

LEGISLATIVE BILL 320

Approved by the Governor April 7, 1998

Introduced by Bohlke, 33; Crosby, 29; Engel, 17; Kristensen, 37; Jensen, 20

AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-480, 60-490, 60-4,122, 60-4,123, 60-4,124 to 60-4,126, 60-4,142, 60-4,173, and 60-4,188, Reissue Revised Statutes of Nebraska, sections 60-4,112, 60-4,115, 60-4,118, and 60-4,146, Revised Statutes Supplement, 1996, and section 60-462, Revised Statutes Supplement, 1997; to provide for provisional operators' permits; to change provisions relating to operators' licenses, learners' permits, and state identification cards; to change provisions relating to application fees; to change provisions relating to renewal procedures; to provide and change penalties; to require driver improvement and driver safety courses for minors as prescribed; to provide for waiver of examinations as prescribed; to provide powers and duties for the Department of Motor Vehicles; to harmonize provisions; to provide severability; to provide an operative date; and to repeal the original sections.

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

Section 1. Section 60-462, Revised Statutes Supplement, 1997, is amended to read:
 60-462. Sections 60-462 to 60-4,188 and sections 7, 8, 14, 15, and 16 of this act shall be known and may be cited as the Motor Vehicle Operator's License Act.

Sec. 2. Section 60-480, Reissue Revised Statutes of Nebraska, is amended to read:
 60-480. Operators' licenses issued by the Department of Motor Vehicles pursuant to the Motor Vehicle Operator's License Act shall be classified as follows:

(1) Class O license. The operator's license which authorizes the person to whom it is issued to operate on highways any motor vehicle except a commercial motor vehicle or motorcycle;

(2) Class M license. The operator's license or endorsement on a Class O license or commercial driver's license which authorizes the person to whom it is issued to operate a motorcycle on highways;

(3) CDL-commercial driver's license. The operator's license which authorizes the person to whom it is issued to operate a class of commercial motor vehicles or any motor vehicle, except a motorcycle, on highways;

(4) RCDL-restricted commercial driver's license. The class of commercial driver's license which, when held with an annual seasonal permit, authorizes a seasonal commercial motor vehicle operator as defined in section 60-4,146.01 to operate any Class B Heavy Straight Vehicle or Class C Small Vehicle commercial motor vehicle for purposes of a farm-related or ranch-related service industry as defined in such section within one hundred fifty miles of the employer's place of business or the farm or ranch currently being served as provided in such section or any other motor vehicle, except a motorcycle, on highways;

(5) POP-provisional operator's permit. A permit with restrictions issued pursuant to section 7 of this act to a person who is at least sixteen years of age but less than eighteen years of age;

~~(6)~~ ~~(5)~~ SCP-school permit. A permit issued to a student between fourteen and sixteen years of age for the purpose of driving to and from school in accordance with the requirements of section 60-4,124;

~~(6)~~ ~~(7)~~ FMP-farm permit. A permit issued to a person for purposes of operating farm tractors and other motorized implements of farm husbandry on highways in accordance with the requirements of section 60-4,126;

~~(7)~~ ~~(8)~~ LPC-learner's permit. A permit issued to a person at least sixteen years of age which when held in conjunction with a Class O license or commercial driver's license authorizes the a person to operate a commercial motor vehicle for learning purposes when accompanied by a person who is at least twenty-one years of age;

~~(8)~~ ~~(9)~~ LPD-learner's permit. A permit issued in accordance with the requirements of section 60-4,123 to a person at least fifteen years of age which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, for learning purposes when accompanied by a Nebraska-licensed licensed operator who is at least nineteen twenty-one years of age and who possesses a valid operator's license issued by this state or another state;

~~(9)~~ (10) LPE-learner's permit. A permit issued to a person at least fourteen years of age which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, while learning to drive in preparation for application for a school permit;

~~(10)~~ (11) EDP-employment driving permit. A permit issued to a person which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, pursuant to the requirements of sections 60-4,129 and 60-4,130;

~~(11)~~ (12) SEP-seasonal permit. A permit issued to a person who holds a restricted commercial driver's license authorizing the person to operate a commercial motor vehicle, as prescribed by section 60-4,146.01, for no more than one hundred eighty consecutive days in any twelve-month period. The seasonal permit shall be valid and run from the date of original issuance of the permit for one hundred eighty days and from the date of annual revalidation of the permit; and

~~(12)~~ (13) MHP-medical hardship driving permit. A permit issued to a person which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, pursuant to the requirements of sections 60-4,130.01 and 60-4,130.02.

Sec. 3. Section 60-490, Reissue Revised Statutes of Nebraska, is amended to read:

60-490. Except for ~~operator's~~ operators' licenses issued to persons required to use bioptic or telescopic lenses and persons less than twenty-one years of age, 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 Operators' 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. An operator's license issued to a person less than twenty-one years of age expires on his or her twenty-first birthday. All state identification cards issued on or after January 1, 1990, except state identification cards issued to persons less than twenty-one years of age, shall expire on the cardholder's birthday in the first year after issuance in which his or her age is divisible by four. A state identification card issued to a person less than twenty-one years of age expires on his or her twenty-first birthday. 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 proof that he or she will be absent from the state during the ninety-day period prior to such expiration date. A person twenty years of age may apply for and be issued an operator's license or a state identification card within ten days prior to his or her twenty-first birthday.

Sec. 4. Section 60-4,112, Revised Statutes Supplement, 1996, is amended to read:

60-4,112. Sections 60-4,113 to 60-4,130.02 and sections 7, 8, 14, 15, and 16 of this act shall apply to the operation of any motor vehicle except a commercial motor vehicle.

Sec. 5. Section 60-4,115, Revised Statutes Supplement, 1996, is amended to read:

60-4,115. The (1) Except as provided in subsection (2) of this section, the applications for operators' licenses, school permits, farm permits, LPD-learners' permits, or LPE-learners' permits shall be filed with the county treasurer who is required to transmit them weekly to the director. The application shall be accompanied by a fee of fifteen dollars from each successful applicant for an original or renewal Class O or M operator's license issued under the Motor Vehicle Operator's License Act, except that the fee for licenses which will be valid for one year or less shall be three dollars and seventy-five cents, the fee for licenses which will be valid for more than one year but less than two years shall be seven dollars and fifty cents, and the fee for licenses which will be valid for two years or more but less than three years shall be eleven dollars and twenty-five cents. Two dollars and seventy-five cents of each of the original and renewal fees for operators' licenses and twenty-five cents of each of the fees for school permits, farm permits, LPD-learners' permits, or LPE-learners' permits shall be credited immediately to the general fund of the county and shall be included by the county treasurer in his or her report of fees as provided by law. The county treasurer shall remit four dollars of each of the original and renewal fees for Class O or M operator's licenses to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund, except that for licenses which will be valid for more than one year but less than two years,

one dollar and fifty cents of each fee shall be credited to the fund, and for licenses which will be valid for two years or more but less than three years, two dollars and fifty cents of each fee shall be credited to the fund. An amount equal to two dollars and fifty cents times the number of original or renewal Class M licenses issued pursuant to section 60-4,127 during the previous year shall be transferred to the Motorcycle Safety Education Fund. The balance of the original and renewal operator's license, school permit, farm permit, LPD-learner's permit, or LPE-learner's permit fees shall be remitted by the county treasurer to the State Treasurer and shall be credited to the General Fund.

(2) An application for an operator's license for a person under twenty-one years of age shall be filed with the county treasurer who is required to transmit it weekly to the director. The application shall be accompanied by a fee of fifteen dollars from a successful applicant for an original or renewal Class O or M operator's license issued under the act, except that the fee for a license which will be valid for one year or less shall be three dollars and seventy-five cents, the fee for a license which will be valid for more than one year but not more than two years shall be seven dollars and fifty cents, and the fee for a license which will be valid for three years or less but more than two years shall be eleven dollars and twenty-five cents. Two dollars and seventy-five cents of the original and renewal fee for such operator's license shall be credited immediately to the general fund of the county and shall be included by the county treasurer in his or her report of fees as provided by law. The county treasurer shall remit four dollars of the original and renewal fee for such operator's license to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund, except that for a license which is valid for more than one year but not more than two years, one dollar and fifty cents of the fee shall be credited to the fund, and for a license which is valid for three years or less but more than two years, two dollars and fifty cents of the fee shall be credited to the fund. An amount equal to two dollars and fifty cents times the number of such original or renewal Class M licenses issued pursuant to section 60-4,127 during the previous year shall be transferred to the Motorcycle Safety Education Fund. The balance of the original and renewal operator's license fee shall be remitted by the county treasurer to the State Treasurer and shall be credited to the General Fund.

Sec. 6. Section 60-4,118, Revised Statutes Supplement, 1996, is amended to read:

60-4,118. (1) No operator's license shall be granted to any applicant until such applicant satisfies the examiner that he or she possesses sufficient powers of eyesight to enable him or her to obtain a Class O license and to operate a motor vehicle on the highways of this state with a reasonable degree of safety. The Department of Motor Vehicles, with the advice of the Health Advisory Board, shall adopt and promulgate rules and regulations:

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

(b) Requiring a minimum field of vision. Such field of vision may be obtained through standard eyeglasses, contact lenses, or the carrier lens of the bioptic or telescopic lenses.

(2) If a vision aid is used by the applicant to meet the vision requirements of this section, the operator's license of the applicant shall be restricted to the use of such vision aid when operating the motor vehicle. If the applicant fails to meet the vision requirements, the examiner shall require the applicant to present an optometrist's or ophthalmologist's statement certifying the vision reading obtained when testing the applicant within ninety days of the applicant's license examination. If the vision reading meets the vision requirements prescribed by the department, the vision requirements of this section shall have been met.

(3) If the application for an operator's license discloses that the applicant for such license suffers from any other physical impairment which may affect the safety of operation by such applicant of a motor vehicle, the examiner shall require the applicant to show cause why such license should be granted and, through such personal examination and demonstration as may be prescribed by the director with the advice of the Health Advisory Board, to show the necessary ability to safely operate a motor vehicle on the highways. The director may also require the person to appear before the board or a designee of the board. If the examiner, board, or designee is then satisfied that such applicant has the ability to safely operate a motor vehicle, an operator's license may be issued to the applicant subject, at the discretion

of the director, to a limitation to operate only such motor vehicles at such time, for such purpose, and within such area as the license shall designate.

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

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

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

(d) If in the opinion of the board the person cannot qualify at the examination by the board, the board shall advise the director. If the director determines after consideration of the advice of the board that the person lacks the physical or mental ability to operate a motor vehicle, the director shall notify the person in writing of the decision. Upon receipt of the notice, the person shall immediately surrender his or her operator's license to the director who shall cancel the person's operator's license.

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

(5) No operator's license referred to in this section shall, under any circumstances, be issued to any person who has not attained the age of ~~sixteen~~ seventeen years, but upon application therefor and proof of age in the manner provided in section 60-484, any such person may take the examination required by this section at any time within sixty days prior to his or her ~~sixteenth~~ seventeenth birthday.

(6) No operator's license shall be issued to a person under eighteen years of age applying for an operator's license under this section unless such person:

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

(b) Has not accumulated three or more points pursuant to section 60-4.182 during the twelve-month period immediately preceding the date of the application for the operator's license; and

(c) Has surrendered the provisional operator's permit to the examiner.

(7) The department shall waive the written examination and the driving test required under this section for any person eighteen years of age or older applying for his or her initial operator's license, except a commercial driver's license or permit, if he or she has held a provisional operator's permit within the twenty-four months immediately preceding the date of application.

(8)(a) (6)-(a) Upon receipt of a certified copy of a court order issued pursuant to section 60-6,211.05 and of sufficient evidence that the defendant has surrendered his or her operator's license to the department and installed an approved ignition interlock device in accordance with such court order and upon payment by the defendant of the fee provided in section 60-4.115, the director shall issue to the defendant a Class O license restricted to the operation of a motor vehicle equipped with an ignition interlock device.

(b) Upon expiration of the court order issued pursuant to section 60-6,211.05, the defendant may apply to the department in writing for issuance of an operator's license which does not contain such restriction. If the license surrendered by the defendant under subdivision (a) of this subsection has not expired, the director shall return such license to the defendant. If such license has expired, the defendant shall reapply for an operator's license pursuant to the Motor Vehicle Operator's License Act.

Sec. 7. (1) Any person who is at least sixteen years of age but less than eighteen years of age may apply for a provisional operator's permit from the Department of Motor Vehicles. The provisional operator's permit shall expire on the applicant's eighteenth birthday. In order to obtain a

provisional operator's permit, the applicant shall (a)(i) successfully complete a department-approved driver safety course which includes behind-the-wheel driving specifically emphasizing (A) the effects of the consumption of alcohol on a person operating a motor vehicle, (B) occupant protection systems, (C) risk assessment, and (D) railroad crossing safety and (ii) successfully complete a written examination and driving test administered by a driver safety course instructor or (b) present to the examiner an affidavit and driving log on a form prescribed by the department verifying that the applicant has completed fifty hours of lawful motor vehicle operation, under conditions that reflect department-approved driver safety course curriculum, with a parent, guardian, or adult at least twenty-one years of age, who has a current Nebraska operator's license or who is licensed in another state. If the applicant presents such an affidavit, the applicant shall be required to successfully complete a driving test administered by an examiner of the department. The written examination shall be waived if the applicant has held an LPD-learner's permit issued on or after the operative date of this act. Upon presentation to the examiner by the applicant of a form prescribed by the department showing successful completion of the driver safety course, the examiner shall waive the written examination and driving test. Upon presentation to the examiner of the affidavit and driving log, the examiner shall waive the written examination but not the driving test.

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

(3) The county treasurer shall collect a fee for the issuance of each provisional operator's permit in the amount of ten dollars. Two dollars and seventy-five cents of each fee shall be credited to the county general fund, and the remainder of the fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

Sec. 8. (1) Any person convicted of violating a provisional operator's permit issued pursuant to section 7 of this act by operating a motor vehicle in violation of subsection (2) of such section shall be guilty of an infraction and may have his or her provisional operator's permit suspended by the court pursuant to section 60-496 for a time period specified by the court. Before such person has his or her provisional operator's permit reinstated, he or she shall pay a reinstatement fee of ninety-five dollars to the Department of Motor Vehicles after the period of suspension has expired. The reinstatement fee shall be remitted to the State Treasurer. The State Treasurer shall credit fifty dollars of each reinstatement fee to the General Fund and forty-five dollars of each reinstatement fee to the Department of Motor Vehicles Cash Fund.

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

(3) For purposes of this section, conviction, includes any adjudication of a juvenile.

Sec. 9. Section 60-4,122, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,122. (1) Except as provided in subsections (2) and (3) of this section, no original or renewal operator's license shall be issued to any person until such person has appeared before an examiner to demonstrate his or her ability to operate a motor vehicle safely as provided in section 60-4,114.

(2) Except as provided in section 60-4,127, any person who renews his or her Class O or Class M license shall appear before an examiner to demonstrate his or her ability to drive and maneuver a motor vehicle safely as provided in subdivision (2) of section 60-4,114 only at the discretion of the examiner, except that a person required to use bioptic or telescopic lenses shall be required to demonstrate his or her ability to drive and maneuver a motor vehicle safely each time he or she renews his or her license.

(3) Any person who renews his or her Class O or Class M license prior to its expiration shall not be required to demonstrate his or her knowledge of the motor vehicle laws of this state as provided in subdivision (3) of section 60-4,114 if his or her driving record abstract maintained in the department's computerized records shows that such person has had no traffic violations as described in section 60-4,182 from the date the operator's license was last issued to the date the application for renewal is made.

(4) Except for operators' licenses issued to persons required to use bioptic or telescopic lenses, any person who renews his or her operator's license which has been valid for only one year or less shall not be required to take any examination required under section 60-4,114.

(5) Any person who renews a state identification card shall appear before an examiner and present his or her current state identification card. The examining officer, upon examination of the card, may require one additional form of proof of identification described in section 60-484.

Sec. 10. Section 60-4,123, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,123. Any person who is at least fifteen years of age may obtain an LPD-learner's permit from the county treasurer, which permit shall be valid for a period of twelve months, and he or she may operate a motor vehicle on the highways of this state if he or she is accompanied at all times by a licensed operator who is at least nineteen years of age and who is actually occupying the seat beside the driver or, in the case of a motorcycle or moped, if he or she is within visual contact of and under the supervision of, in the case of a motorcycle, a licensed motorcycle operator or, in the case of a moped, a licensed motor vehicle operator. The county treasurer shall collect a fee of three dollars from each successful applicant for an LPD-learner's permit. (1) Any person who is at least fifteen years of age may apply for an LPD-learner's permit from the Department of Motor Vehicles. In order to obtain an LPD-learner's permit, the applicant shall successfully complete a written examination.

(2) Upon successful completion of the written examination and the payment of a fee, the applicant shall be issued an LPD-learner's permit from the county treasurer. The permit shall be valid for twelve months.

(3) The holder of an LPD-learner's permit shall only operate a motor vehicle on the highways of this state if he or she is accompanied at all times by a licensed operator who is at least twenty-one years of age and who has been licensed by this state or another state and if he or she is actually occupying the seat beside the licensed operator or, in the case of a motorcycle or moped, if he or she is within visual contact of and under the supervision of, in the case of a motorcycle, a licensed motorcycle operator or, in the case of a moped, a licensed motor vehicle operator.

(4) The county treasurer shall collect a fee of three dollars for the issuance of each LPD-learner's permit.

Sec. 11. Section 60-4,124, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,124. A person who is younger than sixteen years of age but is over fourteen years of age may be issued, by the county treasurer, a school permit to drive a motor vehicle, moped, or motorcycle to and from where he or she attends school by the nearest highway from his or her place of residence if such person lives a distance of one and one-half miles or more from such school and either resides outside a city of the metropolitan, primary, or first class or attends a school which is outside a city of the metropolitan, primary, or first class. A school permit shall be used for the sole purpose of transporting such person or any family member who resides with such person to attend school, except that the holder of the permit may drive under the personal supervision of his or her parents or guardian. A school permit shall not be issued until such person has appeared before an examiner to demonstrate that he or she is capable of successfully operating a motor vehicle, moped, or motorcycle and has in his or her possession an examiner's certificate authorizing the county treasurer to issue a school permit.

Any such person desiring a school permit may first obtain an LPE-learner's permit from the county treasurer, which permit shall be valid for a period of two months. An LPE-learner's permit shall not be issued until such person demonstrates that he or she has sufficient powers of eyesight to safely operate a motor vehicle, moped, or motorcycle. While holding the LPE-learner's permit, the person may operate a motor vehicle on the highways of this state if he or she has seated next to him or her a person who is a licensed operator or, in the case of a motorcycle or moped, if he or she is within visual contact of and is under the supervision of a person who, in the case of a motorcycle, is a licensed motorcycle operator or, in the case of a moped, is a licensed motor vehicle operator. Such licensed motor vehicle or motorcycle operator shall either be a parent or guardian of the holder or a person over the age of nineteen years who is authorized in writing by the holder's parent or guardian to supervise the actions of the holder in operating the vehicle.

The county treasurer shall collect a fee of three dollars from each successful applicant for a school or LPE-learner's permit. All school permits shall be subject to revocation under the terms of section 60-496. Any person

who violates the terms of a school permit shall be guilty of an infraction a Class III misdemeanor and shall not be eligible for another operator's license or school, farm, LPD-learner's, or LPE-learner's permit until he or she has attained the age of sixteen years.

Sec. 12. Section 60-4,125, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,125. Any court finding that a For any minor has violated convicted or adjudicated of violating the terms of an LPD-learner's permit issued pursuant to section 60-4,123 or an LPE-learner's permit issued pursuant to section 60-4,124, the court by operating a motor vehicle when not accompanied by a licensed operator who is at least nineteen years of age and actually occupying the seat beside the driver shall, in addition to any other penalty or disposition, revoke such learner's permit and order that such minor shall not be eligible for another operator's license or school, farm, LPD-learner's, or LPE-learner's permit until he or she has attained the age of sixteen years.

A copy of the court's findings and order abstract or adjudication shall be transmitted to the director who shall cancel the LPD-learner's or LPE-learner's permit of such minor in accordance with the order of the court and not again issue another operator's license or school, farm, LPD-learner's, or LPE-learner's permit to such minor until such minor has attained the age of sixteen years.

Sec. 13. Section 60-4,126, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,126. Any person who is younger than sixteen years of age but is over thirteen years of age and resides upon a farm in this state or is fourteen years of age or older and is employed for compensation upon a farm in this state may obtain a farm permit authorizing the operation of farm tractors and other motorized implements of farm husbandry upon the highways of this state if the applicant for such farm permit furnishes to an examiner satisfactory proof of age and satisfactorily demonstrates to the examiner that he or she has knowledge of the operation of such equipment and of the rules of the road and laws respecting the operation of motor vehicles upon the highways of this state. Any person under sixteen years of age but not less than thirteen years of age may obtain a temporary permit to operate such equipment for a six-month period after presentation to the Department of Motor Vehicles of a request for the temporary permit signed by the person's parent or guardian and payment of five dollars. After the expiration of the six-month period, it shall be unlawful for such person to operate such equipment upon the highways of this state unless he or she has been issued a farm permit under this section. The fee for an original, renewal, or duplicate farm permit shall be five dollars. All farm permits shall be subject to revocation under the terms of section 60-496. Any person who violates the terms of a farm permit shall be guilty of an infraction a Class III misdemeanor and shall not be eligible for another operator's license or school, farm, LPD-learner's, or LPE-learner's permit until he or she has attained the age of sixteen years.

Sec. 14. (1) Any person less than twenty-one years of age who holds an operator's license or a provisional operator's permit and who has accumulated, within any twelve-month period, a total of six or more points on his or her driving record pursuant to section 60-4,182 shall be notified by the Department of Motor Vehicles of that fact and ordered to attend and successfully complete a driver improvement course consisting of at least eight hours of department-approved instruction. Notice shall be sent by regular United States mail to the last-known address as shown in the records of the department. If such person fails to complete the driver improvement course within three months after the date of notification, he or she shall have his or her operator's license suspended.

(2) The director shall issue an order summarily suspending an operator's license until the licensee turns twenty-one years of age. Such order shall be sent by certified or registered United States mail to the last-known address as shown in the records of the department. Such person shall not have his or her operator's license reinstated until he or she (a) has successfully completed the driver improvement course or has attained the age of twenty-one years and (b) has paid a reinstatement fee of ninety-five dollars to the department after the period of suspension has expired.

(3) The reinstatement fee shall be remitted to the State Treasurer. The State Treasurer shall credit fifty dollars of each reinstatement fee to the General Fund and forty-five dollars of each reinstatement fee to the Department of Motor Vehicles Cash Fund.

Sec. 15. Commercial driver safety course instructors shall possess competence as outlined in rules and regulations adopted and promulgated by the Department of Motor Vehicles. Instructors who teach the department-approved

driver safety course in a public school or institution and possess competence as outlined in a driver's education endorsement shall be eligible to sign a form prescribed by the department showing successful completion of the driver safety course. Each public school or institution offering a department-approved driver safety course shall be required to obtain a certificate and pay the fee pursuant to section 16 of this act. The Nebraska Safety Center shall offer a department-approved driver safety course at least once each year in any county where no approved course is offered.

Sec. 16. The Department of Motor Vehicles shall adopt and promulgate rules and regulations for the approval and administration of driver safety courses. No driver safety course shall be approved until a certificate is obtained from the department. The certificate shall be valid for two years after the date of issuance. Each original and renewal certificate application for a driver safety course shall be accompanied by a one-hundred-dollar fee. The fee shall be collected by the department and remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

Sec. 17. Section 60-4,142, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,142. Any resident sixteen years of age or older may obtain, on a form to be prescribed by the director, an LPC-learner's permit from the county treasurer by making application to an examiner of the Department of Motor Vehicles. An applicant shall present proof to the examiner that he or she holds a valid Class O license or commercial driver's license or shall successfully complete the requirements for the Class O license before an LPC-learner's permit is issued. The LPC-learner's permit shall be valid for a period of six months and shall be renewed only once within any two-year period. The county treasurer shall charge a fee of five dollars for the issuance or renewal of an LPC-learner's permit.

Sec. 18. Section 60-4,146, Revised Statutes Supplement, 1996, is amended to read:

60-4,146. (1) Upon making application pursuant to section 60-4,144, any applicant who operates or expects to operate a commercial motor vehicle solely in intrastate commerce and who is not subject to 49 C.F.R. part 391 of the federal Motor Carrier Safety Regulations adopted pursuant to section 75-363 shall certify that he or she is not subject to 49 C.F.R. part 391. Any applicant for a Class A commercial driver's license shall satisfy the examiner that he or she is eighteen years of age or older. Any applicant for a Class B or C commercial driver's license shall satisfy the examiner that he or she is sixteen years of age or older eligible for issuance of a Class O operator's license. Any applicant making certification pursuant to this section shall meet the physical and vision requirements established in section 60-4,118 and shall be subject to the provisions of such section relating to the Health Advisory Board.

(2) An applicant who certifies that he or she is exempt from the physical qualifications and examination requirements of 49 C.F.R. part 391 pursuant to subsection (2) of section 75-363 shall meet the physical and vision requirements established in section 60-4,118 and shall be subject to the provisions of such section relating to the Health Advisory Board. A successful applicant shall be issued a commercial driver's license which restricts the holder to operating a commercial motor vehicle solely in intrastate commerce and which also indicates that the holder is exempt from the physical qualifications and examination requirements prescribed by 49 C.F.R. part 391. Two years after the initial issuance of such license and upon renewal, and every two years following renewal, the holder of the commercial driver's license shall present to the Department of Motor Vehicles upon request, on a form to be prescribed by the department, a statement from a physician detailing that based upon his or her examination of the applicant the medical or physical condition in existence prior to July 30, 1996, which would otherwise render the individual not qualified under federal standards, has not significantly worsened or that another nonqualifying medical or physical condition has not developed.

Sec. 19. Section 60-4,173, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,173. For purposes of sections 60-4,173 to 60-4,179:

(1) Commercial driver training school or school shall mean means a business enterprise conducted by an individual, association, partnership, limited liability company, or corporation which educates or trains persons to operate or drive motor vehicles or which furnishes educational materials to prepare an applicant for an examination by the state for an operator's license, provisional operator's permit, or LPD-learner's or LPE-learner's permit and which charges consideration or tuition for such service or materials; and

(2) Instructor ~~shall mean~~ means any person who operates a commercial driver training school or who teaches, conducts classes, gives demonstrations, or supervises practical training of persons learning to operate or drive motor vehicles in connection with operation of a commercial driver training school.

Sec. 20. Section 60-4,188, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,188. Any person who has ~~less~~ fewer than twelve points assessed against his or her driving record under section 60-4,182 may voluntarily enroll in a driver improvement course approved by the Department of Motor Vehicles. Upon notification of successful completion of such a course by the conducting organization, the department shall reduce by two the number of points assessed against such person's driving record within the previous two years. This section shall only apply to persons who have successfully completed such driver improvement course prior to committing any traffic offense for which a conviction and point assessment against their driving record would otherwise result in a total of twelve or more points assessed against their record. No person required to enroll in a driver improvement course pursuant to section 14 of this act or section 60-4,130 or 60-4,183 shall be eligible for a reduction in points assessed against his or her driving record upon the successful completion of such course. If a person has only one point assessed against his or her record within the previous two years, upon notification of successful completion of such a course by the conducting organization, the department shall reduce one point from such person's driving record. Such reduction shall be allowed only once within a five-year period. Notification of completion of an approved course shall be sent to the department, upon successful completion thereof, by the conducting organization. An approved course shall consist of at least eight hours of instruction and shall follow such other guidelines as are established by the department.

Sec. 21. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 22. This act becomes operative on January 1, 1999.

Sec. 23. Original sections 60-480, 60-490, 60-4,122, 60-4,123, 60-4,124 to 60-4,126, 60-4,142, 60-4,173, and 60-4,188, Reissue Revised Statutes of Nebraska, sections 60-4,112, 60-4,115, 60-4,118, and 60-4,146, Revised Statutes Supplement, 1996, and section 60-462, Revised Statutes Supplement, 1997, are repealed.