  
8 commercial driver's license holder fails to make an appointment within  
9 thirty days, the department must disqualify his or her CLP-commercial  
10 learner's permit or commercial driver's license. If the driver fails  
11 either the knowledge or skills test or does not take the test, the  
12 department must disqualify his or her CLP-commercial learner's permit or  
13 commercial driver's license. If the holder of a CLP-commercial learner's  
14 permit or commercial driver's license has had his or her CLP-commercial  
15 learner's permit or commercial driver's license disqualified, he or she  
16 must reapply for a CLP-commercial learner's permit or commercial driver's  
17 license under department procedures applicable to all applicants for a  
18 CLP-commercial learner's permit or commercial driver's license.

19 (8) For purposes of this section, controlled substance has the same  
20 meaning as in section 28-401.

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

30 (10) For purposes of this section, serious traffic violation means:

31 (a) Speeding at or in excess of fifteen miles per hour over the

1 legally posted speed limit;

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

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

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

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

11 (f) Beginning September 30, 2005, operating a commercial motor  
12 vehicle without a commercial driver's license;

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

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

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

22 (j) Using a handheld mobile telephone as described in section  
23 60-6,179.02.

24 Sec. 22. Section 60-4,181, Revised Statutes Cumulative Supplement,  
25 2014, is amended to read:

26 60-4,181 (1) Each applicant for a state identification card shall  
27 provide the information and documentation required by section 60-484 and  
28 also, ~~beginning on an implementation date designated by the director on~~  
29 ~~or before January 1, 2014,~~ the information and documentation required by  
30 section 60-484.04. The form of the state identification card shall comply  
31 with section 60-4,117. The applicant shall present ~~Upon presentation of~~

1 an ~~applicant's~~ issuance certificate to the county treasurer for a state  
2 identification card. Department personnel or , the county treasurer shall  
3 collect the fee and surcharge as prescribed in section 60-4,115 and issue  
4 a receipt to the applicant which is valid up to thirty days. The state  
5 identification card shall be delivered to the applicant as provided in  
6 section 60-4,113.

7 (2) The director may summarily cancel any state identification card,  
8 and any judge or magistrate may order a state identification card  
9 canceled in a judgment of conviction, if the application or information  
10 presented by the applicant ~~issuance certificate for the card~~ contains any  
11 false or fraudulent statements which were deliberately and knowingly made  
12 as to any matter material to the issuance of the card or if the  
13 application or information presented by the applicant ~~issuance~~  
14 ~~certificate~~ does not contain required or correct information. Any state  
15 identification card so obtained shall be void from the date of issuance.  
16 Any judgment of conviction ordering cancellation of a state  
17 identification card shall be transmitted to the director who shall cancel  
18 the card.

19 (3) ~~This subsection applies beginning on an implementation date~~  
20 ~~designated by the director on or before January 1, 2014.~~ No person shall  
21 be a holder of a state identification card and an operator's license at  
22 the same time.

23 Sec. 23. Section 75-362, Revised Statutes Cumulative Supplement,  
24 2014, is amended to read:

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

27 (1) Accident means:

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

31 (i) A fatality;

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

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

7 (b) The term accident does not include:

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

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

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

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

17 (b) A maximum net mass greater than eight hundred eighty-two pounds  
18 and a maximum capacity greater than one hundred nineteen gallons as a  
19 receptacle for a solid; or

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

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

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

25 (b) Is permanently attached to or forms a part of a motor vehicle or  
26 is not permanently attached to a motor vehicle but which, by reason of  
27 its size, construction, or attachment to a motor vehicle, is loaded or  
28 unloaded without being removed from the motor vehicle; and

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

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

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

7 (6) Commercial motor vehicle means any self-propelled or towed motor  
8 vehicle used on a highway in interstate commerce or intrastate commerce  
9 to transport passengers or property when the vehicle:

10 (a) Has a gross vehicle weight rating or gross combination weight  
11 rating or gross vehicle weight or gross combination weight of ten  
12 thousand one pounds or more, whichever is greater;

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

15 (c) Is designed or used to transport more than fifteen passengers,  
16 including the driver, and is not used to transport passengers for  
17 compensation; or

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

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

1 (8)(a) Covered farm vehicle means a motor vehicle, including an  
2 articulated motor vehicle:

3 (i) That:

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

6 (B) Is operated by:

7 (I) A farm owner or operator;

8 (II) A ranch owner or operator; or

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

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

12 (I) Agricultural commodities;

13 (II) Livestock; or

14 (III) Machinery or supplies;

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

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

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

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

23 (B) Twenty-six thousand one pounds or more and is traveling within  
24 the state or within one hundred fifty air miles of the farm or ranch with  
25 respect to which the vehicle is being operated.

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

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

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

31 (iii) Is transporting the landlord's portion of the crops under that



1 agreement.

2 (c) Covered farm vehicle does not include:

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

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

9 (9) Disabling damage means damage which precludes departure of a  
10 motor vehicle from the scene of the accident in its usual manner in  
11 daylight after simple repairs.

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

14 (b) Exclusions:

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

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

19 (iii) Headlight or taillight damage; and

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

22 (10) Driver means any person who operates any commercial motor  
23 vehicle;

24 (11) Elevated temperature material means a material which, when  
25 offered for transportation or transported in a bulk packaging:

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

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

31 (c) Is in a solid phase and at a temperature at or above four

1 hundred sixty-four degrees Fahrenheit;

2 (12) Employee means any individual, other than an employer, who is  
3 employed by an employer and who in the course of his or her employment  
4 directly affects commercial motor vehicle safety. Such term includes a  
5 driver of a commercial motor vehicle, including an independent contractor  
6 while in the course of operating a commercial motor vehicle, a mechanic,  
7 and a freight handler. Such term does not include an employee of the  
8 United States, any state, any political subdivision of a state, or any  
9 agency established under a compact between states and approved by the  
10 Congress of the United States who is acting within the course of such  
11 employment;

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

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

22 (15) Farm vehicle driver means a person who drives only a commercial  
23 motor vehicle that is controlled and operated by a farmer as a private  
24 motor carrier of property;

25 (16) Farmer means any person who operates a farm or is directly  
26 involved in the cultivation of land, crops, or livestock which:

27 (a) Are owned by that person; or

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

29 (17) Fatality means any injury which results in the death of a  
30 person at the time of the motor vehicle accident or within thirty days  
31 after the accident;

1 (18) Fertilizer and agricultural chemical application and  
2 distribution equipment means:

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

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

11 (19) For-hire motor carrier means a person engaged in the  
12 transportation of goods or passengers for compensation;

13 (20) Gross combination weight means the sum of the empty weight of a  
14 motor vehicle plus the total weight of any load carried thereon and the  
15 empty weight of the towed unit or units plus the total weight of any load  
16 carried on such towed unit or units;

17 (21) Gross combination weight rating means the greater of (a) a  
18 value specified by the manufacturer of the power unit, if such value is  
19 displayed on the Federal Motor Vehicle Safety Standard certification  
20 label required by the National Highway Traffic Safety Administration, or  
21 (b) the sum of the gross vehicle weight ratings or the gross vehicle  
22 weights of the power unit and the towed unit or units, or any combination  
23 thereof, that produces the highest value. Gross combination weight rating  
24 does not apply to a commercial motor vehicle if the power unit is not  
25 towing another vehicle the value specified by the manufacturer as the  
26 loaded weight of a combination (articulated) motor vehicle. In the  
27 absence of a value specified by the manufacturer, gross combination  
28 weight rating will be determined by adding either the gross vehicle  
29 weight rating or gross vehicle weight of the motor vehicle plus the gross  
30 vehicle weight rating or gross vehicle weight of the towed unit or units;

31 (22) Gross vehicle weight means the sum of the empty weight of a

1 motor vehicle plus the total weight of any load carried thereon;

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

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

21 (25) Hazardous substance means a material, including its mixtures  
22 and solutions, that is listed in 49 C.F.R. 172.101, Appendix A, List Of  
23 Hazardous Substances and Reportable Quantities, and is in a quantity, in  
24 one package, which equals or exceeds the reportable quantity listed in 49  
25 C.F.R. 172.101, Appendix A. This definition does not apply to petroleum  
26 products that are lubricants or fuels or to mixtures or solutions of  
27 hazardous substances if in a concentration less than that shown in the  
28 table in 49 C.F.R. 171.8 under the definition of hazardous substance  
29 based on the reportable quantity specified for the materials listed in 49  
30 C.F.R. 172.101, Appendix A;

31 (26) Hazardous waste means any material that is subject to the

1 hazardous waste manifest requirements of the United States Environmental  
2 Protection Agency specified in 40 C.F.R. 262;

3 (27) Highway means the entire width between the boundary limits of  
4 any street, road, avenue, boulevard, or way which is publicly maintained  
5 when any part thereof is open to the use of the public for purposes of  
6 vehicular travel;

7 (28) Interstate commerce means trade, traffic, or transportation  
8 provided in the furtherance of a commercial enterprise in the United  
9 States:

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

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

14 (c) Between two places in a state as part of trade, traffic, or  
15 transportation originating or terminating outside the state or the United  
16 States;

17 (29) Intrastate commerce means any trade, traffic, or transportation  
18 provided in the furtherance of a commercial enterprise between any place  
19 in the State of Nebraska and any other place in Nebraska and not through  
20 any other state;

21 (30) Marine pollutant means a material which is listed in the  
22 Hazardous Materials Table, 49 C.F.R. 172.101, Appendix B, as a marine  
23 pollutant (see 49 C.F.R. 171.4 for applicability to marine pollutants)  
24 and, when in a solution or mixture of one or more marine pollutants, is  
25 packaged in a concentration which equals or exceeds:

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

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

31 (31) Motor carrier means a for-hire motor carrier or a private motor

1 carrier. The term includes a motor carrier's agents, officers, and  
2 representatives as well as employees responsible for hiring, supervising,  
3 training, assigning, or dispatching of drivers and employees concerned  
4 with the installation, inspection, and maintenance of motor vehicle  
5 equipment or accessories. This definition includes the terms employer and  
6 exempt motor carrier;

7 (32) Motor vehicle means any vehicle, truck, truck-tractor, trailer,  
8 or semitrailer propelled or drawn by mechanical power except (a) farm  
9 tractors, (b) vehicles which run only on rails or tracks, and (c) road  
10 and general-purpose construction and maintenance machinery which by  
11 design and function is obviously not intended for use on a public  
12 highway, including, but not limited to, motor scrapers, earthmoving  
13 equipment, backhoes, trenchers, motor graders, compactors, tractors,  
14 bulldozers, bucket loaders, ditchdigging apparatus, asphalt spreaders,  
15 leveling graders, power shovels, and crawler tractors;

16 (33) Nonbulk packaging means a packaging which has:

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

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

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

24 (34) Out-of-service order means a declaration by an authorized  
25 enforcement officer of a federal, state, Canadian, Mexican, or local  
26 jurisdiction that a driver, a commercial motor vehicle, or a motor  
27 carrier operation is out of service pursuant to 49 C.F.R. 386.72, 392.5,  
28 392.9a, 395.13, or 396.9, or compatible laws or the North American  
29 Uniform Out-of-Service Criteria;

30 (35) Packaging means a receptacle and any other components or  
31 materials necessary for the receptacle to perform its containment

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

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

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

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

15 (39) Private motor carrier means a person who provides  
16 transportation of property or passengers by commercial motor vehicle and  
17 is not a for-hire motor carrier;

18 (40) Safety audit means an examination of a motor carrier's  
19 operations to provide educational and technical assistance on drivers'  
20 hours of service, maintenance and inspection, driver qualification,  
21 commercial driver's license requirements, financial responsibility,  
22 accidents, hazardous materials, and other safety and transportation  
23 records to determine whether a motor carrier meets the safety fitness  
24 standard. The purpose of a safety audit is to gather critical safety data  
25 needed to make an assessment of the carrier's safety performance and  
26 basic safety management controls. Safety audits do not result in safety  
27 ratings; and

28 (41) Tank means a container, consisting of a shell and heads, that  
29 forms a pressure-tight vessel having openings designed to accept  
30 pressure-tight fittings or closures, but excludes any appurtenances,  
31 reinforcements, fittings, or closures.

1           Sec. 24. Original sections 60-469, 60-493, 60-495, and 60-4,120.01,  
2 Reissue Revised Statutes of Nebraska, sections 60-479, 60-484, 60-4,113,  
3 60-4,115, 60-4,117, 60-4,127, 60-4,142, 60-4,149, 60-4,150, 60-4,168,  
4 60-4,181, and 75-362, Revised Statutes Cumulative Supplement, 2014, and  
5 sections 60-462, 60-463, 60-4,123, 60-4,124, and 60-4,144, Revised  
6 Statutes Supplement, 2015, are repealed.

7           Sec. 25. Since an emergency exists, this act takes effect when  
8 passed and approved according to law.

9           2. On page 1, strike beginning with "vehicle" in line 1 through  
10 "2014" in line 4 and insert "vehicles; to amend sections 60-469, 60-493,  
11 60-495, and 60-4,120.01, Reissue Revised Statutes of Nebraska, sections  
12 60-479, 60-484, 60-4,113, 60-4,115, 60-4,117, 60-4,127, 60-4,142,  
13 60-4,149, 60-4,150, 60-4,168, 60-4,181, and 75-362, Revised Statutes  
14 Cumulative Supplement, 2014, and sections 60-462, 60-463, 60-4,123,  
15 60-4,124, and 60-4,144, Revised Statutes Supplement, 2015; to change  
16 provisions relating to the Motor Vehicle Operator's License Act".