

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 47

FINAL READING

Introduced by Watermeier, 1; McCollister, 20; Kuehn, 38; Davis, 43.

Read first time January 08, 2015

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act;
2 to amend section 60-494, Reissue Revised Statutes of Nebraska,
3 section 60-484, Revised Statutes Cumulative Supplement, 2014, and
4 section 60-4,144, Revised Statutes Supplement, 2015; to change
5 provisions relating to applications and anatomical gifts; to
6 harmonize provisions; to provide an operative date; and to repeal
7 the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-484, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 60-484 (1) Except as otherwise provided in the Motor Vehicle
4 Operator's License Act, no resident of the State of Nebraska shall
5 operate a motor vehicle upon the alleys or highways of this state until
6 the person has obtained an operator's license for that purpose.

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

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

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

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

27 (B) experienced vertigo or multiple episodes of dizziness or
28 fainting ... yes ... no

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

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

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

1 Please explain:

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

6 Please explain:

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

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

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

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

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

19 (iii) Do you wish to include your name in the Donor Registry of
20 Nebraska and donate your organs and tissues at the time of your death ~~Do~~
21 ~~you wish to be an organ and tissue donor?~~

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

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

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

30 (5) The social security number shall not be printed on the
31 operator's license or state identification card and shall be used only

1 (a) to furnish information to the United States Selective Service System
2 under section 60-483, (b) with the permission of the director in
3 connection with the verification of the status of an individual's driving
4 record in this state or any other state, (c) for purposes of child
5 support enforcement pursuant to section 42-358.08 or 43-512.06, (d) to
6 furnish information regarding an applicant for or holder of a commercial
7 driver's license with a hazardous materials endorsement to the
8 Transportation Security Administration of the United States Department of
9 Homeland Security or its agent, (e) to furnish information to the
10 Department of Revenue under section 77-362.02, or (f) to furnish
11 information to the Secretary of State for purposes of the Election Act.

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

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

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

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

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

7 Sec. 2. Section 60-494, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 60-494 (1) Each operator's license and state identification card
10 shall include a special notation on the front of the license or card if
11 the licensee or cardholder is at least sixteen years of age and indicates
12 on the application or issuance ~~examiner's~~ certificate under section
13 60-484, or 60-4,144, ~~or~~ 60-4,181 his or her wish to be an organ and
14 ~~donor, a tissue donor, or both.~~

15 (2) The status as an organ and ~~donor, a tissue donor, or both~~ shall
16 continue until amended or revoked by the licensee or cardholder as
17 provided in subsection (4) of this section or section 71-4829 ~~be renewed~~
18 ~~upon renewal of each license or card if the licensee or cardholder, at~~
19 ~~the time of renewal, indicates the desire to renew the status and the~~
20 ~~notation authorized in subsection (1) of this section has been marked.~~
21 The status as an organ and ~~donor, a tissue donor, or both~~ is not changed
22 by the expiration, suspension, cancellation, revocation, or impoundment
23 of the license or card.

24 (3) Any person whose operator's license or state identification card
25 indicates his or her status as an organ and ~~donor, a tissue donor, or~~
26 ~~both~~ may obtain a replacement license or card without a notation of such
27 status. The fee for such replacement license or card shall be the fee
28 provided in section 60-4,115.

29 (4) A licensee or cardholder may ~~also~~ change his or her status as a
30 donor by indicating the desire that his or her name not be included in
31 the Donor Registry of Nebraska on an application for an operator's

1 license, a state identification card, or a replacement license or card
2 under subsection (3) of this section. A licensee or cardholder may also
3 change or limit the extent of his or her status as a donor by (a)
4 Internet access to the Donor Registry of Nebraska, (b) telephone request
5 to the registry, or (c) other methods approved by the federally
6 designated organ procurement organization for Nebraska.

7 (5) The ~~department~~ Department of Motor Vehicles shall electronically
8 transfer to the federally designated organ procurement organization for
9 Nebraska all information which appears on the face of an original or
10 replacement operator's license or state identification card except the
11 image and signature of each person whose license or card includes the
12 notation described in subsection (1) of this section.

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

15 60-4,144 (1) An applicant for issuance of any original or renewal
16 commercial driver's license or an applicant for a change of class of
17 commercial motor vehicle, endorsement, or restriction shall demonstrate
18 his or her knowledge and skills for operating a commercial motor vehicle
19 as prescribed in the Motor Vehicle Operator's License Act. An applicant
20 for a commercial driver's license shall provide the information and
21 documentation required by this section and section 60-4,144.01. Such
22 information and documentation shall include any additional information
23 required by 49 C.F.R. parts 383 and 391 and also include:

24 (a) Certification that the commercial motor vehicle in which the
25 applicant takes any driving skills examination is representative of the
26 class of commercial motor vehicle that the applicant operates or expects
27 to operate; and

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

31 (2)(a) Before being issued a CLP-commercial learner's permit or

1 commercial driver's license, the applicant shall provide (i) his or her
2 full legal name, date of birth, mailing address, gender, race or
3 ethnicity, and social security number, (ii) two forms of proof of address
4 of his or her principal residence unless the applicant is a program
5 participant under the Address Confidentiality Act, except that a
6 nondomiciled applicant for a CLP-commercial learner's permit or
7 nondomiciled commercial driver's license holder does not have to provide
8 proof of residence in Nebraska, (iii) evidence of identity as required by
9 this section, and (iv) a brief physical description of himself or
10 herself.

11 (b) The applicant's social security number shall not be printed on
12 the CLP-commercial learner's permit or commercial driver's license and
13 shall be used only (i) to furnish information to the United States
14 Selective Service System under section 60-483, (ii) with the permission
15 of the director in connection with the certification of the status of an
16 individual's driving record in this state or any other state, (iii) for
17 purposes of child support enforcement pursuant to section 42-358.08 or
18 43-512.06, (iv) to furnish information regarding an applicant for or
19 holder of a commercial driver's license with a hazardous materials
20 endorsement to the Transportation Security Administration of the United
21 States Department of Homeland Security or its agent, (v) to furnish
22 information to the Department of Revenue under section 77-362.02, or (vi)
23 to furnish information to the Secretary of State for purposes of the
24 Election Act.

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

28 (3) Before being issued a CLP-commercial learner's permit or
29 commercial driver's license, an applicant, except a nondomiciled
30 applicant, shall provide proof that this state is his or her state of
31 residence. Acceptable proof of residence is a document with the person's

1 name and residential address within this state.

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

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

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

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

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

12 (iv) 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 (v) An unexpired employment authorization document issued by the
16 United States Department of Homeland Security;

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

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

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

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

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

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

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

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

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

19 (b) The following are acceptable as proof of citizenship or lawful
20 status:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 ~~OPTIONAL — YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING~~
27 ~~QUESTIONS:~~

28 (c) Do you wish to include your name in the Donor Registry of
29 Nebraska and donate your organs and tissues at the time of your death ~~Do~~
30 ~~you wish to be an organ and tissue donor?~~

31 (d) Do you wish to receive any additional specific information

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

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

4 (9) Any person applying for a CLP-commercial learner's permit or
5 commercial driver's license must make one of the certifications in
6 section 60-4,144.01 and any certification required under section 60-4,146
7 and must provide such certifications to the Department of Motor Vehicles
8 in order to be issued a CLP-commercial learner's permit or a commercial
9 driver's license.

10 (10) Every person who holds any commercial driver's license must
11 provide to the department medical certification as required by section
12 60-4,144.01. The department may provide notice and prescribe medical
13 certification compliance requirements for all holders of commercial
14 drivers' licenses. Holders of commercial drivers' licenses who fail to
15 meet the prescribed medical certification compliance requirements may be
16 subject to downgrade.

17 Sec. 4. This act becomes operative on July 1, 2017.

18 Sec. 5. Original section 60-494, Reissue Revised Statutes of
19 Nebraska, section 60-484, Revised Statutes Cumulative Supplement, 2014,
20 and section 60-4,144, Revised Statutes Supplement, 2015, are repealed.