

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 873

Introduced by Hunt, 8.

Read first time January 09, 2020

Committee: Judiciary

1 A BILL FOR AN ACT relating to government documents; to amend sections
2 60-490, 60-491, and 71-604.01, Reissue Revised Statutes of Nebraska,
3 sections 60-484.02, 60-484.04, 60-484.05, 60-486, 60-487,
4 60-4,114.01, 60-4,118.03, 60-4,118.05, 60-4,119, 60-4,120,
5 60-4,120.01, 60-4,121, 60-4,123, and 60-4,123.01, Revised Statutes
6 Cumulative Supplement, 2018, and sections 60-484, 60-4,117,
7 60-4,118, 60-4,120.02, 60-4,122, 60-4,124, 60-4,125, 60-4,126, and
8 60-4,144, Revised Statutes Supplement, 2019; to change provisions
9 relating to the issuance and renewal of motor vehicle operators'
10 licenses and state identification cards and the issuance of
11 commercial learners' permits; to provide a procedure for amendment
12 of a birth certificate; and to repeal the original sections.
13 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-484, Revised Statutes Supplement, 2019, is
2 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.

9 (3) The applicant shall provide the applicant's ~~his or her~~ full
10 legal name, date of birth, mailing address, gender, race or ethnicity,
11 and social security number, two forms of proof of address of ~~his or her~~
12 principal residence unless the applicant is a program participant under
13 the Address Confidentiality Act, evidence of identity as required by
14 subsection (6) of this section, and a brief physical description of such
15 applicant himself or herself. Gender may be indicated as female, male, or
16 non and no documentation of gender shall be required. The applicant (a)
17 may also complete the voter registration portion pursuant to section
18 32-308, (b) shall be provided the advisement language required by
19 subsection (5) of section 60-6,197, (c) shall answer the following:

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

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

24 (B) experienced vertigo or multiple episodes of dizziness or
25 fainting ... yes ... no

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

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

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

29 Please explain:

30 (ii) Do you experience any condition which affects your ability to
31 operate a motor vehicle? (e.g. due to loss of, or impairment of, foot,

1 leg, hand, arm; neurological or neuromuscular disease, etc.) ... yes ...
2 no

3 Please explain:

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

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

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

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

15 (iii) Do you wish to include your name in the Donor Registry of
16 Nebraska and donate your organs and tissues at the time of your death?

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

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

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

25 (5) The social security number shall not be printed on the
26 operator's license or state identification card and shall be used only
27 (a) to furnish information to the United States Selective Service System
28 under section 60-483, (b) with the permission of the director in
29 connection with the verification of the status of an individual's driving
30 record in this state or any other state, (c) for purposes of child
31 support enforcement pursuant to section 42-358.08 or 43-512.06, (d) to

1 furnish information regarding an applicant for or holder of a commercial
2 driver's license with a hazardous materials endorsement to the
3 Transportation Security Administration of the United States Department of
4 Homeland Security or its agent, (e) to furnish information to the
5 Department of Revenue under section 77-362.02, or (f) to furnish
6 information to the Secretary of State for purposes of the Election Act.

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

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

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

28 (7) Any individual applying for an operator's license or a state
29 identification card who wishes ~~indicated his or her wish~~ to have a
30 veteran designation displayed on the front of such license or card shall
31 comply with section 60-4,189.

1 (8) No individual ~~person~~ shall be a holder of an operator's license
2 and a state identification card at the same time. An individual ~~A person~~
3 who has a digital image and digital signature on file with the department
4 may apply electronically to change such individual's ~~his or her~~ Class 0
5 operator's license to a state identification card.

6 Sec. 2. Section 60-484.02, Revised Statutes Cumulative Supplement,
7 2018, is amended to read:

8 60-484.02 (1) A digital image of each ~~Each~~ applicant for an
9 operator's license or state identification card shall be ~~have his or her~~
10 ~~digital image~~ captured. Digital images shall be preserved for use as
11 prescribed in sections 60-4,119, 60-4,151, and 60-4,180. The images shall
12 be used for issuing operators' licenses and state identification cards.
13 The images may be retrieved only by the Department of Motor Vehicles for
14 issuing renewal and replacement operators' licenses and state
15 identification cards and may not be otherwise released except in
16 accordance with subsection (3) of this section.

17 (2) Each ~~Upon~~ application for an operator's license or state
18 identification card, ~~each applicant~~ shall include the applicant's ~~provide~~
19 ~~his or her~~ signature in a form prescribed by the department. Digital
20 signatures shall be preserved for use on original, renewal, and
21 replacement operators' licenses and state identification cards and may
22 not be otherwise released except in accordance with subsection (4) of
23 this section.

24 (3) No officer, employee, agent, or contractor of the department or
25 law enforcement officer shall release a digital image except to a
26 federal, state, or local law enforcement agency, a certified law
27 enforcement officer employed in an investigative position by a federal,
28 state, or local agency, or a driver licensing agency of another state for
29 the purpose of carrying out the functions of the agency or assisting
30 another agency in carrying out its functions upon the verification of the
31 identity of the person requesting the release of the information and the

1 verification of the purpose of the requester in requesting the release.
2 Any officer, employee, agent, or contractor of the department or law
3 enforcement officer that knowingly discloses or knowingly permits
4 disclosure of a digital image or digital signature in violation of this
5 section shall be guilty of a Class I misdemeanor.

6 (4) No officer, employee, agent, or contractor of the department or
7 law enforcement officer shall release a digital signature except (a) to a
8 federal, state, or local law enforcement agency, a certified law
9 enforcement officer employed in an investigative position by a state or
10 federal agency, or a driver licensing agency of another state for the
11 purpose of carrying out the functions of the agency or assisting another
12 agency in carrying out its functions upon the verification of the
13 identity of the person requesting the release of the information and the
14 verification of the purpose of the requester in requesting the release or
15 (b) to the office of the Secretary of State for the purpose of voter
16 registration as described in section 32-304, 32-308, or 32-309 upon the
17 verification of the identity of the person requesting the release of the
18 information and the verification of the purpose of the requester in
19 requesting the release. No employee or official in the office of the
20 Secretary of State shall release a digital signature except to a federal,
21 state, or local law enforcement agency, a certified law enforcement
22 officer employed in an investigative position by a state or federal
23 agency, or a driver licensing agency of another state for the purpose of
24 carrying out the functions of the agency or assisting another agency in
25 carrying out its functions upon the verification of the identity of the
26 person requesting the release of the information and the verification of
27 the purpose of the requester in requesting the release. Any officer,
28 employee, agent, or contractor of the department, law enforcement
29 officer, or employee or official in the office of the Secretary of State
30 that knowingly discloses or knowingly permits disclosure of a digital
31 signature in violation of this section shall be guilty of a Class I

1 misdemeanor.

2 Sec. 3. Section 60-484.04, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:

4 60-484.04 (1) The Legislature finds and declares that section 202(c)
5 (2)(B)(i) through (ix) of the federal REAL ID Act of 2005, Public Law
6 109-13, enumerated categories of individuals who may demonstrate lawful
7 status for the purpose of eligibility for a federally secure motor
8 vehicle operator's license or state identification card. The Legislature
9 further finds and declares that it was the intent of the Legislature in
10 2011 to adopt the enumerated categories by the passage of Laws 2011,
11 LB215. The Legislature declares that the passage of Laws 2015, LB623, is
12 for the limited purpose of reaffirming the original legislative intent of
13 Laws 2011, LB215. Except as provided in section 60-4,144 with respect to
14 operators of commercial motor vehicles, before being issued any other
15 type of operator's license or a state identification card under the Motor
16 Vehicle Operator's License Act, the department shall require an applicant
17 to present valid documentary evidence that such applicant ~~he or she~~ has
18 lawful status in the United States as enumerated in section 202(c)(2)(B)
19 (i) through (ix) of the federal REAL ID Act of 2005, Public Law 109-13.
20 Lawful status may be shown by:

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

22 (b) 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;

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

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

30 (e) An unexpired employment authorization document (EAD) issued by
31 the United States Department of Homeland Security, Form I-766 or Form

1 I-688B;

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

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

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

9 (i) A driver's license or identification card issued in compliance
10 with the standards established by the REAL ID Act of 2005, Public Law
11 109-13, division B, section 1, 119 Stat. 302; or

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

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

17 (b) If the applicant presents one of the identity documents listed
18 under subdivision (1)(e), (f), or (i) of this section, the verification
19 of the identity documents does not provide satisfactory evidence of
20 lawful status. The applicant must also present a second document from
21 subsection (1) of this section or documentation issued by the United
22 States Department of Homeland Security, the United States Citizenship and
23 Immigration Services, or other federal agencies, such as one of the types
24 of Form I-797 used by the United States Citizenship and Immigration
25 Services, demonstrating that the applicant has lawful status as
26 enumerated in section 202(c)(2)(B)(i) through (ix) of the federal REAL ID
27 Act of 2005, Public Law 109-13.

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

1 exceptions process established by the director.

2 Sec. 4. Section 60-484.05, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:

4 60-484.05 (1) The department shall only issue an operator's license
5 or a state identification card that is temporary to any applicant who
6 presents documentation under sections 60-484 and 60-484.04 that shows
7 such applicant's ~~his or her~~ authorized stay in the United States is
8 temporary. An operator's license or a state identification card that is
9 temporary shall be valid only during the period of time of the
10 applicant's authorized stay in the United States or, if there is no
11 definite end to the period of authorized stay, a period of one year.

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

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

21 (4) If an individual has an operator's license or a state
22 identification card issued based on approved lawful status granted under
23 section 202(c)(2)(B)(i) through (ix) of the federal REAL ID Act of 2005,
24 Public Law 109-13, and the basis for the approved lawful status is
25 terminated, the individual shall return the operator's license or state
26 identification card to the Department of Motor Vehicles.

27 Sec. 5. Section 60-486, Revised Statutes Cumulative Supplement,
28 2018, is amended to read:

29 60-486 (1) No person shall be licensed to operate a motor vehicle by
30 the State of Nebraska if such person has an operator's license currently
31 under suspension or revocation in this state or any other state or

1 jurisdiction in the United States.

2 (2) If a license is issued to a person while such person's ~~his or~~
3 ~~her~~ operator's license was suspended or revoked in this state or any
4 other state or jurisdiction, the Department of Motor Vehicles may cancel
5 the license upon forty-five days' written notice by regular United States
6 mail to the licensee's last-known address. The cancellation may be
7 appealed as provided in section 60-4,105.

8 (3) When such a person presents to the department an official notice
9 from the state or jurisdiction that suspended or revoked the ~~his or her~~
10 motor vehicle operator's license that such suspension or revocation has
11 been terminated, such person ~~he or she~~ may then be licensed to operate a
12 motor vehicle by the State of Nebraska.

13 Sec. 6. Section 60-487, Revised Statutes Cumulative Supplement,
14 2018, is amended to read:

15 60-487 (1) If any magistrate or judge finds in a ~~his or her~~ judgment
16 of conviction that the application or issuance certificate pursuant to
17 which the director has issued an operator's license under the Motor
18 Vehicle Operator's License Act contains any false or fraudulent statement
19 deliberately and knowingly made to any officer as to any matter material
20 to the issuance of such license or does not contain required or correct
21 information or that the person to whom the license was issued was not
22 eligible to receive such license, then the license shall be absolutely
23 void from the date of issue and such motor vehicle operator shall be
24 deemed to be not licensed to operate a motor vehicle. Such license shall
25 be at once canceled of record in the director's ~~his or her~~ office by the
26 director upon receipt of a copy of such judgment of conviction. The
27 director may, upon the director's ~~his or her~~ own motion, summarily cancel
28 any license for any of the reasons set forth in this section if such
29 reason or reasons affirmatively appear on the ~~his or her~~ official records
30 of the department.

31 (2) If the director determines, in a check of an applicant's license

1 status and record prior to issuing a CLP-commercial learner's permit or
2 commercial driver's license, or at any time after the CLP-commercial
3 learner's permit or commercial driver's license is issued, that the
4 applicant falsified information contained in the application or in the
5 medical examiner's certificate, the director may summarily cancel the
6 person's CLP-commercial learner's permit, ~~or~~ commercial driver's license,
7 or ~~his or her~~ pending application as provided in subsection (1) of this
8 section and disqualify the person from operating a commercial motor
9 vehicle for sixty days.

10 (3) For purposes of the Motor Vehicle Operator's License Act, gender
11 is not a material matter for the issuance of an operator's license.

12 Sec. 7. Section 60-490, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 60-490 (1) Operators' licenses issued to persons required to use
15 bioptic or telescopic lenses as provided in section 60-4,118 shall expire
16 annually on the licensee's birthday for all such licenses issued prior to
17 January 1, 2007, and on the licensee's birthday in the second year after
18 issuance, unless specifically restricted to a shorter renewal period as
19 determined under section 60-4,118, for all such licenses issued on or
20 after January 1, 2007.

21 (2) Except for state identification cards issued to persons less
22 than twenty-one years of age, all state identification cards expire on
23 the cardholder's birthday in the fifth year after issuance. A state
24 identification card issued to a person who is less than twenty-one years
25 of age expires on such person's ~~his or her~~ twenty-first birthday or on
26 such person's ~~his or her~~ birthday in the fifth year after issuance,
27 whichever comes first.

28 (3) Except as otherwise provided in subsection (1) of this section
29 and section 60-4,147.05 and except for operators' licenses issued to
30 persons less than twenty-one years of age, operators' licenses issued
31 pursuant to the Motor Vehicle Operator's License Act expire on the

1 licensee's birthday in the fifth year after issuance. An operator's
2 license issued to a person less than twenty-one years of age expires on
3 such person's ~~his or her~~ twenty-first birthday. Except as otherwise
4 provided in section 60-4,147.05, the Department of Motor Vehicles shall
5 mail out a renewal notice for each operator's license at least thirty
6 days before the expiration of the operator's license.

7 (4)(a) The expiration date shall be stated on each operator's
8 license or state identification card.

9 (b) Except as otherwise provided in section 60-4,147.05, licenses
10 and state identification cards issued to persons who are twenty-one years
11 of age or older which expire under this section may be renewed within a
12 ninety-day period before the expiration date. Any person who is twenty-
13 one years of age or older and who is the holder of a valid operator's
14 license or state identification card may renew such person's ~~his or her~~
15 license or card prior to the ninety-day period before the expiration date
16 on such license or card if such applicant furnishes proof that such
17 person ~~he or she~~ will be absent from the state during the ninety-day
18 period prior to such expiration date.

19 (c) A person who is twenty years of age may apply for an operator's
20 license or a state identification card within sixty days prior to such
21 person's ~~his or her~~ twenty-first birthday. The operator's license or
22 state identification card may be issued within ten days prior to such
23 birthday.

24 (d) A person who is under twenty years of age and who holds a state
25 identification card may apply for renewal within a ninety-day period
26 prior to the expiration date.

27 Sec. 8. Section 60-491, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 60-491 It shall be unlawful for any person:

30 (1) To display, ~~or~~ cause or permit to be displayed, or possess ~~have~~
31 ~~in his or her possession~~ any canceled, revoked, suspended, impounded,

1 fictitious, or fraudulently altered operator's license or state
2 identification card issued by the State of Nebraska or any other state;

3 (2) To lend such person's ~~his or her~~ operator's license or state
4 identification card to any person or knowingly permit the use thereof by
5 another;

6 (3) To display or represent as one's own any operator's license or
7 state identification card not issued to such person ~~him or her~~ by the
8 State of Nebraska or any other state;

9 (4) To fail or refuse to surrender to the director upon ~~his or her~~
10 lawful demand any operator's license or state identification card which
11 has been suspended, revoked, or canceled;

12 (5) To use a false or fictitious name in applying for an operator's
13 license or state identification card or knowingly to make a false
14 statement or knowingly to conceal a material fact or otherwise commit a
15 fraud in applying for an operator's license or state identification card;

16 (6) To permit any unlawful use of an operator's license or state
17 identification card issued to such person ~~him or her~~ by the State of
18 Nebraska or any other state;

19 (7) To do any act forbidden or fail to perform any act required by
20 the Motor Vehicle Operator's License Act;

21 (8) To make any false affidavit or knowingly to swear or affirm
22 falsely to any matter or thing required by the terms of the act to be
23 sworn to or affirmed. Such person shall be guilty of perjury and, upon
24 conviction thereof, shall be punished as other persons committing perjury
25 are punishable;

26 (9) To cause or knowingly permit such person's ~~his or her~~ child or
27 ward under the age of sixteen years to drive a motor vehicle upon any
28 highway when such minor is not authorized under the act or is in
29 violation of any of the provisions of the act;

30 (10) To authorize or knowingly permit a motor vehicle owned by such
31 person ~~him or her~~ or under such person's ~~his or her~~ control to be driven

1 upon any highway by any person who is not authorized under the act or is
2 in violation of any of the provisions of the act; or

3 (11) To manufacture any fraudulent state identification card whether
4 of the State of Nebraska or any other state.

5 Sec. 9. Section 60-4,114.01, Revised Statutes Cumulative Supplement,
6 2018, is amended to read:

7 60-4,114.01 An applicant for a Class O or Class M license that fails
8 three successive tests of the ~~his or her~~ ability to drive and maneuver a
9 motor vehicle safely as provided in subdivision (3)(b) of section
10 60-4,114 may be issued an LPD-learner's permit. The applicant shall not
11 be eligible to reapply for the Class O or Class M license and retake such
12 test until such applicant ~~he or she~~ presents proof of successful
13 completion of a department-approved driver training school or until such
14 applicant ~~he or she~~ has held an LPD-learner's permit for at least ninety
15 days.

16 Sec. 10. Section 60-4,117, Revised Statutes Supplement, 2019, is
17 amended to read:

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

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

1 (a) The full legal name and principal residence address of the
2 holder;

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

4 (c) A physical description of the holder, including ~~gender~~, height,
5 weight, and eye and hair colors;

6 (d) The holder's gender, which may be indicated as female, male, or
7 non;

8 (e) ~~(d)~~ The holder's date of birth;

9 (f) ~~(e)~~ The holder's signature;

10 (g) ~~(f)~~ The class of motor vehicle which the holder is authorized to
11 operate and any applicable endorsements or restrictions;

12 (h) ~~(g)~~ The issuance and expiration date of the license or card;

13 (i) ~~(h)~~ The organ and tissue donation information specified in
14 section 60-494;

15 (j) ~~(i)~~ A veteran designation as provided in section 60-4,189; and

16 (k) ~~(j)~~ Such other marks and information as the director may
17 determine.

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

24 (4) For purposes of the Motor Vehicle Operator's License Act, no
25 documentation of gender shall be required.

26 Sec. 11. Section 60-4,118, Revised Statutes Supplement, 2019, is
27 amended to read:

28 60-4,118 (1)(a) No operator's license shall be granted to any
29 applicant until such applicant satisfies the examiner that such applicant
30 he or she possesses sufficient powers of eyesight to enable such
31 applicant him or her to obtain a Class 0 license and to operate a motor

1 vehicle on the highways of this state with a reasonable degree of safety,
2 including:

3 (i) A minimum acuity level of vision. Such level may be obtained
4 through the use of standard eyeglasses, contact lenses, or bioptic or
5 telescopic lenses which are specially constructed vision correction
6 devices which include a lens system attached to or used in conjunction
7 with a carrier lens; and

8 (ii) A minimum field of vision. Such field of vision may be obtained
9 through standard eyeglasses, contact lenses, or the carrier lens of the
10 bioptic or telescopic lenses.

11 (b) The department may adopt and promulgate rules and regulations
12 specifying such requirements.

13 (2) If a vision aid is used by the applicant to meet the vision
14 requirements of this section, the operator's license of the applicant
15 shall be restricted to the use of such vision aid when operating the
16 motor vehicle. If the applicant fails to meet the vision requirements,
17 the examiner shall require the applicant to present an optometrist's or
18 ophthalmologist's statement certifying the vision reading obtained when
19 testing the applicant within ninety days of the applicant's license
20 examination. If the vision reading meets the vision requirements
21 prescribed by the department, the vision requirements of this section
22 shall have been met. If the vision reading demonstrates that the
23 applicant is required to use bioptic or telescopic lenses to operate a
24 motor vehicle, the statement from the optometrist or ophthalmologist
25 shall also indicate when the applicant needs to be reexamined for
26 purposes of meeting the vision requirements for an operator's license as
27 prescribed by the department. If such time period is two years or more
28 after the date of the application, the license shall be valid for two
29 years. If such time period is less than two years, the license shall be
30 valid for such time period.

31 (3) If the applicant for an operator's license discloses ~~that he or~~

1 ~~she has~~ any other physical impairment which may affect the safety of
2 operation by such applicant of a motor vehicle, the examiner shall
3 require the applicant to show cause why such license should be granted
4 and, through such personal examination and demonstration as may be
5 prescribed by the director, to show the necessary ability to safely
6 operate a motor vehicle on the highways. If the examiner is then
7 satisfied that such applicant has the ability to safely operate a motor
8 vehicle, an operator's license may be issued to the applicant subject, at
9 the discretion of the director, to a limitation to operate only such
10 motor vehicles at such time, for such purpose, and within such area as
11 the license shall designate.

12 (4)(a) The director may, when requested by a law enforcement
13 officer, when the director has reason to believe that a person may be
14 physically or mentally incompetent to operate a motor vehicle, or when a
15 person's driving record appears to the department to justify an
16 examination, give notice to the person to appear before an examiner or a
17 designee of the director for examination concerning the person's ability
18 to operate a motor vehicle safely. Any such request by a law enforcement
19 officer shall be accompanied by written justification for such request
20 and shall be approved by a supervisory law enforcement officer, police
21 chief, or county sheriff.

22 (b) A refusal to appear before an examiner or a designee of the
23 director for an examination after notice to do so shall be unlawful and
24 shall result in the immediate cancellation of the person's operator's
25 license by the director.

26 (c) If the person cannot qualify at the examination by an examiner,
27 such person's ~~his or her~~ operator's license shall be immediately
28 surrendered to the examiner and forwarded to the director who shall
29 cancel the person's operator's license.

30 (d) If the director determines that the person lacks the physical or
31 mental ability to operate a motor vehicle, the director shall notify the

1 person in writing of the decision. Upon receipt of the notice, the person
2 shall immediately surrender the person's ~~his or her~~ operator's license to
3 the director who shall cancel the person's operator's license.

4 (e) ~~Failure Refusal to surrender an operator's license on demand~~
5 ~~shall be unlawful, and any person failing to surrender an~~ his or her
6 operator's license on demand when as required by this subsection is ~~shall~~
7 ~~be guilty of~~ a Class III misdemeanor.

8 Sec. 12. Section 60-4,118.03, Revised Statutes Cumulative
9 Supplement, 2018, is amended to read:

10 60-4,118.03 Whenever the director reviews the denial or cancellation
11 of an operator's license because of mental, medical, or vision problems
12 that may affect the person's ability to safely operate a motor vehicle as
13 provided in sections 60-4,114 and 60-4,118, the director may consider
14 records and reports from a qualified physician. The applicant or licensee
15 may cause a written report to be forwarded to the director by a physician
16 chosen by the applicant or licensee ~~of his or her choice~~ pursuant to an
17 immediate appeal to the director under section 60-4,114. The director
18 shall grant reasonable time for the applicant or licensee to submit such
19 records. The director shall give due consideration to any such report.

20 Reports received by the director for the purpose of assisting the
21 director in determining whether a person is qualified to be licensed
22 shall be for the confidential use of the director and any designees of
23 the director and may not be divulged to any person other than the
24 applicant or licensee or used in evidence in any legal proceeding, except
25 that a report may be admitted in an appeal of an order of the director
26 based on the report. Any person aggrieved by a decision of the director
27 made pursuant to this section may appeal the decision as provided in
28 section 60-4,105.

29 No person examining any applicant or licensee shall be liable in
30 tort or otherwise for any opinion, recommendation, or report presented to
31 the director if such action was taken in good faith and without malice.

1 Sec. 13. Section 60-4,118.05, Revised Statutes Cumulative
2 Supplement, 2018, is amended to read:

3 60-4,118.05 (1) No operator's license referred to in section
4 60-4,118 shall, under any circumstances, be issued to any person who has
5 not attained the age of seventeen years.

6 (2) No operator's license shall be issued to a person under eighteen
7 years of age applying for an operator's license under section 60-4,118
8 unless such person:

9 (a) Has possessed a valid provisional operator's permit for at least
10 a twelve-month period beginning on the date of issuance of such person's
11 provisional operator's permit; and

12 (b) Has not accumulated three or more points pursuant to section
13 60-4,182 during the twelve-month period immediately preceding the date of
14 the application for the operator's license.

15 (3) The department may waive the written examination and the driving
16 test required under section 60-4,118 for any person seventeen to twenty-
17 one years of age applying for an ~~his or her~~ initial operator's license if
18 such person ~~he or she~~ has been issued a provisional operator's permit.
19 The department shall not waive the written examination and the driving
20 test required under this section if the person is applying for a CLP-
21 commercial learner's permit or commercial driver's license or if the
22 operator's license being applied for contains a class or endorsement
23 which is different from the class or endorsement of the provisional
24 operator's permit.

25 Sec. 14. Section 60-4,119, Revised Statutes Cumulative Supplement,
26 2018, is amended to read:

27 60-4,119 (1) All state identification cards and operators' licenses,
28 except farm permits, shall include a digital image and a digital
29 signature of the cardholder or licensee as provided in section 60-484.02.
30 Receipts for state identification cards and operators' licenses shall be
31 issued by the county treasurer or the Department of Motor Vehicles. The

1 director shall negotiate and enter into a contract to provide the
2 necessary equipment, supplies, and forms for the issuance of the licenses
3 and cards. All costs incurred by the Department of Motor Vehicles under
4 this section shall be paid by the state out of appropriations made to the
5 department. All costs of capturing the digital images and digital
6 signatures shall be paid by the issuer from the fees provided to the
7 issuer pursuant to section 60-4,115.

8 (2) A person who is out of the state at the time of renewal of such
9 person's ~~his or her~~ operator's license may apply for a license upon
10 payment of a fee as provided in section 60-4,115. The license may be
11 issued at any time within one year after the expiration of the original
12 license. Such application shall be made to the department, and the
13 department shall issue the license.

14 (3) Any operator's license and any state identification card issued
15 to a minor as defined in section 53-103.23, as such definition may be
16 amended from time to time by the Legislature, shall be of a distinct
17 designation, of a type prescribed by the director, from the operator's
18 license or state identification card of a person who is not a minor.

19 Sec. 15. Section 60-4,120, Revised Statutes Cumulative Supplement,
20 2018, is amended to read:

21 60-4,120 (1) Any person duly licensed or holding a valid state
22 identification card issued under the Motor Vehicle Operator's License Act
23 whose ~~who loses his or her~~ operator's license or card is lost may make
24 application to the department for a replacement license or card.

25 (2) If any person's ~~person changes his or her~~ name changes because
26 of marriage or divorce or by court order or a common-law name change,
27 such person ~~he or she~~ shall apply to the department for a replacement
28 operator's license or state identification card and furnish proof of
29 identification in accordance with section 60-484. If any person's ~~person~~
30 ~~changes his or her~~ address changes, the person shall apply to the
31 department for a replacement operator's license or state identification

1 card and furnish satisfactory evidence of such change. The application
2 shall be made within sixty days after the change of name or address.

3 (3) In the event a mutilated or unreadable operator's license is
4 held by any person duly licensed under the act or a mutilated or
5 unreadable state identification card which was issued under the act is
6 held by a person, such person may obtain a replacement license or card.
7 Upon report of the mutilated or unreadable license or card and
8 application for a replacement license or card, a replacement license or
9 card may be issued if the department is satisfied that the original
10 license or card is mutilated or unreadable.

11 (4) If any person duly licensed under the act loses such person's
12 ~~his or her~~ operator's license or if any holder of a state identification
13 card loses such ~~his or her~~ card while temporarily out of the state, such
14 person or holder ~~he or she~~ may make application to the department for a
15 replacement operator's license or card by applying to the department and
16 reporting such loss. Upon receipt of a correctly completed application,
17 the department shall cause to be issued a replacement operator's license
18 or card.

19 (5) Any person who holds a valid operator's license or state
20 identification card without a digital image shall surrender such license
21 or card to the department within thirty days after resuming residency in
22 this state. After the thirty-day period, such license or card shall be
23 considered invalid and no license or card shall be issued until the
24 individual has made application for replacement or renewal.

25 (6) Application for a replacement operator's license or state
26 identification card shall include the information required under sections
27 60-484 and 60-484.04.

28 (7) An applicant may obtain a replacement operator's license or
29 state identification card pursuant to subsection (1) or (3) of this
30 section by electronic means in a manner prescribed by the department. No
31 replacement license or card shall be issued unless the applicant has a

1 digital image and digital signature preserved in the digital system.

2 (8) Each replacement operator's license or state identification card
3 shall be issued with the same expiration date as the license or card for
4 which the replacement is issued. The replacement license or card shall
5 also state the new issuance date. Upon issuance of any replacement
6 license or card, the license or card for which the replacement is issued
7 shall be void.

8 (9) A replacement operator's license or state identification card
9 issued under this section shall be delivered to the applicant as provided
10 in section 60-4,113 after the county treasurer or department collects the
11 fee and surcharge prescribed in section 60-4,115 and issues the applicant
12 a receipt with driving privileges which is valid for up to thirty days.

13 Sec. 16. Section 60-4,120.01, Revised Statutes Cumulative
14 Supplement, 2018, is amended to read:

15 60-4,120.01 (1)(a) Any person who is at least sixteen years of age
16 but less than eighteen years of age may be issued a provisional
17 operator's permit by the Department of Motor Vehicles. The provisional
18 operator's permit shall expire on the applicant's eighteenth birthday.

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

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

25 (ii) Has not accumulated three or more points pursuant to section
26 60-4,182 during the six-month period immediately preceding the date of
27 the application for the provisional operator's permit.

28 (c) The requirements for the provisional operator's permit
29 prescribed in subdivisions (2)(a) and (b) of this section may be
30 completed prior to the applicant's sixteenth birthday. A person may apply
31 for a provisional operator's permit and take the driving test and the

1 written examination, if required, at any time within sixty days prior to
2 such applicant's ~~his or her~~ sixteenth birthday upon proof of age in the
3 manner provided in section 60-484.

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

1 driving test may be waived. Licensing staff shall waive the written
2 examination and the driving test if the applicant has been issued a
3 school permit and such permit is valid or has expired no more than one
4 year prior to application. The written examination shall not be waived if
5 the provisional operator's permit being applied for contains a class or
6 endorsement which is different from the class or endorsement of the
7 school permit.

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

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

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

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

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

31 Sec. 17. Section 60-4,120.02, Revised Statutes Supplement, 2019, is

1 amended to read:

2 60-4,120.02 (1) Any person convicted of violating a provisional
3 operator's permit issued pursuant to section 60-4,120.01 by operating a
4 motor vehicle in violation of subsection (3) of such section shall be
5 guilty of an infraction, and such person's ~~may have his or her~~
6 provisional operator's permit may be revoked by the court pursuant to
7 section 60-496 for a time period specified by the court. Before such
8 person applies for another provisional operator's permit, such person ~~he~~
9 ~~or she~~ shall pay a reinstatement fee as provided in section 60-499.01
10 after the period of revocation has expired.

11 (2) A copy of an abstract of the court's conviction, including an
12 adjudication, shall be transmitted to the director pursuant to sections
13 60-497.01 to 60-497.04.

14 (3) Any person who holds a provisional operator's permit and has
15 violated subdivision (3)(b) or (c) of section 28-306, subdivision (3)(b)
16 or (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197,
17 60-6,197.06, or 60-6,198 shall not be eligible for an ignition interlock
18 permit.

19 (4) For purposes of this section, conviction includes any
20 adjudication of a juvenile.

21 Sec. 18. Section 60-4,121, Revised Statutes Cumulative Supplement,
22 2018, is amended to read:

23 60-4,121 (1) The operator's license of any person serving on active
24 duty, other than members of the National Guard or reserves activated for
25 training purposes only, outside the State of Nebraska as a member of the
26 United States Armed Forces, or the spouse of any such person or a
27 dependent of such member of the armed forces, shall be valid during such
28 person's period of active duty and for not more than sixty days
29 immediately following such person's date of separation from service.

30 (2) Each individual who is applying for renewal of an ~~his or her~~
31 operator's license shall submit such individual's ~~his or her~~ previous

1 license to the department personnel or, when the previous license is
2 unavailable, furnish proof of identification in accordance with section
3 60-484.

4 Sec. 19. Section 60-4,122, Revised Statutes Supplement, 2019, is
5 amended to read:

6 60-4,122 (1) Except as otherwise provided in subsections (2), (3),
7 and (8) of this section, no original or renewal operator's license shall
8 be issued to any person until such person has demonstrated the ~~his or her~~
9 ability to operate a motor vehicle safely as provided in section
10 60-4,114.

11 (2) Except as otherwise provided in this section and section
12 60-4,127, any person who renews a ~~his or her~~ Class O or Class M license
13 shall demonstrate the ~~his or her~~ ability to drive and maneuver a motor
14 vehicle safely as provided in subdivision (3)(b) of section 60-4,114 only
15 at the discretion of department personnel, except that a person required
16 to use bioptic or telescopic lenses shall be required to demonstrate the
17 ~~his or her~~ ability to drive and maneuver a motor vehicle safely each time
18 such person ~~he or she~~ renews such person's ~~his or her~~ license.

19 (3) Any person who renews a ~~his or her~~ Class O or Class M license
20 prior to or within one year after its expiration may not be required to
21 demonstrate ~~his or her~~ knowledge of the motor vehicle laws of this state
22 as provided in subdivision (3)(c) of section 60-4,114 if such person's
23 ~~his or her~~ driving record abstract maintained in the computerized records
24 of the department shows that such person's license is not impounded,
25 suspended, revoked, or canceled.

26 (4) Except for operators' licenses issued to persons required to use
27 bioptic or telescopic lenses, any person who renews an ~~his or her~~
28 operator's license which has been valid for fifteen months or less shall
29 not be required to take any examination required under section 60-4,114.

30 (5) Any person who renews a state identification card shall appear
31 before department personnel and present such person's ~~his or her~~ current

1 state identification card or shall follow the procedure for electronic
2 renewal in subsection (9) of this section. Proof of identification shall
3 be required as prescribed in sections 60-484 and 60-4,181 and the
4 information and documentation required by section 60-484.04.

5 (6) A nonresident who applies for an initial operator's license in
6 this state and who holds a valid operator's license from another state
7 which is such person's ~~his or her~~ state of residence may not be required
8 to demonstrate ~~his or her~~ knowledge of the motor vehicle laws of this
9 state if such person ~~he or she~~ surrenders to the department such person's
10 ~~his or her~~ valid out-of-state operator's license.

11 (7) An applicant for an original operator's license may not be
12 required to demonstrate ~~his or her~~ knowledge of the motor vehicle laws of
13 this state if such applicant ~~he or she~~ has been issued a Nebraska LPD-
14 learner's permit that is valid or has been expired for no more than one
15 year. The written examination shall not be waived if the original
16 operator's license being applied for contains a class or endorsement
17 which is different from the class or endorsement of the Nebraska LPD-
18 learner's permit.

19 (8)(a) A qualified licensee as determined by the department who is
20 twenty-one years of age or older, whose license expires prior to such
21 licensee's ~~his or her~~ seventy-second birthday, and who has a digital
22 image and digital signature preserved in the digital system may renew a
23 ~~his or her~~ Class O or Class M license twice by electronic means in a
24 manner prescribed by the department using the preserved digital image and
25 digital signature without taking any examination required under section
26 60-4,114 if such renewal is prior to or within one year after the
27 expiration of the license, if such licensee's ~~his or her~~ driving record
28 abstract maintained in the records of the department shows that such
29 person's license is not impounded, suspended, revoked, or canceled, and
30 if such licensee's ~~his or her~~ driving record indicates that such licensee
31 ~~he or she~~ is otherwise eligible. Every licensee, including a licensee who

1 is out of the state at the time of renewal, must apply for renewal in
2 person at least once every sixteen years and have a new digital image and
3 digital signature captured.

4 (b) In order to allow for an orderly progression through the various
5 types of operators' licenses issued to persons under twenty-one years of
6 age, a qualified holder of an operator's license who is under twenty-one
7 years of age and who has a digital image and digital signature preserved
8 in the digital system may apply for an operator's license by electronic
9 means in a manner prescribed by the department using the preserved
10 digital image and digital signature if the applicant has passed any
11 required examinations prior to application, if such applicant's ~~his or~~
12 ~~her~~ driving record abstract maintained in the records of the department
13 shows that such applicant's ~~person's~~ operator's license is not impounded,
14 suspended, revoked, or canceled, and if such applicant's ~~his or her~~
15 driving record indicates that such applicant ~~he or she~~ is otherwise
16 eligible.

17 (9) Any person who is twenty-one years of age or older and who has
18 been issued a state identification card with a digital image and digital
19 signature may electronically renew such person's ~~his or her~~ state
20 identification card by electronic means in a manner prescribed by the
21 department using the preserved digital image and digital signature. Every
22 person renewing a state identification card under this subsection,
23 including a person who is out of the state at the time of renewal, must
24 apply for renewal in person at least once every sixteen years and have a
25 new digital image and digital signature captured.

26 (10) In addition to services available at driver license offices,
27 the department may develop requirements for using electronic means for
28 online issuance of operators' licenses and state identification cards to
29 qualified holders as determined by the department.

30 Sec. 20. Section 60-4,123, Revised Statutes Cumulative Supplement,
31 2018, is amended to read:

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

10 (2) Upon successful completion of the written examination and the
11 payment of a fee and surcharge as prescribed in section 60-4,115, the
12 applicant shall be issued an LPD-learner's permit as provided in section
13 60-4,113. The permit shall be valid for twelve months.

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

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

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

4 Sec. 21. Section 60-4,123.01, Revised Statutes Cumulative
5 Supplement, 2018, is amended to read:

6 60-4,123.01 For purposes of driver training, any person who has
7 attained or will attain the age of fourteen years on or before October 15
8 of the current year may operate a motor vehicle, other than an autocycle,
9 upon the highways of this state if such person ~~he or she~~ is accompanied
10 or, in the case of a motorcycle, other than an autocycle, or a moped,
11 supervised at all times by a licensed operator who is a driver training
12 instructor certified by the Commissioner of Education.

13 Sec. 22. Section 60-4,124, Revised Statutes Supplement, 2019, is
14 amended to read:

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

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

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

16 (a) To and from where such person ~~he or she~~ attends school, or
17 property used by the school such person ~~he or she~~ attends for purposes of
18 school events or functions, over the most direct and accessible route by
19 the nearest highway from such person's ~~his or her~~ place of residence to
20 transport such person or any family member who resides with such person
21 to attend duly scheduled courses of instruction and extracurricular or
22 school-related activities at the school such person ~~he or she~~ attends or
23 on property used by such ~~the school-he or she attends~~; or

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

1 motorcycle, a licensed motorcycle operator or, in the case of a moped, a
2 licensed motor vehicle operator.

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

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

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

29 (b) The holder of an LPE-learner's permit shall not use any type of
30 interactive wireless communication device while operating a motor vehicle
31 on the highways of this state. Enforcement of this subdivision shall be

1 accomplished only as a secondary action when the holder of the LPE-
2 learner's permit has been cited or charged with a violation of some other
3 law.

4 (6) Department personnel or the county treasurer shall collect the
5 fee and surcharge prescribed in section 60-4,115 from each successful
6 applicant for a school or LPE-learner's permit. All school permits shall
7 be subject to impoundment or revocation under the terms of section
8 60-496. Any person who violates the terms of a school permit shall be
9 guilty of an infraction and shall not be eligible for another school,
10 farm, LPD-learner's, or LPE-learner's permit until such person ~~he or she~~
11 has attained the age of sixteen years.

12 (7) Any person who holds a permit issued under this section and has
13 violated subdivision (3)(b) or (c) of section 28-306, subdivision (3)(b)
14 or (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197,
15 60-6,197.06, or 60-6,198 shall not be eligible for an ignition interlock
16 permit.

17 Sec. 23. Section 60-4,125, Revised Statutes Supplement, 2019, is
18 amended to read:

19 60-4,125 (1) For any minor convicted or adjudicated of violating the
20 terms of an LPD-learner's permit issued pursuant to section 60-4,123 or
21 an LPE-learner's permit issued pursuant to section 60-4,124, the court
22 shall, in addition to any other penalty or disposition, order the
23 impoundment or revocation of such learner's permit and order that such
24 minor shall not be eligible for another operator's license or school,
25 farm, LPD-learner's, or LPE-learner's permit until such minor ~~he or she~~
26 has attained the age of sixteen years.

27 (2) Any person who holds an LPD-learner's permit issued pursuant to
28 section 60-4,123 and has violated subdivision (3)(b) or (c) of section
29 28-306, subdivision (3)(b) or (c) of section 28-394, or section 28-1254,
30 60-6,196, 60-6,197, 60-6,197.06, or 60-6,198 shall not be eligible for an
31 ignition interlock permit.

1 (3) A copy of the court's abstract or adjudication shall be
2 transmitted to the director who shall place in an impound status or
3 revoke the LPD-learner's or LPE-learner's permit of such minor in
4 accordance with the order of the court and not again issue another
5 operator's license or school, farm, LPD-learner's, or LPE-learner's
6 permit to such minor until such minor has attained the age of sixteen
7 years.

8 Sec. 24. Section 60-4,126, Revised Statutes Supplement, 2019, is
9 amended to read:

10 60-4,126 (1) Any person who is younger than sixteen years of age but
11 is over thirteen years of age and resides upon a farm in this state or is
12 fourteen years of age or older and is employed for compensation upon a
13 farm in this state may obtain a farm permit authorizing the operation of
14 farm tractors, minitrucks, and other motorized implements of farm
15 husbandry upon the highways of this state if the applicant for such farm
16 permit furnishes satisfactory proof of age and satisfactorily
17 demonstrates ~~that he or she has~~ knowledge of the operation of such
18 equipment and of the rules of the road and laws respecting the operation
19 of motor vehicles upon the highways of this state. Any person under
20 sixteen years of age but not less than thirteen years of age may obtain a
21 temporary permit to operate such equipment for a six-month period after
22 presentation to the department of a request for the temporary permit
23 signed by the person's parent or guardian and payment of the fee and
24 surcharge prescribed in section 60-4,115. After the expiration of the
25 six-month period, it shall be unlawful for such person to operate such
26 equipment upon the highways of this state unless such person ~~he or she~~
27 has been issued a farm permit under this section. The fee for an
28 original, renewal, or replacement farm permit shall be the fee and
29 surcharge prescribed in section 60-4,115. All farm permits shall be
30 subject to revocation under the terms of section 60-496. Any person who
31 violates the terms of a farm permit shall be guilty of an infraction and

1 shall not be eligible for another school, farm, LPD-learner's, or LPE-
2 learner's permit until such person ~~he or she~~ has attained the age of
3 sixteen years.

4 (2) Any person who holds a permit issued under this section and has
5 violated subdivision (3)(b) or (c) of section 28-306, subdivision (3)(b)
6 or (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197,
7 60-6,197.06, or 60-6,198 shall not be eligible for an ignition interlock
8 permit.

9 Sec. 25. Section 60-4,144, Revised Statutes Supplement, 2019, is
10 amended to read:

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

20 (a) Certification that the commercial motor vehicle in which the
21 applicant takes any driving skills examination is representative of the
22 class of commercial motor vehicle that the applicant operates or expects
23 to operate; and

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

27 (2)(a) Before being issued a CLP-commercial learner's permit or
28 commercial driver's license, the applicant shall provide (i) his or her
29 full legal name, date of birth, mailing address, gender, race or
30 ethnicity, and social security number, (ii) two forms of proof of address
31 of his or her principal residence unless the applicant is a program

1 participant under the Address Confidentiality Act, except that a
2 nondomiciled applicant for a CLP-commercial learner's permit or
3 nondomiciled commercial driver's license holder does not have to provide
4 proof of residence in Nebraska, (iii) evidence of identity as required by
5 this section, and (iv) a brief physical description of himself or
6 herself. For purposes of this section, gender may be indicated as female,
7 male, or non.

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

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

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

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

1 identity.

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

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

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

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

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

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

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

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

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

21 (ix) A driver's license or identification card issued in compliance
22 with the standards established by the REAL ID Act of 2005, Public Law
23 109-13, division B, section 1, 119 Stat. 302; or

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

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

29 (d) If the applicant presents one of the identity documents listed
30 under subdivision (b)(v), (vi), or (ix) of this subsection, the
31 verification of the identity documents does not provide satisfactory

1 evidence of lawful status. The applicant must also present a second
2 document from subdivision (4)(b) of this section, a document from
3 subsection (5) of this section, or documentation issued by the United
4 States Department of Homeland Security or other federal agencies
5 demonstrating lawful status as determined by the United States
6 Citizenship and Immigration Services.

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

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

16 (b) The following are acceptable as proof of citizenship or lawful
17 status:

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

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

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

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

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

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

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

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

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

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

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

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

29 (ii) After receipt of the nondomiciled CLP-commercial learner's
30 permit or nondomiciled commercial driver's license and, for as long as
31 the permit or license is valid, notify the Department of Motor Vehicles

1 of any adverse action taken by any jurisdiction or governmental agency,
2 foreign or domestic, against his or her driving privileges. Such adverse
3 actions include, but are not limited to, license disqualification or
4 disqualification from operating a commercial motor vehicle for the
5 convictions described in 49 C.F.R. 383.51. Notifications must be made
6 within the time periods specified in 49 C.F.R. 383.33; and

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

12 (c) An applicant for a nondomiciled CLP-commercial learner's permit
13 or nondomiciled commercial driver's license who holds a foreign
14 operator's license is not required to surrender his or her foreign
15 operator's license.

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

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

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

24 (c) Do you wish to include your name in the Donor Registry of
25 Nebraska and donate your organs and tissues at the time of your death?

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

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

30 (9) Application for a CLP-commercial learner's permit or commercial
31 driver's license shall include a signed oath, affirmation, or declaration

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

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

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

16 Sec. 26. Section 71-604.01, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 71-604.01 (1) Upon receipt of an application for a new certificate
19 of birth, which shall be accompanied by a notarized affidavit from the
20 physician that performed sex confirmation reassignment surgery on an
21 individual born in this state and a certified copy of an order of a court
22 of competent jurisdiction changing the name of such person, the
23 department shall prepare a new certificate of birth in the new name and
24 sex of such person in substantially the same form as that used for other
25 live births. The evidence from which the new certificate is prepared and
26 the original certificate of birth shall be available for inspection only
27 upon the order of a court of competent jurisdiction.

28 (2) Upon receipt of a complete application to amend the sex on a
29 certificate of birth from a person born in this state or the parent,
30 guardian, or legal representative of such person, the department shall
31 amend the sex on such certificate of birth. A complete application to

1 amend the sex on a certificate of birth shall be accompanied by either
2 (a) an affidavit from a physician stating such amendment to the
3 certificate of birth is warranted and documentary evidence to
4 substantiate such amendment or (b) a certified copy of a court order
5 directing amendment of the certificate of birth to reflect such change.

6 (3)(a) Any person desiring to change the sex listed on such person's
7 birth certificate may file a petition in the district court of the county
8 in which such person is a resident, setting forth (i) that the petitioner
9 has been a bona fide resident of such county for at least one year prior
10 to the filing of the petition, (ii) the address of the petitioner, (iii)
11 the date of birth of the petitioner, (iv) the cause for which the change
12 is sought, and (v) the sex to which the change would be made.

13 (b) The district court, upon being duly satisfied by proof in open
14 court of the truth of the allegations set forth in the petition, that
15 there exists proper and reasonable cause for changing the sex of the
16 petitioner on the birth certificate, shall enter an order directing a
17 change of the sex of such petitioner on the birth certificate.

18 (c) The clerk of the district court shall deliver a copy of any sex-
19 change order issued by the court pursuant to this section to the
20 Department of Health and Human Services for use pursuant to this section.

21 Sec. 27. Original sections 60-490, 60-491, and 71-604.01, Reissue
22 Revised Statutes of Nebraska, sections 60-484.02, 60-484.04, 60-484.05,
23 60-486, 60-487, 60-4,114.01, 60-4,118.03, 60-4,118.05, 60-4,119,
24 60-4,120, 60-4,120.01, 60-4,121, 60-4,123, and 60-4,123.01, Revised
25 Statutes Cumulative Supplement, 2018, and sections 60-484, 60-4,117,
26 60-4,118, 60-4,120.02, 60-4,122, 60-4,124, 60-4,125, 60-4,126, and
27 60-4,144, Revised Statutes Supplement, 2019, are repealed.