

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 311

FINAL READING

Introduced by Transportation and Telecommunications Committee: Smith, 14,
Chairperson; Brasch, 16; Davis, 43; Friesen, 34; Garrett,
3; McCoy, 39; Murante, 49; Seiler, 33.

Read first time January 15, 2015

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-469,
2 60-493, 60-495, and 60-4,120.01, Reissue Revised Statutes of
3 Nebraska, sections 60-479, 60-484, 60-4,113, 60-4,115, 60-4,117,
4 60-4,127, 60-4,142, 60-4,149, 60-4,150, 60-4,168, 60-4,181, and
5 75-362, Revised Statutes Cumulative Supplement, 2014, and sections
6 60-462, 60-463, 60-4,123, 60-4,124, and 60-4,144, Revised Statutes
7 Supplement, 2015; to change provisions relating to the Motor Vehicle
8 Operator's License Act; to provide procedures for defective payments
9 under the act; to define and redefine terms; to change provisions
10 relating to CLP-commercial learners' permits, commercial drivers'
11 licenses, and commercial motor vehicles; to harmonize provisions; to
12 repeal the original sections; and to declare an emergency.
13 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-462, Revised Statutes Supplement, 2015, is
2 amended to read:

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

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

8 60-463 For purposes of the Motor Vehicle Operator's License Act, the
9 definitions found in sections 60-463.01 to 60-478 and section 3 of this
10 act shall be used.

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

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

22 60-469 Gross vehicle weight rating (GVWR) ~~means shall mean~~ the value
23 specified by the manufacturer as the ~~maximum~~ loaded weight of a single ~~or~~
24 ~~a combination or articulated vehicle. The gross vehicle weight rating of~~
25 ~~a combination or articulated vehicle shall be the gross vehicle weight~~
26 ~~rating of the power unit plus the gross vehicle weight rating of the~~
27 ~~towed unit or units. In the absence of a value specified for the towed~~
28 ~~unit or units by the manufacturer, the gross vehicle weight rating of a~~
29 ~~combination or articulated vehicle shall be the gross vehicle weight~~
30 ~~rating of the power unit plus the total weight of the towed unit or units~~
31 ~~and the loads on such towed unit or units.~~

1 Sec. 5. Section 60-479, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 60-479 Sections 60-479.01 to 60-4,111.01, 60-4,113, 60-4,114,
4 60-4,115 to 60-4,118, and 60-4,182 to 60-4,189 and section 11 of this act
5 shall apply to any operator's license subject to the Motor Vehicle
6 Operator's License Act.

7 Sec. 6. Section 60-484, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 60-484 (1) Except as otherwise provided in the Motor Vehicle
10 Operator's License Act, no resident of the State of Nebraska shall
11 operate a motor vehicle upon the alleys or highways of this state until
12 the person has obtained an operator's license for that purpose.

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

19 (3) The applicant shall provide his or her full legal name, date of
20 birth, mailing address, gender, race or ethnicity, and social security
21 number, two forms of proof of address of his or her principal residence
22 unless the applicant is a program participant under the Address
23 Confidentiality Act, evidence of identity as required by subsection (6)
24 of this section, and a brief physical description of himself or herself.
25 The applicant (a) may also complete the voter registration portion
26 pursuant to section 32-308, (b) shall be provided the advisement language
27 required by subsection (5) of section 60-6,197, (c) shall answer the
28 following:

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

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

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

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

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

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

7 Please explain:

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

12 Please explain:

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

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

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

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

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

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

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

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

30 (4) Application for an operator's license or state identification
31 card shall include a signed oath, affirmation, or declaration of the

1 applicant that the information provided on the application for the
2 license or card is true and correct.

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

16 (6)(a) Each individual applying for an operator's license or a state
17 identification card shall furnish proof of date of birth and identity
18 with documents containing a photograph or with nonphoto identity
19 documents which include his or her full legal name and date of birth.
20 Such documents shall be those provided in subsection (1) of section
21 60-484.04.

22 (b) Any individual under the age of eighteen years applying for an
23 operator's license or a state identification card shall provide a
24 certified copy of his or her birth certificate or, if such individual is
25 unable to provide a certified copy of his or her birth certificate, other
26 reliable proof of his or her identity and age, as required in subdivision
27 (6)(a) of this section, accompanied by a certification signed by a parent
28 or guardian explaining the inability to produce a copy of such birth
29 certificate. The applicant also may be required to furnish proof to
30 department personnel that the parent or guardian signing the
31 certification is in fact the parent or guardian of such applicant.

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

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

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

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

13 60-493 (1) When a person applies for an operator's license or state
14 identification card, the county treasurer or licensing staff examiner of
15 the Department of Motor Vehicles shall distribute a brochure provided by
16 an organ and tissue procurement organization and approved by the
17 Department of Health and Human Services containing a description and
18 explanation of the Revised Uniform Anatomical Gift Act to each person
19 applying for a new or renewal license or card.

20 (2) If an individual desires to receive additional specific
21 information regarding organ and tissue donation and the Donor Registry of
22 Nebraska as indicated on an application and retained by the department or
23 examiner's certificate under section 60-484, 60-4,144, or 60-4,181, the
24 department shall notify a representative of the federally designated
25 organ procurement organization for Nebraska within five working days of
26 the name and address of such individual.

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

29 60-495 (1) The director shall adopt and promulgate such rules and
30 regulations and prepare and furnish all forms and information necessary
31 to carry out sections 60-493 to 60-495 and the duties of the department

1 under the Revised Uniform Anatomical Gift Act.

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

15 Sec. 9. Section 60-4,113, Revised Statutes Cumulative Supplement,
16 2014, is amended to read:

17 60-4,113 (1) ~~The In and for each county in the State of Nebraska,~~
18 ~~the~~ director shall appoint as his or her agents one or more department
19 personnel who shall examine all applicants for a state identification
20 card or an operator's license as provided in section 60-4,114, except as
21 otherwise provided in subsection (8) of section 60-4,122. The same
22 department personnel may be assigned to one or more counties by the
23 director. In counties in which the county treasurer collects the fees and
24 issues receipts, the ~~Each~~ county shall furnish office space for the
25 administration of the operator's license examination. Department ~~The~~
26 ~~department~~ personnel shall conduct the examination of applicants and
27 deliver to each successful applicant an issuance certificate or receipt.
28 The certificate may be presented to the county treasurer ~~of any county~~
29 within ninety days after issuance, and the county treasurer shall collect
30 the fee and surcharge as provided in section 60-4,115 and issue a receipt
31 which is valid for up to thirty days. If an operator's license is being

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

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

15 Sec. 10. Section 60-4,115, Revised Statutes Cumulative Supplement,
16 2014, is amended to read:

17 60-4,115 (1) Fees for operators' licenses and state identification
18 cards shall be collected by department personnel or the county treasurer
19 and distributed according to the table in subsection (2) of this section,
20 except for the ignition interlock permit and associated fees as outlined
21 in subsection (4) of this section. County officials shall remit the
22 county portion of the fees collected to the county treasurer for
23 placement in the county general fund. All other fees collected shall be
24 remitted to the State Treasurer for credit to the appropriate fund.

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

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

31 State identification card:

1	Valid for 1 year or less	5.00	2.75	1.25	1.00
2	Valid for more than 1 year				
3	but not more than 2 years	10.00	2.75	4.00	3.25
4	Valid for more than 2 years				
5	but not more than 3 years	14.00	2.75	5.25	6.00
6	Valid for more than 3 years				
7	but not more than 4 years	19.00	2.75	8.00	8.25
8	Valid for more than 4 years				
9	for person under 21	24.00	2.75	10.25	11.00
10	Valid for 5 years	24.00	3.50	10.25	10.25
11	Replacement	11.00	2.75	6.00	2.25
12	Class 0 or M operator's				
13	license:				
14	Valid for 1 year or less	5.00	2.75	1.25	1.00
15	Valid for more than 1 year				
16	but not more than 2 years	10.00	2.75	4.00	3.25
17	Valid for more than 2 years				
18	but not more than 3 years	14.00	2.75	5.25	6.00
19	Valid for more than 3 years				
20	but not more than 4 years	19.00	2.75	8.00	8.25
21	Valid for 5 years	24.00	3.50	10.25	10.25
22	Bioptic or telescopic lens				
23	restriction:				
24	Valid for 1 year or less	5.00	0	5.00	0
25	Valid for more than 1 year				
26	but not more than 2 years	10.00	2.75	4.00	3.25
27	Replacement	11.00	2.75	6.00	2.25
28	Add, change, or remove class,				
29	endorsement, or restriction	5.00	0	5.00	0
30	Provisional operator's permit:				

1	Original	15.00	2.75	12.25	0
2	Bioptic or telescopic lens				
3	restriction:				
4	Valid for 1 year or less	5.00	0	5.00	0
5	Valid for more than 1 year				
6	but not more than 2 years	15.00	2.75	12.25	0
7	Replacement	11.00	2.75	6.00	2.25
8	Add, change, or remove class,				
9	endorsement, or restriction	5.00	0	5.00	0
10	LPD-learner's permit:				
11	Original	8.00	.25	5.00	2.75
12	Replacement	11.00	2.75	6.00	2.25
13	Add, change, or remove class,				
14	endorsement, or restriction	5.00	0	5.00	0
15	LPE-learner's permit:				
16	Original	8.00	.25	5.00	2.75
17	Replacement	11.00	2.75	6.00	2.25
18	Add, change, or remove class,				
19	endorsement, or restriction	5.00	0	5.00	0
20	School permit:				
21	Original	8.00	.25	5.00	2.75
22	Replacement	11.00	2.75	6.00	2.25
23	Add, change, or remove class,				
24	endorsement, or restriction	5.00	0	5.00	0
25	Farm permit:				
26	Original or renewal	5.00	.25	0	4.75
27	Replacement	5.00	.25	0	4.75
28	Temporary	5.00	.25	0	4.75
29	Add, change, or remove class,				
30	endorsement, or restriction	5.00	0	5.00	0

1	Driving permits:				
2	Employment	45.00	0	5.00	40.00
3	Medical hardship	45.00	0	5.00	40.00
4	Replacement	10.00	.25	5.00	4.75
5	Add, change, or remove class,				
6	endorsement, or restriction	5.00	0	5.00	0
7	Commercial driver's license:				
8	Valid for 1 year or less	11.00	1.75	5.00	4.25
9	Valid for more than 1 year				
10	but not more than 2 years	22.00	1.75	5.00	15.25
11	Valid for more than 2 years				
12	but not more than 3 years	33.00	1.75	5.00	26.25
13	Valid for more than 3 years				
14	but not more than 4 years	44.00	1.75	5.00	37.25
15	Valid for 5 years	55.00	1.75	5.00	48.25
16	Bioptic or telescopic lens				
17	restriction:				
18	Valid for one year or less	11.00	1.75	5.00	4.25
19	Valid for more than 1 year				
20	but not more than 2 years	22.00	1.75	5.00	15.25
21	Replacement	11.00	2.75	6.00	2.25
22	Add, change, or remove class,				
23	endorsement, or restriction	10.00	1.75	5.00	3.25
24	CLP-commercial learner's				
25	permit:				
26	Original or renewal	10.00	.25	5.00	4.75
27	Replacement	10.00	.25	5.00	4.75
28	Add, change, or remove class,				
29	endorsement, or restriction	10.00	.25	5.00	4.75
30	Seasonal permit:				

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

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

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

19 (b) The fee for a replacement ignition interlock permit shall be
 20 eleven dollars. Two dollars and seventy-five cents of the fee shall be
 21 remitted to the county treasurer for credit to the county general fund.
 22 Six dollars of the fee shall be remitted to the State Treasurer for
 23 credit to the Department of Motor Vehicles Cash Fund. Two dollars and
 24 twenty-five cents of the fee shall be remitted to the State Treasurer for
 25 credit to the General Fund.

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

30 (5) The department and its agents may collect an identity security
 31 surcharge to cover the cost of security and technology practices used to

1 protect the identity of applicants for and holders of operators' licenses
2 and state identification cards and to reduce identity theft, fraud, and
3 forgery and counterfeiting of such licenses and cards to the maximum
4 extent possible. The surcharge shall be in addition to all other required
5 fees for operators' licenses and state identification cards. The amount
6 of the surcharge shall be determined by the department. The surcharge
7 shall not exceed eight dollars. The surcharge shall be remitted to the
8 State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

9 Sec. 11. (1) If a fee required under the Motor Vehicle Operator's
10 License Act for issuance of any operator's license or state
11 identification card has been paid by check, draft, or other financial
12 transaction, including an electronic financial transaction, and the
13 check, draft, or financial transaction has been returned or not honored
14 because of insufficient funds, no account, a stop-payment order, or any
15 other reason, the department may cancel or refuse to issue or renew the
16 operator's license or state identification card. Such license shall
17 remain canceled or shall not be issued until the applicant has made full
18 payment as required by subsection (4) of this section.

19 (2) Prior to taking action described in subsection (1) of this
20 section, the department shall notify the applicant of the proposed action
21 and the reasons for such action in writing, by first-class mail, mailed
22 to the applicant's last-known mailing address provided by the applicant
23 at the time of application.

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

27 (4) If an operator's license or state identification card is
28 canceled or refused by the department pursuant to this section, the
29 department shall issue or reinstate the operator's license or state
30 identification card without delay upon the full payment of the fees owed
31 by the applicant and payment of costs as authorized by section 84-620.

1 Sec. 12. Section 60-4,117, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 60-4,117 (1) An applicant shall present ~~Upon presentation of an~~
4 issuance certificate to the county treasurer for an operator's license or
5 state identification card. Department personnel or ~~issued by department~~
6 ~~personnel to the applicant,~~ the county treasurer shall collect the
7 applicable fee and surcharge as prescribed in section 60-4,115 and issue
8 a receipt which is valid for up to thirty days. If there is cause for an
9 operator's license to be issued, the receipt shall also authorize driving
10 privileges for such thirty-day period. The license or card shall be
11 delivered as provided in section 60-4,113.

12 (2) The operator's license and state identification card shall be in
13 a form prescribed by the department. The license and card may include
14 security features prescribed by the department. The license and card
15 shall be conspicuously marked Nebraska Operator's License or Nebraska
16 Identification Card, shall be, to the maximum extent practicable, tamper
17 and forgery proof, and shall include the following information:

18 (a) The full legal name and principal residence address of the
19 holder;

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

21 (c) A physical description of the holder, including gender, height,
22 weight, and eye and hair colors;

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

24 (e) The holder's signature;

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

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

28 (h) The organ and tissue donation information specified in section
29 60-494;

30 (i) A notation of the word "veteran" as provided in section
31 60-4,189; and

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

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

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

10 60-4,120.01 (1)(a) Any person who is at least sixteen years of age
11 but less than eighteen years of age may be issued a provisional
12 operator's permit by the Department of Motor Vehicles. The provisional
13 operator's permit shall expire on the applicant's eighteenth birthday.

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

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

20 (ii) Has not accumulated three or more points pursuant to section
21 60-4,182 during the six-month period immediately preceding the date of
22 the application for the provisional operator's permit.

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

30 (2) In order to obtain a provisional operator's permit, the
31 applicant shall present (a)(i) proof of successful completion of a

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

1 endorsement which is different from the class or endorsement of the
2 school permit.

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

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

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

19 (d) Enforcement of subdivisions (a), (b), and (c) of this subsection
20 shall be accomplished only as a secondary action when the holder of the
21 provisional operator's permit has been cited or charged with a violation
22 of some other law.

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

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

28 60-4,123 (1) Any person who is at least fifteen years of age may
29 apply for an LPD-learner's permit from the department. In order to obtain
30 an LPD-learner's permit, the applicant shall successfully complete a
31 written examination. A person may take the written examination beginning

1 sixty days prior to his or her fifteenth birthday but shall not be issued
2 a permit until he or she is fifteen years of age. The written examination
3 may be waived for any person who has been issued an LPE-learner's permit,
4 LPD-learner's permit, or SCP-school permit that has been expired for no
5 more than one year.

6 (2) Upon successful completion of the written examination and the
7 payment of a fee and surcharge as prescribed in section 60-4,115, the
8 applicant shall be issued an LPD-learner's permit as provided in section
9 60-4,113. The permit shall be valid for twelve months.

10 (3)(a) The holder of an LPD-learner's permit shall only operate a
11 motor vehicle on the highways of this state if he or she is accompanied
12 at all times by a licensed operator who is at least twenty-one years of
13 age and who has been licensed by this state or another state and if (i)
14 for all motor vehicles other than autocycles, motorcycles, or mopeds, he
15 or she is actually occupying the seat beside the licensed operator, (ii)
16 in the case of an autocycle, he or she is actually occupying the seat
17 beside or in front of the licensed operator, or (iii) in the case of a
18 motorcycle or moped, he or she is within visual contact of and under the
19 supervision of, in the case of a motorcycle, a licensed motorcycle
20 operator or, in the case of a moped, a licensed motor vehicle operator.

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

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

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

1 60-4,124 (1) A person who is younger than sixteen years and three
2 months of age but is older than fourteen years and two months of age may
3 be issued a school permit if such person lives a distance of one and one-
4 half miles or more from the school he or she attends and either resides
5 outside a city of the metropolitan, primary, or first class or attends a
6 school which is outside a city of the metropolitan, primary, or first
7 class and if such person has held an LPE-learner's permit for two months.
8 A school permit shall not be issued until such person has demonstrated
9 that he or she is capable of successfully operating a motor vehicle,
10 moped, or motorcycle and has in his or her possession an issuance
11 certificate authorizing the county treasurer to issue a school permit. In
12 order to obtain an issuance certificate, the applicant shall present (a)
13 proof of successful completion of a department-approved driver safety
14 course which includes behind-the-wheel driving specifically emphasizing
15 (i) the effects of the consumption of alcohol on a person operating a
16 motor vehicle, (ii) occupant protection systems, (iii) risk assessment,
17 and (iv) railroad crossing safety and (b)(i) proof of successful
18 completion of a written examination and driving test administered by a
19 driver safety course instructor or (ii) a certificate in a form
20 prescribed by the department, signed by a parent, guardian, or licensed
21 driver at least twenty-one years of age, verifying that the applicant has
22 completed fifty hours of lawful motor vehicle operation, under conditions
23 that reflect department-approved driver safety course curriculum, with a
24 parent, guardian, or adult at least twenty-one years of age, who has a
25 current Nebraska operator's license or who is licensed in another state.
26 The department may waive the written examination if the applicant has
27 been issued an LPE-learner's permit or LPD-learner's permit and if such
28 permit is valid or has expired no more than one year prior to
29 application. The written examination shall not be waived if the permit
30 being applied for contains a class or endorsement which is different from
31 the class or endorsement of the LPE-learner's permit.

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

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

9 (b) Under the personal supervision of a licensed operator. Such
10 licensed operator shall be at least twenty-one years of age and licensed
11 by this state or another state and shall (i) for all motor vehicles other
12 than autocycles, motorcycles, or mopeds, actually occupy the seat beside
13 the permitholder, (ii) in the case of an autocycle, actually occupy the
14 seat beside or behind the permitholder, or (iii) in the case of a
15 motorcycle or moped, if the permitholder is within visual contact of and
16 under the supervision of, in the case of a motorcycle, a licensed
17 motorcycle operator or, in the case of a moped, a licensed motor vehicle
18 operator.

19 (3) The holder of a school permit shall not use any type of
20 interactive wireless communication device while operating a motor vehicle
21 on the highways of this state. Enforcement of this subsection shall be
22 accomplished only as a secondary action when the holder of the school
23 permit has been cited or charged with a violation of some other law.

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

31 (5)(a) While holding the LPE-learner's permit, the person may

1 operate a motor vehicle on the highways of this state if (i) for all
2 motor vehicles other than autocycles, motorcycles, or mopeds, he or she
3 has seated next to him or her a person who is a licensed operator, (ii)
4 in the case of an autocycle, he or she has seated next to or behind him
5 or her a person who is a licensed operator, or (iii) in the case of a
6 motorcycle or moped, he or she is within visual contact of and is under
7 the supervision of a person who, in the case of a motorcycle, is a
8 licensed motorcycle operator or, in the case of a moped, is a licensed
9 motor vehicle operator. Such licensed motor vehicle or motorcycle
10 operator shall be at least twenty-one years of age and licensed by this
11 state or another state.

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

18 (6) Department personnel or the ~~The~~ county treasurer shall collect
19 the fee and surcharge prescribed in section 60-4,115 from each successful
20 applicant for a school or LPE-learner's permit. All school permits shall
21 be subject to impoundment or revocation under the terms of section
22 60-496. Any person who violates the terms of a school permit shall be
23 guilty of an infraction and shall not be eligible for another school,
24 farm, LPD-learner's, or LPE-learner's permit until he or she has attained
25 the age of sixteen years.

26 (7) Any person who holds a permit issued under this section and has
27 violated subdivision (3)(b) or (c) of section 28-306, subdivision (3)(b)
28 or (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197, or
29 60-6,197.06 shall not be eligible for an ignition interlock permit.

30 Sec. 16. Section 60-4,127, Revised Statutes Cumulative Supplement,
31 2014, is amended to read:

1 60-4,127 (1) No person shall operate a motorcycle on the alleys or
2 highways of the State of Nebraska until such person has obtained a Class
3 M license. No such license shall be issued until the applicant has (a)
4 met the vision and physical requirements established under section
5 60-4,118 for operation of a motor vehicle and (b) successfully completed
6 an examination, including the actual operation of a motorcycle,
7 prescribed by the director, except that the required examination may be
8 waived, including the actual operation of a motorcycle, if the applicant
9 presents proof of successful completion of a motorcycle safety course
10 under the Motorcycle Safety Education Act within the immediately
11 preceding twenty-four months.

12 (2) Department personnel shall conduct the examination of the
13 applicants and deliver to each successful applicant an issuance
14 certificate or a receipt. If department personnel issue a receipt,
15 department personnel shall collect the fee and surcharge as provided in
16 section 60-4,115 and issue a receipt with driving privileges which is
17 valid for up to thirty days. In counties where the county treasurer
18 collects fees and issues receipts, the certificate may be presented to
19 the county treasurer within ninety days after issuance. Upon presentation
20 of an issuance certificate, the county treasurer shall collect the fee
21 and surcharge for a Class M license as prescribed by section 60-4,115 and
22 issue a receipt with driving privileges which is valid for up to thirty
23 days. If department personnel refuse to issue an issuance certificate or
24 receipt, the department personnel shall state such cause in writing and
25 deliver such written cause to the applicant. The license shall be
26 delivered as provided in section 60-4,113. If the applicant is the holder
27 of an operator's license, the county treasurer or department personnel
28 ~~shall, upon receipt of the issuance certificate,~~ have endorsed on the
29 license the authorization to operate a motorcycle. Fees for Class M
30 licenses shall be as provided by section 60-4,115.

31 Sec. 17. Section 60-4,142, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 60-4,142 Any resident or nondomiciled applicant may obtain a CLP-
3 commercial learner's permit from the department by making application to
4 licensing staff of the department. An applicant shall present proof to
5 licensing staff that he or she holds a valid Class 0 license or
6 commercial driver's license or a foreign nondomiciled applicant shall
7 successfully complete the requirements for the Class 0 license before a
8 CLP-commercial learner's permit is issued. An applicant shall also
9 successfully complete the commercial driver's license general knowledge
10 examination under section 60-4,155 and examinations for all previously
11 issued endorsements as provided in 49 C.F.R. 383.25(a)(3) and 49 C.F.R.
12 383.153(b)(2)(vii). Upon application, the examination may be waived if
13 the applicant presents a Nebraska commercial driver's license which is
14 valid or has been expired for less than one year, presents a valid
15 commercial driver's license from another state, or is renewing a CLP-
16 commercial learner's permit. The CLP-commercial learner's permit shall be
17 valid for a period of one hundred eighty days. The CLP-commercial
18 learner's permit holder may renew the CLP-commercial learner's permit for
19 an additional one hundred eighty days without retaking the general and
20 endorsement knowledge tests and shall be renewed only once within any
21 ~~two-year period~~. The successful applicant shall pay the fee prescribed in
22 section 60-4,115 for the issuance or renewal of a CLP-commercial
23 learner's permit.

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

26 60-4,144 (1) An applicant for issuance of any original or renewal
27 commercial driver's license or an applicant for a change of class of
28 commercial motor vehicle, endorsement, or restriction shall demonstrate
29 his or her knowledge and skills for operating a commercial motor vehicle
30 as prescribed in the Motor Vehicle Operator's License Act. An applicant
31 for a commercial driver's license shall provide the information and

1 documentation required by this section and section 60-4,144.01. Such
2 information and documentation shall include any additional information
3 required by 49 C.F.R. parts 383 and 391 and also include:

4 (a) Certification that the commercial motor vehicle in which the
5 applicant takes any driving skills examination is representative of the
6 class of commercial motor vehicle that the applicant operates or expects
7 to operate; and

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

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

22 (b) The applicant's social security number shall not be printed on
23 the CLP-commercial learner's permit or commercial driver's license and
24 shall be used only (i) to furnish information to the United States
25 Selective Service System under section 60-483, (ii) with the permission
26 of the director in connection with the certification of the status of an
27 individual's driving record in this state or any other state, (iii) for
28 purposes of child support enforcement pursuant to section 42-358.08 or
29 43-512.06, (iv) to furnish information regarding an applicant for or
30 holder of a commercial driver's license with a hazardous materials
31 endorsement to the Transportation Security Administration of the United

1 States Department of Homeland Security or its agent, (v) to furnish
2 information to the Department of Revenue under section 77-362.02, or (vi)
3 to furnish information to the Secretary of State for purposes of the
4 Election Act.

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

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

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

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

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

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

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

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

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

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

31 (vii) A Certificate of Naturalization issued by the United States

1 Department of Homeland Security;

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

4 (ix) A driver's license or identification card issued in compliance
5 with the standards established by the REAL ID Act of 2005, Public Law
6 109-13, division B, section 1, 119 Stat. 302; or

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

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

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

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

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

30 (b) The following are acceptable as proof of citizenship or lawful
31 status:

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

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

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

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

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

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

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

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

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

26 (ii) If the applicant is domiciled in a state that is prohibited
27 from issuing commercial learners' permits and commercial drivers'
28 licenses in accordance with 49 C.F.R. 384.405. Such person is eligible to
29 obtain a nondomiciled CLP-commercial learner's permit or nondomiciled
30 commercial driver's license from Nebraska that complies with the testing
31 and licensing standards contained in subparts F, G, and H of 49 C.F.R.

1 part 383.

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

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

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

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

26 (c) An applicant for a nondomiciled CLP-commercial learner's permit
27 or nondomiciled commercial driver's license who holds a foreign
28 operator's license is not required to surrender his or her foreign
29 operator's license.

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

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

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

7 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING
8 QUESTIONS:

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

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

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

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

18 (~~10~~ 9) Any person applying for a CLP-commercial learner's permit or
19 commercial driver's license must make one of the certifications in
20 section 60-4,144.01 and any certification required under section 60-4,146
21 and must provide such certifications to the Department of Motor Vehicles
22 in order to be issued a CLP-commercial learner's permit or a commercial
23 driver's license.

24 (~~11~~ ~~10~~) Every person who holds any commercial driver's license must
25 provide to the department medical certification as required by section
26 60-4,144.01. The department may provide notice and prescribe medical
27 certification compliance requirements for all holders of commercial
28 drivers' licenses. Holders of commercial drivers' licenses who fail to
29 meet the prescribed medical certification compliance requirements may be
30 subject to downgrade.

31 Sec. 19. Section 60-4,149, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 60-4,149 ~~(1) The examination for commercial drivers' licenses by~~
3 ~~the department shall occur in and for each county of the State of~~
4 ~~Nebraska. Each county shall furnish office space for the administration~~
5 ~~of the examinations, except that two or more counties may, with the~~
6 ~~permission of the director, establish a separate facility to jointly~~
7 ~~conduct the examinations for such licenses.~~

8 (1) The director shall appoint as his or her agents one or more
9 department personnel who shall examine all applicants for a commercial
10 driver's license or a CLP-commercial learner's permit as provided in
11 section 60-4,144. The same department personnel may be assigned to one or
12 more counties by the director. In counties in which the county treasurer
13 collects the fees and issues receipts, the county shall furnish office
14 space for the administration of the license or permit examination.
15 Department personnel shall conduct the examination of applicants and
16 deliver to each successful applicant an issuance certificate or receipt.
17 The certificate may be presented to the county treasurer within ninety
18 days after issuance, and the county treasurer shall collect the fee and
19 surcharge as provided in section 60-4,115 and issue a receipt which is
20 valid for up to thirty days. If a commercial driver's license or CLP-
21 commerical learner's permit is being issued, the receipt shall also
22 authorize driving privileges for such thirty-day period. If department
23 personnel refuse to issue an issuance certificate or receipt, the
24 department personnel shall state such cause in writing and deliver such
25 written cause to the applicant.

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

30 (i) The applicant cannot continue to the next segment of the
31 examination; and

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

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

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

17 (4) The successful applicant shall, within ten days after renewal or
18 within twenty-four hours after initial issuance, ~~present his or her~~
19 ~~issuance certificate and~~ pay the fee and surcharge as provided in section
20 60-4,115. A receipt with driving privileges which is valid for up to
21 thirty days shall be issued. The commercial driver's license shall be
22 delivered to the applicant as provided in section 60-4,113.

23 Sec. 20. Section 60-4,150, Revised Statutes Cumulative Supplement,
24 2014, is amended to read:

25 60-4,150 (1) Any person holding a commercial driver's license or
26 CLP-commercial learner's permit who loses his or her license or permit,
27 who requires issuance of a replacement license or permit because of a
28 change of name or address, or whose license or permit is mutilated or
29 unreadable may obtain a replacement commercial driver's license or CLP-
30 commercial learner's permit by filing an application and by furnishing
31 proof of identification in accordance with section 60-4,144.

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

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

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

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

21 Sec. 21. Section 60-4,168, Revised Statutes Cumulative Supplement,
22 2014, is amended to read:

23 60-4,168 (1) Except as provided in subsections (2) and (3) of this
24 section, a person shall be disqualified from operating a commercial motor
25 vehicle for one year upon his or her first conviction, after April 1,
26 1992, in this or any other state for:

27 (a) Operating a commercial motor vehicle in violation of section
28 60-6,196 or 60-6,197 or under the influence of a controlled substance or,
29 beginning September 30, 2005, operating any motor vehicle in violation of
30 section 60-6,196 or 60-6,197 or under the influence of a controlled
31 substance;

1 (b) Operating a commercial motor vehicle in violation of section
2 60-4,163 or 60-4,164;

3 (c) Leaving the scene of an accident involving a commercial motor
4 vehicle operated by the person or, beginning September 30, 2005, leaving
5 the scene of an accident involving any motor vehicle operated by the
6 person;

7 (d) Using a commercial motor vehicle in the commission of a felony
8 other than a felony described in subdivision (3)(b) of this section or,
9 beginning September 30, 2005, using any motor vehicle in the commission
10 of a felony other than a felony described in subdivision (3)(b) of this
11 section;

12 (e) Beginning September 30, 2005, operating a commercial motor
13 vehicle after his or her commercial driver's license has been suspended,
14 revoked, or canceled or the driver is disqualified from operating a
15 commercial motor vehicle; or

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

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

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

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

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

1 dispensing of a controlled substance.

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

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

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

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

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

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

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

31 (v) For all drivers, failing to obey a traffic control device or the

1 directions of an enforcement official at the crossing; or

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

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

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

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

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

18 (7) ~~This subsection applies beginning July 8, 2015.~~ If the
19 department receives credible information that a CLP-commercial learner's
20 permit holder or a commercial driver's license holder is suspected, but
21 has not been convicted, on or after July 8, 2015, of fraud related to the
22 issuance of his or her CLP-commercial learner's permit or commercial
23 driver's license, the department must require the driver to retake the
24 skills and knowledge tests. Within thirty days after receiving
25 notification from the department that retesting is necessary, the
26 affected CLP-commercial learner's permit holder or commercial driver's
27 license holder must make an appointment or otherwise schedule to take the
28 next available test. If the CLP-commercial learner's permit holder or
29 commercial driver's license holder fails to make an appointment within
30 thirty days, the department must disqualify his or her CLP-commercial
31 learner's permit or commercial driver's license. If the driver fails

1 either the knowledge or skills test or does not take the test, the
2 department must disqualify his or her CLP-commercial learner's permit or
3 commercial driver's license. If the holder of a CLP-commercial learner's
4 permit or commercial driver's license has had his or her CLP-commercial
5 learner's permit or commercial driver's license disqualified, he or she
6 must reapply for a CLP-commercial learner's permit or commercial driver's
7 license under department procedures applicable to all applicants for a
8 CLP-commercial learner's permit or commercial driver's license.

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

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

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

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

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

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

26 (d) Following the vehicle ahead too closely as described in section
27 60-6,140;

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

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

3 (g) Beginning September 30, 2005, operating a commercial motor
4 vehicle without a commercial driver's license in the operator's
5 possession;

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

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

12 (j) Using a handheld mobile telephone as described in section
13 60-6,179.02.

14 Sec. 22. Section 60-4,181, Revised Statutes Cumulative Supplement,
15 2014, is amended to read:

16 60-4,181 (1) Each applicant for a state identification card shall
17 provide the information and documentation required by section 60-484 and
18 also, ~~beginning on an implementation date designated by the director on~~
19 ~~or before January 1, 2014,~~ the information and documentation required by
20 section 60-484.04. The form of the state identification card shall comply
21 with section 60-4,117. The applicant shall present ~~Upon presentation of~~
22 ~~an applicant's issuance certificate to the county treasurer for a state~~
23 identification card. Department personnel or ~~,~~ the county treasurer shall
24 collect the fee and surcharge as prescribed in section 60-4,115 and issue
25 a receipt to the applicant which is valid up to thirty days. The state
26 identification card shall be delivered to the applicant as provided in
27 section 60-4,113.

28 (2) The director may summarily cancel any state identification card,
29 and any judge or magistrate may order a state identification card
30 canceled in a judgment of conviction, if the application or information
31 presented by the applicant ~~issuance certificate for the card~~ contains any

1 false or fraudulent statements which were deliberately and knowingly made
2 as to any matter material to the issuance of the card or if the
3 application or information presented by the applicant issuance
4 certificate does not contain required or correct information. Any state
5 identification card so obtained shall be void from the date of issuance.
6 Any judgment of conviction ordering cancellation of a state
7 identification card shall be transmitted to the director who shall cancel
8 the card.

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

13 Sec. 23. Section 75-362, Revised Statutes Cumulative Supplement,
14 2014, is amended to read:

15 75-362 For purposes of sections 75-362 to 75-369.07, unless the
16 context otherwise requires:

17 (1) Accident means:

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

21 (i) A fatality;

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

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

28 (b) The term accident does not include:

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (a) Has a gross vehicle weight rating or gross combination weight

1 rating or gross vehicle weight or gross combination weight of ten
2 thousand one pounds or more, whichever is greater;

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

5 (c) Is designed or used to transport more than fifteen passengers,
6 including the driver, and is not used to transport passengers for
7 compensation; or

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

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

22 (8)(a) Covered farm vehicle means a motor vehicle, including an
23 articulated motor vehicle:

24 (i) That:

25 (A) Is traveling in the state in which the vehicle is registered or
26 another state;

27 (B) Is operated by:

28 (I) A farm owner or operator;

29 (II) A ranch owner or operator; or

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

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

2 (I) Agricultural commodities;

3 (II) Livestock; or

4 (III) Machinery or supplies;

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

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

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

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

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

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

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

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

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

23 (c) Covered farm vehicle does not include:

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

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

30 (9) Disabling damage means damage which precludes departure of a
31 motor vehicle from the scene of the accident in its usual manner in

1 daylight after simple repairs.

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

4 (b) Exclusions:

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

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

9 (iii) Headlight or taillight damage; and

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

12 (10) Driver means any person who operates any commercial motor
13 vehicle;

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

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

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

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

23 (12) Employee means any individual, other than an employer, who is
24 employed by an employer and who in the course of his or her employment
25 directly affects commercial motor vehicle safety. Such term includes a
26 driver of a commercial motor vehicle, including an independent contractor
27 while in the course of operating a commercial motor vehicle, a mechanic,
28 and a freight handler. Such term does not include an employee of the
29 United States, any state, any political subdivision of a state, or any
30 agency established under a compact between states and approved by the
31 Congress of the United States who is acting within the course of such

1 employment;

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

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

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

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

17 (a) Are owned by that person; or

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

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

22 (18) Fertilizer and agricultural chemical application and
23 distribution equipment means:

24 (a) Self-propelled or towed equipment, designed and used exclusively
25 to apply commercial fertilizer, as that term is defined in section
26 81-2,162.02, chemicals, or related products to agricultural soil and
27 crops; or

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

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

3 (20) Gross combination weight means the sum of the empty weight of a
4 motor vehicle plus the total weight of any load carried thereon and the
5 empty weight of the towed unit or units plus the total weight of any load
6 carried on such towed unit or units;

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

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

23 (23) Gross vehicle weight rating means the value specified by the
24 manufacturer as the loaded weight of a single motor vehicle. In the
25 absence of such value specified by the manufacturer or the absence of any
26 marking of such value on the vehicle, the gross vehicle weight rating
27 shall be determined from the sum of the axle weight ratings of the
28 vehicle or the sum of the tire weight ratings as marked on the sidewall
29 of the tires, whichever is greater. In the absence of any tire sidewall
30 marking, the tire weight ratings shall be determined for the specified
31 tires from any of the publications of any of the organizations listed in

1 49 C.F.R. 571.119;

2 (24) Hazardous material means a substance or material that the
3 Secretary of the United States Department of Transportation has
4 determined is capable of posing an unreasonable risk to health, safety,
5 and property when transported in commerce and has designated as hazardous
6 under 49 U.S.C. 5103. The term includes hazardous substances, hazardous
7 wastes, marine pollutants, elevated temperature materials, materials
8 designated as hazardous in the Hazardous Materials Table, 49 C.F.R.
9 172.101, and materials that meet the defining criteria for hazard classes
10 and divisions in 49 C.F.R. part 173;

11 (25) Hazardous substance means a material, including its mixtures
12 and solutions, that is listed in 49 C.F.R. 172.101, Appendix A, List Of
13 Hazardous Substances and Reportable Quantities, and is in a quantity, in
14 one package, which equals or exceeds the reportable quantity listed in 49
15 C.F.R. 172.101, Appendix A. This definition does not apply to petroleum
16 products that are lubricants or fuels or to mixtures or solutions of
17 hazardous substances if in a concentration less than that shown in the
18 table in 49 C.F.R. 171.8 under the definition of hazardous substance
19 based on the reportable quantity specified for the materials listed in 49
20 C.F.R. 172.101, Appendix A;

21 (26) Hazardous waste means any material that is subject to the
22 hazardous waste manifest requirements of the United States Environmental
23 Protection Agency specified in 40 C.F.R. 262;

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

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

31 (a) Between a place in a state and a place outside of such state,

1 including a place outside of the United States;

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

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

7 (29) Intrastate commerce means any trade, traffic, or transportation
8 provided in the furtherance of a commercial enterprise between any place
9 in the State of Nebraska and any other place in Nebraska and not through
10 any other state;

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

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

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

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

28 (32) Motor vehicle means any vehicle, truck, truck-tractor, trailer,
29 or semitrailer propelled or drawn by mechanical power except (a) farm
30 tractors, (b) vehicles which run only on rails or tracks, and (c) road
31 and general-purpose construction and maintenance machinery which by

1 design and function is obviously not intended for use on a public
2 highway, including, but not limited to, motor scrapers, earthmoving
3 equipment, backhoes, trenchers, motor graders, compactors, tractors,
4 bulldozers, bucket loaders, ditchdigging apparatus, asphalt spreaders,
5 leveling graders, power shovels, and crawler tractors;

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

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

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

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

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

20 (35) Packaging means a receptacle and any other components or
21 materials necessary for the receptacle to perform its containment
22 function in conformance with the minimum packing requirements of Title 49
23 of the Code of Federal Regulations. For radioactive materials packaging,
24 see 49 C.F.R. 173.403;

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

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

29 (38) Principal place of business means the single location
30 designated by the motor carrier, normally its headquarters, for purposes
31 of identification. The motor carrier must make records required by the

1 regulations referred to in sections 75-362 to 75-369.07 available for
2 inspection at this location within forty-eight hours, Saturdays, Sundays,
3 and state or federal holidays excluded, after a request has been made by
4 an officer of the Nebraska State Patrol;

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

8 (40) Safety audit means an examination of a motor carrier's
9 operations to provide educational and technical assistance on drivers'
10 hours of service, maintenance and inspection, driver qualification,
11 commercial driver's license requirements, financial responsibility,
12 accidents, hazardous materials, and other safety and transportation
13 records to determine whether a motor carrier meets the safety fitness
14 standard. The purpose of a safety audit is to gather critical safety data
15 needed to make an assessment of the carrier's safety performance and
16 basic safety management controls. Safety audits do not result in safety
17 ratings; and

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

22 Sec. 24. Original sections 60-469, 60-493, 60-495, and 60-4,120.01,
23 Reissue Revised Statutes of Nebraska, sections 60-479, 60-484, 60-4,113,
24 60-4,115, 60-4,117, 60-4,127, 60-4,142, 60-4,149, 60-4,150, 60-4,168,
25 60-4,181, and 75-362, Revised Statutes Cumulative Supplement, 2014, and
26 sections 60-462, 60-463, 60-4,123, 60-4,124, and 60-4,144, Revised
27 Statutes Supplement, 2015, are repealed.

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