

LEGISLATIVE BILL 7

Approved by the Governor February 6, 1993

Introduced by Executive Board: Warner, 25, Chairperson

AN ACT relating to commercial drivers' licenses; to amend sections 60-490, 60-4,132, 60-4,137, and 60-4,141, Revised Statutes Supplement, 1992; to eliminate provisions which terminated on March 31, 1992; to harmonize provisions; and to repeal the original sections, and also sections 60-4,133 to 60-4,135, Revised Statutes Supplement, 1992.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 60-490, Revised Statutes Supplement, 1992, be amended to read as follows:

60-490. ~~Except as provided in section 60-4,135 and~~ ~~except~~ for operator's licenses issued to persons required to use bioptic or telescopic lenses, all operators' licenses contemplated by the Motor Vehicle Operator's License Act shall expire on the licensee's birthday in the first year after issuance in which his or her age is divisible by four. Operator's licenses issued to persons required to use bioptic or telescopic lenses as provided in section 60-4,118 shall expire annually on the licensee's birthday. All state identification cards issued on or after January 1, 1990, shall expire on the cardholder's birthday in the first year after issuance in which his or her age is divisible by four. The expiration date shall be stated on each license or card. All licenses and cards which expire under this section may be renewed within a ninety-day period before the expiration date. The holder of a valid operator's license or state identification card may renew his or her license or card prior to the ninety-day period before the expiration date on such license or card if such applicant furnishes positive proof that he or she will be absent from the state during the ninety-day period prior to such expiration date.

Sec. 2. That section 60-4,132, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,132. The purposes of sections ~~60-4,133~~ 60-4,137 to 60-4,172 are to implement the requirements mandated by the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, and to reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by: (1) Permitting drivers to hold only one operator's license; (2) disqualifying drivers for specified offenses and serious traffic violations; and (3) strengthening licensing and testing standards.

Sec. 3. That section 60-4,137, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,137. ~~On and after April 1, 1992, any~~ Any resident of this state operating a commercial motor vehicle shall possess a commercial driver's license issued pursuant to sections ~~60-4,133~~ 60-4,138

to 60-4,172.

Sec. 4. That section 60-4,141, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,141. (1) Except as provided in sections ~~60-4,133 and 60-4,134~~ and subsections (2) and (3) of this section, no person shall operate any class of commercial motor vehicle upon the highways of this state unless such person possesses a valid commercial driver's license authorizing the operation of the class of commercial motor vehicle being operated, except that (a) any person possessing a valid commercial driver's license authorizing the operation of a Class A commercial motor vehicle may lawfully operate any Class B or C commercial motor vehicle and (b) any person possessing a valid commercial driver's license authorizing the operation of a Class B commercial motor vehicle may lawfully operate a Class C commercial motor vehicle. No person shall operate upon the highways of this state any commercial motor vehicle which requires a specific endorsement unless such person possesses a valid commercial driver's license with such endorsement. No person possessing a restricted commercial driver's license shall operate upon the highways of this state any commercial motor vehicle to which such restriction is applicable.

(2) Any person holding an LPC-learner's permit may operate a commercial motor vehicle for learning purposes upon the highways of this state if accompanied by a person who is twenty-one years of age or older, who holds a commercial driver's license valid for the class of commercial motor vehicle being operated, and who occupies the seat beside the person for the purpose of giving instruction in the operation of the commercial motor vehicle.

(3) The provisions of subsection (1) of this section shall not apply to any nonresident until the state of residence of such nonresident begins the issuance of commercial drivers' licenses in conformance with the requirements of the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, and such nonresident is required by his or her state of residence to possess a commercial driver's license to operate a commercial motor vehicle. Any nonresident who is in this state for a period of thirty consecutive days or more shall apply for a Nebraska-issued commercial driver's license and shall surrender to the Department of Motor Vehicles any operator's license issued to such nonresident by any other state.

(4) Any person who operates a commercial motor vehicle upon the highways of this state in violation of this section shall, upon conviction, be guilty of a Class III misdemeanor.

Sec. 5. That original sections 60-490, 60-4,132, 60-4,137, and 60-4,141, Revised Statutes Supplement, 1992, and also sections 60-4,133 to 60-4,135, Revised Statutes Supplement, 1992, are repealed.