

ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025
COMMITTEE STATEMENT
LB398

Hearing Date: Monday February 03, 2025
Committee On: Transportation and Telecommunications
Introducer: Moser
One Liner: Adopt updates to federal law relating to motor vehicles and motor carriers and change provisions relating to commercial driver's licenses and CLP-commercial learner's permits

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 8 Senators Moser, Ballard, Bosn, Brandt, DeBoer, Fredrickson, Guereca, Storer
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:

Senator Mike Moser
Rhonda Lahm
Lt. Mike Maytum

Representing:

Opening Presenter
Department of Motor Vehicles
Nebraska State Patrol

Opponents:

Representing:

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB398 updates Nebraska law to reference federal laws and regulations related to commercial driver's licenses and CLP-commercial learner's permits to state as they existed on January 1, 2025. It updates requirements for commercial driver's license medical certification, allowing operators to self-certify that they have passed the required medical examinations and mandating that the Department of Motor Vehicles (DMV) post relevant information to the Commercial Driver's License Information System. (Sections 18 and 19). Finally, it increases civil penalties for violations of laws relevant to commercial driver's licenses and CLP-learner's permits. (Section 30).

Section by section summary:

Section 1 - Amends section 18-1737 – Updates the date used when referencing federal American with Disabilities Act



laws and regulations related to parking stalls to January 1, 2025 instead of January 1, 2024.

Section 2 – Amends section 60-107 - Points to the date designated in section 5 of the present act to use when determining the reference date for federal laws and regulations related to manufactured homes under the National Manufactured Housing Construction and Safety Standards Act.

Section 3 - Amends section 60-119.01 - Points to the date designated in section 5 of the present act to use when determining the reference date for federal laws and regulations related to low-speed vehicles under the Motor Vehicle Certificate of Title Act.

Section 4 - Amends section 60-169 - Points to the date designated in section 5 of the present act to use when determining the reference date for federal laws and regulations related to licensed wrecker or salvage dealers and the National Motor Vehicle Title Information System.

Section 5 - When another section of the Revised Statutes points to the date designated in this section, the date is January 1, 2025.

Section 6 - Amends section 60-302.01 - Points to the date designated in section 5 of the present act to use when determining the reference date for federal laws and regulations related to the handicapped parking space access aisles under the Americans with Disabilities Act.

Section 7 - Amends section 60-336.01 - Points to the date designated in section 5 of the present act to use when determining the reference date for federal laws and regulations related to low-speed vehicles under the Motor Vehicle Registration Act.

Section 8 - Amends section 60-386 - Points to the date designated in section 5 of the present act to use when determining the reference date for federal laws and regulations related to United States Department of Transportation (USDOT) numbers if such numbers are required.

Section 9 - Amends section 60-3,113.04 - Points to the date designated in section 5 of the present act to use when determining the reference date for USDOT regulations related to the Uniform System for Parking for Persons with Disabilities.

Section 10 - Amends section 60-3,193.01 - Points to the date designated in section 5 of the present act to use when determining the reference date for federal laws and regulations related to the International Registration Plan.

Section 11 - Amends section 60-462.01 - Points to the date designated in section 5 of the present act to use when determining the reference date for federal laws and regulations under the Motor Vehicle Operator's License Act.

Section 12 - Amends section 60-479.01 - Points to the date designated in section 5 of the present act to use when determining the reference date for federal laws and regulations related to DMV employee lawful status checks.

Section 13 - Amends section 60-4,111.01 - Points to the date designated in section 5 of the present act to use when determining the reference date for purposes of the federal Fair Credit Reporting Act.

Section 14 – Amends section 60-4,131 - Updates the definition of medical examiner's certificate to include any paper or electronic certification.

Section 15 - Amends section 60-4,132 - Points to the date designated in section 5 of the present act to use when



determining the reference date for federal laws and regulations related to the Commercial Motor Vehicle Safety Act, the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, and the USA PATRIOT Act.

Section 16 - Amends section 60-4,144 - Points to the date designated in section 5 of the present act to use when determining the reference date for federal laws and regulations related to the Fixing American's Surface Transportation Act.

Section 17 – Amends section 60-1,144 – Commercial Driver's license applications

Every person applying for a commercial driver's license is deemed to have consented to the release of information from the federal Drug and Alcohol Clearinghouse.

Section 18 - Amends section 60-4,144.01 - Self-certification for applications for a commercial driver's license or CLP-commercial learner's permit.

Any person applying for a commercial driver's license or CLP-commercial learner's permit shall make a self-certification, if they are required to be medically examined and certified as physically qualified to operate a commercial motor vehicle under federal law, that they have satisfied those requirements. The medical examination shall be conducted by a medical examiner who is listed on the Nation Registry of Certified Medical Examiners unless excepted under 49 C.F.R. 391.43(b).

Before June 23, 2025, any person that self-certifies shall provide a copy of their medical examiner's certificate to the DMV. Beginning on an implementation date determined by the DMV director, but not later than June 23, 2025, those that self-certify are not required to provide a copy of the certificate to the department. Beginning on an implementation date determined by the DMV director, but not later than June 23, 2025, any such certificate that is issued directly to any person required to be examined cannot be used to satisfy the self-certification requirement.

Any person who has received an exemption letter or medical variance skill performance evaluation certificate from the Federal Motor Carrier Safety Administration must carry such letter or certificate while operating a commercial motor vehicle.

Certification must be made for any person who operates or expects to operate a commercial motor vehicle in interstate or intrastate commerce regardless of whether they are exempted from obtaining a medical certificate.

Section 19 - Amends section 60-4,144.02 - Posting of certification information

For all operators of commercial motor vehicles required to have a commercial driver's license or a CDL learner's permit, the department must post information to the Commercial Driver License Information System (CDLIS) including:

- The operator's self-certification of type of driving;
- Information from the medical examiner's certificate received from the Federal Motor Carrier Safety Administration;
- Indicate whether the operator is certified or not certified;
- The expiration date of the certificate;
- The existence of any medical variance, restrictions from the variance, and date it was posted to the system.

Before June 23, 2025, the DMV must also post the date of a variance issuance or renewal and expiration date of the variance on the CDLIS within 10 days. Beginning on an implementation date determined by the DMV director, but not later than June 23, 2025, the department must post it in one business day.



If an operator's medical certification or medical variance expires or if a medical variance is revoked or rescinded, the department must notify the holder of the license or permit that they are no longer certified and that they must affirmatively remedy the situation if they wish to operate a commercial motor vehicle. Before June 23, 2025, the department must update their status on the CDLIS within ten days. Beginning on an implementation date determined by the DMV director, but not later than June 23, 2025, they have one day to make this change.

If an operator's medical certification or medical variance expires, the DMV must notify the operator, initiate a downgrade for the operator according to department procedures and change their status to 'not-certified', update the CDLIS driver record as 'not-certified', cancel the commercial driver's license or CLP-learner's permit, and mark the license or permit as 'not-certified'. Before June 23, 2025, the department has ten days to post the 'not-certified' status to the CDLIS. Beginning on an implementation date determined by the DMV director, but not later than June 23, 2025, the department must post it in one business day.

Section 20 - Amends section 60-4,147.02 - Points to the date designated in section 5 of the present act to use when determining the reference date for federal laws and regulations related to the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act and the USA PATRIOT Act.

Section 21 - Amends section 60-4,168 - Points to the date designated in section 5 of the present act to use when determining the reference date for federal laws and regulations related to trafficking in persons.

Section 22 - Amends section 60-501 - Points to the date designated in section 5 of the present act to use when determining the reference date for federal laws and regulations related to low-speed vehicles under the Motor Vehicle Safety Responsibility Act.

Section 23 - Amends section 60-628.01 - Points to the date designated in section 5 of the present act to use when determining the reference date for federal laws and regulations related to low-speed vehicles under the Nebraska Rules of the Road.

Section 24 - Amends section 60-6,265 - Points to the date designated in section 5 of the present act to use when determining the reference date for federal laws and regulations related to Federal Motor Vehicle Safety Standards.

Section 25 - Amends section 60-2705 - The Director of Motor Vehicles shall adopt standards for informal dispute settlement procedures that substantially comply with federal law. This section also points to the date designated in section 5 of the present act to use when determining the reference date for federal laws and regulations relevant to those procedures.

Section 26 - Amends section 60-2909.01 - Points to the date designated in section 5 of the present act to use when determining the reference date for federal laws and regulations related to requests for commercial driver's license status verification for employment purposes.

Section 27 - Amends Section 75-363 - Points to the date designated in section 5 of the present act to use when determining the reference date for federal laws and regulations related to motor carriers under Title 49.

Section 28 - Amends Section 75-363 - Points to the date designated in section 5 of the present act to use when determining the reference date for federal laws and regulations related to the transport of hazardous materials under Title 49.

Section 29 - Amends section 75-364 - The Nebraska State Patrol has the authority to enforce federal motor carrier



safety regulations as they existed on the date set forth in section 5 of the present act.

Section 30 – Amends section 75-369.03 – Civil penalties

Increases the civil penalty for a violation of sections 75-363 or 75-364 from nine hundred seventy-one dollars to one thousand two dollars. Civil penalties for violations of 60-4,162(2)(e) are increased from nineteen thousand three hundred eighty-nine dollars to twenty thousand seventeen dollars. Civil penalties for operating in violation of an out-of-service order are increased from three thousand seven hundred forty dollars to three thousand eight hundred sixty-one dollars for first violations and seven thousand seven hundred twenty-three dollars for subsequent violations.

If the operator knew they were violating an out-of-service order, this penalty increases to not less than six thousand nine hundred seventy-four dollars and not more than thirty-eight thousand six hundred twelve dollars per violation.

Section 31 - Amends section 75-392 - Points to the date designated in section 5 of the present act to use when determining the reference date for federal laws and regulations related to unified carrier registration plans and agreements.

Section 32 - Amends section 75-393 - Points to the date designated in section 5 of the present act to use when determining the reference date for federal laws and regulations related to the Unified Carrier Registration Act.

Section 33 - The Revisor of Statutes shall assign section 5 of the present act within Chapter 60, article 2.

Section 34 - Original sections are repealed.

Section 35 is an emergency clause.

Mike Moser, Chairperson

