

LEGISLATIVE BILL 1317

Approved by the Governor March 21, 2000

Introduced by Bromm, 23

AN ACT relating to public records; to amend sections 37-1278, 37-1278.01, 60-106, 60-111.01, 60-308, 60-483, 60-2901, 60-2904, 60-2905, 60-2907, and 60-2910, Reissue Revised Statutes of Nebraska, and sections 60-484, 60-4,144, and 60-4,181, Revised Statutes Supplement, 1999; to change and eliminate provisions relating to disclosure of records regarding motorboats, motor vehicles, and motor vehicle operators; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 60-2913, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Section 1. Section 37-1278, Reissue Revised Statutes of Nebraska, is amended to read:

37-1278. (1) Application for a certificate of title shall be presented to the county clerk or designated county official, shall be made upon a form prescribed by the Department of Motor Vehicles, and shall be accompanied by the fee prescribed in section 37-1287. The owner of a motorboat for which a certificate of title is required shall obtain a certificate of title prior to registration required under section 37-1214.

(2) If a certificate of title has previously been issued for the motorboat in this state, the application for a new certificate of title shall be accompanied by the certificate of title duly assigned. If a certificate of title has not previously been issued for the motorboat in this state, the application shall be accompanied by a certificate of number from this state, a manufacturer's or importer's certificate, a duly certified copy thereof, proof of purchase from a governmental agency or political subdivision, a certificate of title from another state, or a court order issued by a court of record, a manufacturer's certificate of origin, or an assigned registration certificate, if the motorboat was brought into this state from a state which does not have a certificate of title law. The county clerk or designated county official shall retain the evidence of title presented by the applicant on which the certificate of title is issued. When the evidence of title presented by the applicant is a certificate of title or an assigned registration certificate issued by another state, the department shall notify the state of prior issuance that the certificate has been surrendered. If a certificate of title has not previously been issued for the motorboat in this state and the applicant is unable to provide such documentation, the applicant may apply for a bonded certificate of title as prescribed in section 37-1278.01.

~~(3) In addition to any other required information, beginning on January 1, 1998, the application for a certificate of title shall also provide in a clear and conspicuous manner a notice that the personal information on the application is subject to disclosure as a public record unless the individual chooses to prohibit such disclosure by filing a prescribed form with the department.~~

(4) The county clerk or designated county official shall use reasonable diligence in ascertaining whether or not the statements in the application for a certificate of title are true by checking the application and documents accompanying the same with the records of motorboats in his or her office. If he or she is satisfied that the applicant is the owner of the motorboat and that the application is in the proper form, the county clerk or designated county official shall issue a certificate of title over his or her signature and sealed with his or her seal.

~~(5)~~ (4) In the case of the sale of a motorboat, the certificate of title shall be obtained in the name of the purchaser upon application signed by the purchaser, except that for titles to be held by husband and wife, applications may be accepted by the county clerk or designated county official upon the signature of either spouse as a signature for himself or herself and as an agent for his or her spouse.

~~(6)~~ (5) In all cases of transfers of motorboats, the application for a certificate of title shall be filed within thirty days after the delivery of the motorboat. A dealer need not apply for a certificate of title for a motorboat in stock or acquired for stock purposes, but upon transfer of a motorboat in stock or acquired for stock purposes, the dealer shall give the transferee a reassignment of the certificate of title on the motorboat or an

assignment of a manufacturer's or importer's certificate. If all reassignments printed on the certificate of title have been used, the dealer shall obtain title in his or her name prior to any subsequent transfer.

~~(7)~~ (6) If a county board consolidates services under the office of a designated county official other than the county clerk pursuant to section 23-186, the powers and duties of the county clerk relating to motorboat titles under sections 37-1278 to 37-1289 shall be performed by the designated county official.

Sec. 2. Section 37-1278.01, Reissue Revised Statutes of Nebraska, is amended to read:

37-1278.01. (1) The Department of Motor Vehicles shall issue a bonded certificate of title to an applicant who:

(a) Presents evidence reasonably sufficient to satisfy the department of the applicant's ownership of the motorboat or security interest in the motorboat;

(b) Pays a fee of fifty dollars for motorboats manufactured on or after January 1, 1990, and twenty dollars for motorboats manufactured prior to January 1, 1990; and

(c) Files a bond in a form prescribed by the department and executed by the applicant.

~~(2) In addition to any other required information, beginning on January 1, 1998, the application for a bonded certificate of title shall also provide in a clear and conspicuous manner a notice that the personal information on the application is subject to disclosure as a public record unless the individual chooses to prohibit such disclosure by filing a prescribed form with the department.~~

~~(3)~~ The bond shall be issued by a surety company authorized to transact business in this state, in an amount equal to one and one-half times the value of the motorboat as determined by the department using reasonable appraisal methods, and conditioned to indemnify any prior owner and secured party, any subsequent purchaser and secured party, and any successor of the purchaser and secured party for any expense, loss, or damage, including reasonable attorney's fees, incurred by reason of the issuance of the certificate of title to the motorboat or any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the motorboat. An interested person may have a cause of action to recover on the bond for a breach of the conditions of the bond. The aggregate liability of the surety to all persons having a claim shall not exceed the amount of the bond.

~~(4)~~ (3) At the end of three years after the issuance of the bond, the holder of the certificate of title may apply to the department on a form prescribed by the department for the release of the bond and the removal of the notice required by subsection ~~(5)~~ (4) of this section if no claim has been made on the bond. The department may release the bond at the end of three years after the issuance of the bond if all questions as to the ownership of the motorboat have been answered to the satisfaction of the department unless the department has been notified of the pendency of an action to recover on the bond. If the currently valid certificate of title is surrendered to the department, the department may release the bond prior to the end of the three-year period.

~~(5)~~ (4) The department shall include the following statement on a bonded certificate of title issued pursuant to this section and any subsequent title issued as a result of a title transfer while the bond is in effect:

NOTICE: THIS MOTORBOAT MAY BE SUBJECT TO AN UNDISCLOSED INTEREST, BOND NUMBER

~~(6)~~ (5) The department shall recall a bonded certificate of title if the department finds that the application for the title contained a false statement or if a check presented by the applicant for fees pursuant to this section is returned uncollected by a financial institution.

~~(7)~~ (6) The department shall remit fees collected pursuant to this section to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

Sec. 3. Section 60-106, Reissue Revised Statutes of Nebraska, is amended to read:

60-106. (1)(a) The Department of Motor Vehicles in conjunction with the Department of Administrative Services and the counties shall develop an implementation plan to provide for adequate planning preceding a mandate for the implementation of the vehicle titling and registration component system of the statewide county automation project. The implementation plan shall include installation costs, training, and any other costs associated with the project.

(b) The Department of Motor Vehicles shall submit the implementation

plan on or before December 1, 1993, to the Governor and the Clerk of the Legislature. Each member of the Legislature shall receive a copy of such report by making a request for it to the Director of Motor Vehicles or the Director of Administrative Services.

(c) Each county shall issue and file certificates of title using the vehicle titling and registration computer system prescribed by the Department of Motor Vehicles by January 1, 1996.

(2)(a) Application for a certificate of title shall be made upon a form prescribed by the Department of Motor Vehicles. All applications shall be accompanied by the fee prescribed in section 60-115.

(b) All applications for a certificate of title to a mobile home as defined in subdivision (2) of section 60-614 shall be accompanied by a mobile home transfer statement prescribed by the Tax Commissioner. The mobile home transfer statement shall be filed by the applicant with the county clerk of the county of application for title. The county clerk shall issue a certificate of title to a mobile home but shall not deliver the certificate of title unless the mobile home transfer statement accompanies the application for title, except that the failure to provide the mobile home transfer statement shall not prevent the notation of a lien on the face of the certificate of title to the mobile home pursuant to section 60-110 and delivery to the holder of the first lien. The mobile home transfer statement and the information contained in the statement shall be confidential and only available to tax officials.

(3)(a) If the motor vehicle has situs in Nebraska, the application shall be filed with the county clerk of the county in which the vehicle has situs as defined in section 60-3001.

(b) If the applicant is a nonresident, the application shall be filed in the county in which the transaction is consummated.

(c) All applicants registering a vehicle pursuant to section 60-305.09 shall file the application for title to the vehicle with the Division of Motor Carrier Services of the Department of Motor Vehicles. The division shall deliver the certificate to the applicant if there are no liens on the vehicle. If there are any liens on the vehicle, the division shall deliver or mail the certificate of title to the holder of the first lien on the day of issuance. All certificates of title issued by the division shall be issued in the manner prescribed for the county clerk in section 60-107.

(4) If a certificate of title has previously been issued for the motor vehicle in this state, the application for a new certificate of title shall be accompanied by the certificate of title duly assigned unless otherwise provided for in sections 60-102 to 60-117. If a certificate of title has not previously been issued for the motor vehicle in this state or if a certificate of title is unavailable pursuant to subsection (4) of section 52-1801, the application, unless otherwise provided for in sections 60-102 to 60-117, shall be accompanied by a manufacturer's or importer's certificate, as provided for in such sections, a duly certified copy thereof, a certificate of title, a court order issued by a court of record, a manufacturer's certificate of origin, or an assigned registration certificate, if the law of the state from which the motor vehicle was brought into this state does not have a certificate of title law. For purposes of this subsection, certificate of title shall include a salvage certificate, a salvage certificate of title, or any other document of ownership issued by another state or jurisdiction for a salvage vehicle. Only a salvage certificate of title shall be issued to any vehicle conveyed upon a salvage certificate, a salvage certificate of title, or any other document of ownership issued by another state or jurisdiction for a salvage vehicle. If a certificate of title has not previously been issued for the vehicle in this state and the applicant is unable to provide such documentation, the applicant may apply for a bonded certificate of title as prescribed in section 60-111.01. The county clerk shall retain the evidence of title presented by the applicant and on which the certificate of title is issued. ~~In addition to any other required information, beginning on January 1, 1998, the application shall also provide in a clear and conspicuous manner a notice that the personal information on the application is subject to disclosure as a motor vehicle record unless the individual chooses to prohibit such disclosure by filing a prescribed form with the department.~~

(5) The county clerk shall use reasonable diligence in ascertaining whether or not the statements in the application for a certificate of title are true by checking the application and documents accompanying the same with the records of motor vehicles in his or her office. If he or she is satisfied that the applicant is the owner of such motor vehicle and that the application is in the proper form, the county clerk shall issue a certificate of title over his or her signature and sealed with his or her seal.

(6) In the case of the sale of a motor vehicle, the certificate of

title shall be obtained in the name of the purchaser upon application signed by the purchaser, except that (a) for titles to be held by husband and wife, applications may be accepted upon the signature of either one as a signature for himself or herself and as agent for his or her spouse and (b) for an applicant providing proof that he or she is a handicapped or disabled person as defined in section 18-1738, applications may be accepted upon the signature of the applicant's parent, legal guardian, foster parent, or agent.

(7) In all cases of transfers of motor vehicles, commercial trailers, semitrailers, or cabin trailers, the application for a certificate of title shall be filed within thirty days after the delivery of such vehicle or trailer. A licensed dealer need not apply for certificates of title for motor vehicles, commercial trailers, semitrailers, or cabin trailers in stock or acquired for stock purposes, but upon transfer of such vehicle or trailer in stock or acquired for stock purposes, the licensed dealer shall give the transferee a reassignment of the certificate of title on such vehicle or trailer or an assignment of a manufacturer's or importer's certificate. If all reassignments on the certificate of title have been used, the licensed dealer shall obtain title in his or her name prior to any subsequent transfer.

(8) An application for a certificate of title shall include a statement that an identification inspection has been conducted on the vehicle unless (a) the title sought is a salvage certificate of title as defined in section 60-129 or a nontransferable certificate of title provided for in section 60-131, (b) the surrendered ownership document is a Nebraska certificate of title, a manufacturer's statement of origin, an importer's statement of origin, a United States Government Certificate of Release of a motor vehicle, or a nontransferable certificate of title issued under section 60-131, (c) the application for a certificate of title contains a statement that such vehicle is to be registered under section 60-305.09, (d) the vehicle is a cabin trailer, (e) the title sought is the first title for a motor vehicle sold directly by the manufacturer of the motor vehicle to a licensed dealer franchised by the manufacturer, or (f) the vehicle was sold at an auction authorized by the manufacturer and purchased by a licensed dealer franchised by the manufacturer of the motor vehicle. The Department of Motor Vehicles shall prescribe a form to be executed by a dealer and submitted with an application for a certificate of title for vehicles exempt from inspection pursuant to subdivision (8)(e) or (f) of this section, which form shall clearly identify the vehicle and state under penalty of law that the vehicle is exempt from inspection. The statement that an identification inspection has been conducted shall be furnished by the county sheriff of any county or by any other holder of a current certificate of training issued pursuant to section 60-121 and shall be in a format as determined by the department. The county clerk shall accept a certificate of inspection, approved by the Superintendent of Law Enforcement and Public Safety, from an officer of a state police agency of another state. For each inspection a fee of ten dollars shall be paid to the county treasurer. All such fees shall be credited to the county sheriff's vehicle inspection account within the county general fund. The identification inspection required by this subsection shall include examination and notation of the current odometer reading and a comparison of the vehicle identification number with the number listed on the ownership records, except that if a lien is registered against a vehicle and recorded on the vehicle's ownership records, the county clerk shall provide a copy of the ownership records for use in making such comparison. If such numbers are not identical, if there is reason to believe further inspection is necessary, or if the inspection is for a Nebraska assigned number, the person performing the inspection shall make a further inspection of the vehicle which may include, but shall not be limited to, examination of other identifying numbers placed on the vehicle by the manufacturer and an inquiry into the numbering system used by the state issuing such ownership records to determine ownership of a vehicle. The identification inspection shall also include a statement that the vehicle identification number has been checked for entry in the National Crime Information Center and the Nebraska Crime Information Service. If there is cause to believe that odometer fraud exists, written notification shall be given to the office of the Attorney General. If after such inspection the sheriff or his or her designee determines that the vehicle is not the vehicle described by the ownership records, no statement shall be issued. In the case of an assembled vehicle such inspection shall include, but not be limited to, an examination of the records showing the date of receipt and source of each major component part as defined in section 60-2601.

(9) If a county board consolidates services under the office of a designated county official other than the county clerk pursuant to section 23-186:

(a) Applications under subsections (2) and (3) of this section shall

be submitted to the designated county official;

(b) The designated county official shall perform the duties imposed on the county clerk under subsections (2) and (5) of this section;

(c) The designated county official may accept certificates of inspection under the conditions described in subsection (8) of this section; and

(d) The designated county official shall act as office of record for title documents, applications, odometer statements, certificates of inspections, and lien and cancellation of lien notations.

Sec. 4. Section 60-111.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-111.01. (1) The Department of Motor Vehicles shall issue a bonded certificate of title to an applicant who:

(a) Presents evidence reasonably sufficient to satisfy the department of the applicant's ownership of the vehicle or security interest in the vehicle;

(b) Provides a statement that an identification inspection has been conducted pursuant to subsection (8) of section 60-106;

(c) Pays a fee of fifty dollars; and

(d) Files a bond in a form prescribed by the department and executed by the applicant.

~~(2) In addition to any other required information, beginning on January 1, 1998, the application for a bonded certificate of title shall also provide in a clear and conspicuous manner a notice that the personal information on the application is subject to disclosure as a motor vehicle record unless the individual chooses to prohibit such disclosure by filing a prescribed form with the department.~~

~~(3) The bond shall be issued by a surety company authorized to transact business in this state, in an amount equal to one and one-half times the value of the vehicle as determined by the department using reasonable appraisal methods, and conditioned to indemnify any prior owner and secured party, any subsequent purchaser and secured party, and any successor of the purchaser and secured party for any expense, loss, or damage, including reasonable attorney's fees, incurred by reason of the issuance of the certificate of title to the vehicle or any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the vehicle. An interested person may have a cause of action to recover on the bond for a breach of the conditions of the bond. The aggregate liability of the surety to all persons having a claim shall not exceed the amount of the bond.~~

~~(4) (3) At the end of three years after the issuance of the bond, the holder of the certificate of title may apply to the department on a form prescribed by the department for the release of the bond and the removal of the notice required by subsection ~~(5)~~ (4) of this section if no claim has been made on the bond. The department may release the bond at the end of three years after the issuance of the bond if all questions as to the ownership of the vehicle have been answered to the satisfaction of the department unless the department has been notified of the pendency of an action to recover on the bond. If the currently valid certificate of title is surrendered to the department, the department may release the bond prior to the end of the three-year period.~~

~~(5) (4) The department shall include the following statement on a bonded certificate of title issued pursuant to this section and any subsequent title issued as a result of a title transfer while the bond is in effect:~~

NOTICE: THIS VEHICLE MAY BE SUBJECT TO AN UNDISCLOSED INTEREST, BOND NUMBER

~~(6) (5) The department shall recall a bonded certificate of title if the department finds that the application for the title contained a false statement or if a check presented by the applicant for fees pursuant to this section is returned uncollected by a financial institution.~~

~~(7) (6) The department shall remit fees collected pursuant to this section to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.~~

~~(8) (7) The department shall adopt and promulgate rules and regulations to carry out this section.~~

Sec. 5. Section 60-308, Reissue Revised Statutes of Nebraska, is amended to read:

60-308. The Department of Motor Vehicles shall keep a record of each vehicle registered, alphabetically by name of the owner, with cross reference in each instance to the registration number assigned to such vehicle. The record may be destroyed by any public officer having custody of it after three years from the date of its issuance.

The department shall furnish a copy of the record of a registered or titled vehicle to any person after receiving from the person the name on the registration, the license plate number, the vehicle identification number, or the title number of a vehicle, if the person provides to the department verification of identity and purpose pursuant to section 60-2906 or 60-2907. A fee of one dollar shall be charged for the copy. An extract of the entire file of vehicles registered or titled in the state or updates to the entire file may be provided to a person upon payment of a fee of twelve dollars per thousand records. Any fee received by the department pursuant to this section shall be deposited into the Department of Motor Vehicles Cash Fund.

The record of each vehicle registration or title maintained by the department pursuant to this section may be made available electronically through the gateway or electronic network established under section 84-1204 so long as the Uniform Motor Vehicle Records Disclosure Act is not violated. There shall be a fee of one dollar per record for individual records. For batch requests for multiple vehicle title and registration records selected on the basis of criteria of the individual making the request, there shall be a fee of twenty-four dollars for every request under two thousand records and a fee of twelve dollars per one thousand records for any number of records over two thousand, plus a reasonable programming fee not to exceed five hundred twenty dollars. All fees collected pursuant to this section for electronic access to records through the gateway shall be deposited in the Records Management Cash Fund and shall be distributed as provided in any agreements between the State Records Board and the department.

Sec. 6. Section 60-483, Reissue Revised Statutes of Nebraska, is amended to read:

60-483. (1) The director shall assign a distinguishing number to each operator's license issued and shall keep a record of the same which shall be open to public inspection by any person requesting inspection of such record who qualifies under section 60-2906 or 60-2907. Any person requesting such driver record information shall furnish to the Department of Motor Vehicles (a) verification of identity and purpose that the requester is entitled under section 60-2906 or 60-2907 to disclosure of the personal information in the record, (b) the name of the person whose record is being requested, and (c) when the name alone is insufficient to identify the correct record, the department may request additional identifying information. The department shall, upon request of any requester, furnish a certified abstract of the operating record of any person and shall charge the requester a fee of three dollars per abstract. The department shall remit any revenue generated under this section to the State Treasurer, and the State Treasurer shall credit eight and one-third percent to the Department of Motor Vehicles Cash Fund, fifty-eight and one-third percent to the General Fund, and thirty-three and one-third percent to the Records Management Cash Fund.

(2) The director shall, upon receiving a request and an agreement from the United States Selective Service System to comply with requirements of this section, furnish driver record information to the United States Selective Service System to include the name, post office address, date of birth, sex, and social security number of licensees. The United States Selective Service System shall pay all costs incurred by the department in providing the information but shall not be required to pay any other fee required by law for information. No driver record information shall be furnished to the United States Selective Service System regarding any female, nor regarding any male other than those between the ages of seventeen years and twenty-six years. The information shall only be used in the fulfillment of the required duties of the United States Selective Service System and shall not be furnished to any other person.

(3) The director shall keep a record of all applications for operators' licenses that are disapproved with a brief statement of the reason for disapproval of the application.

(4) The director may enter into an agreement with any person to provide the person information regarding adjudicated traffic citations or administrative actions from the records produced for or developed by the department for purposes related to maintenance of the driver record information data base. The agreement may determine the periodic basis, cost, and media on which the information will be provided.

Sec. 7. Section 60-484, Revised Statutes Supplement, 1999, is amended to read:

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

(2) Application for an operator's license may be made on uniform

blanks prepared and furnished by the director to the county treasurers and the examiners of the Department of Motor Vehicles prior to January 1, 2003. Such application may be made to an examiner in any county. The standard application blanks shall be sufficient in form and content to substantially carry out the purposes of the act.

(3) Beginning October 1, 2000, application for an operator's license may also be made in a manner prescribed by the department. Such application may be made to an examiner in any county. The examiner shall personally conduct the examination of the applicant and deliver to each successful applicant an examiner's certificate containing the statements made pursuant to subsection (4) of this section.

(4) In addition to any other information and questions necessary to comply with the requirements and purposes of the act, the applicant (a) shall provide his or her name, age, post office address, place of residence, date of birth, sex, social security number, and brief description of himself or herself, (b) may complete the voter registration portion pursuant to section 32-308, (c) shall be provided the advisement language required by subsection (10) of section 60-6,197, (d) shall answer the following:

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

- (A) lost voluntary control or consciousness ... yes ... no
- (B) experienced vertigo or multiple episodes of dizziness or fainting ... yes ... no
- (C) experienced disorientation ... yes ... no
- (D) experienced seizures ... yes ... no
- (E) experienced impairment of memory, memory loss ... yes ... no

Please explain:

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

Please explain:

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

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

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

OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING QUESTIONS:

(ii) Do you wish to make an anatomical gift?*

If yes:

- (A) any needed organs or tissues
- (B) only the following organs or tissues
.....
- (C) my body for anatomical study, if needed.**

Limitations or special wishes if any

(iii) Do you wish to receive any additional specific information regarding anatomical gifts?

*An anatomical gift means a gift of all or any part of your body for transplantation, therapy, or medical or dental education or research. For purposes of an anatomical gift, parts of your body include organs, tissues, eyes, bones, arteries, blood, other fluids, and other portions of a human body. You may make an anatomical gift if you are of sound mind. The anatomical gift is effective upon your death and the consent of your next of kin, guardian, or other person as listed in section 71-4802.

**In order for you to donate your body to the State Anatomical Board, you must complete a bequeathal form which is available from the board.

.....
Signature of Donor	Date of Birth	Date of Birth	Date Signed
.....
City and State	Witness		Witness

(iv) Do you wish to donate \$1 to promote the Organ and Tissue Donor Awareness and Education Fund? This is strictly a voluntary contribution.

If you answer "YES", you may pay the dollar in cash or simply add it to your license fee payment. Funds collected will be used for statewide public information programs on organ and tissue donation.

(5) Application for an operator's license shall be made under oath or affirmation of the applicant.

(6) In addition to the information prescribed in subsection (4) of this section, the application or examiner's certificate shall also provide in a clear and conspicuous manner a notice that the personal information on the

application or examiner's certificate is subject to disclosure as a motor vehicle record unless the individual chooses to prohibit such disclosure by filing a prescribed form with the department.

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

(7)(a) Except for an individual under the age of eighteen years, each individual applying for an operator's license or a state identification card shall furnish proof of date of birth and identity by a valid Nebraska operator's license, a valid Nebraska learner's permit, a valid Nebraska school permit, a valid operator's license from another state or jurisdiction of the United States, a certified birth certificate, a certified birth registration, a valid United States passport, a valid United States military identification card, United States military discharge papers, or other United States-based identification as approved by the director.

(b) Any individual under the age of eighteen years applying for an operator's license or a state identification card shall provide a certified copy of his or her birth certificate, a certified birth registration, or other reliable proof of his or her identity and age accompanied by an affidavit signed by a parent or guardian explaining the inability to produce a copy of such birth certificate. The applicant may be required to furnish proof to the examiner that the parent or guardian signing any written information is in fact the parent or guardian of such applicant.

Sec. 8. Section 60-4,144, Revised Statutes Supplement, 1999, is amended to read:

60-4,144. (1) Application for any original or renewal commercial driver's license or application for any change of class of commercial motor vehicle, endorsement, or restriction may be made upon uniform blanks prepared and furnished by the director to the examiners of the Department of Motor Vehicles prior to January 1, 2003.

(2) Beginning October 1, 2000, application for any original or renewal commercial driver's license or application for any change of class of commercial motor vehicle, endorsement, or restriction may be made in a manner prescribed by the department. Such application may be made to an examiner in any county. The examiner shall personally conduct the examination of the applicant and deliver to each successful applicant an examiner's certificate containing the statements made pursuant to subsection (3) of this section.

(3) The application or examiner's certificate shall include the voter registration portion pursuant to section 32-308, the advisement language required by subsection (10) of section 60-6,197, and the following:

(a) The full name and current mailing and residential addresses of the applicant;

(b) A physical description of the applicant, including sex, height, weight, and eye and hair colors;

(c) The applicant's date of birth;

(d) The applicant's social security number;

(e) The applicant's signature;

(f) Certification that the commercial motor vehicle in which the applicant takes any driving skills examination is representative of the class of commercial motor vehicle that the applicant operates or expects to operate;

(g) The certification required pursuant to section 60-4,145 or 60-4,146;

(h) The following specific questions:

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

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

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

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

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

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

Please explain:

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

Please explain:

(iii) Since the issuance of your last driver's license/permit has

your health or medical condition changed or worsened? ... yes ... no
Please explain, including how the above affects your ability to drive:
.....;

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

OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING QUESTIONS:

(j) Do you wish to make an anatomical gift?*

If yes:

(A) any needed organs or tissues.

(B) only the following organs or tissues

.....

(C) my body for anatomical study, if needed.**

Limitations or special wishes if any

(k) Do you wish to receive any additional specific information regarding anatomical gifts?

*An anatomical gift means a gift of all or any part of your body for transplantation, therapy, or medical or dental education or research. For purposes of an anatomical gift, parts of your body include organs, tissues, eyes, bones, arteries, blood, other fluids, and other portions of the human body. You may make an anatomical gift if you are of sound mind. The anatomical gift is effective upon your death and the consent of your next of kin, guardian, or other person as listed in section 71-4802.

**In order for you to donate your body to the State Anatomical Board, you must complete a bequeathal form which is available from the board.

.....
Signature of Donor	Date of Birth	Date of Birth	Date Signed
.....
City and State	Witness		Witness

(l) Do you wish to donate \$1 to promote the Organ and Tissue Donor Awareness and Education Fund? This is strictly a voluntary contribution.

If you answer "YES", you may pay the dollar in cash or simply add it to your license fee payment. Funds collected will be used for statewide public information programs on organ and tissue donation.

(4) Application shall be made under oath or affirmation of the applicant.

~~(5) In addition to the information prescribed in subsection (3) of this section, the application or examiner's certificate shall also provide in a clear and conspicuous manner a notice that the personal information on the application or examiner's certificate is subject to disclosure as a motor vehicle record unless the individual chooses to prohibit such disclosure by filing a prescribed form with the department.~~

Sec. 9. Section 60-4,181, Revised Statutes Supplement, 1999, is amended to read:

60-4,181. (1) A state identification card shall be issued by the county treasurer after the person requesting the card (a) files an application or examiner's certificate with an examining officer, (b) furnishes two forms of proof of identification described in section 60-484, and (c) pays a fee to the county treasurer of eighteen dollars and seventy-five cents. Three dollars and fifty cents of the fee shall be credited to the general fund of the county of issuance and shall be included by the county treasurer in the report of fees as required by law. Five dollars of the fee shall be remitted to the State Treasurer by the county treasurer for credit to the Department of Motor Vehicles Cash Fund. The balance of the fee shall be remitted to the State Treasurer by the county treasurer and credited to the General Fund. The state identification card shall contain the anatomical gift information specified in section 60-494.

(2) The application or examiner's certificate shall include the name, age, post office address, place of residence, date of birth, sex, social security number, and physical description of the applicant, the voter registration portion pursuant to section 32-308, and the following:

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

(b) Do you wish to make an anatomical gift?

(c) Do you wish to receive any additional specific information regarding anatomical gifts?

(d) Do you wish to donate \$1 to promote the Organ and Tissue Donor Awareness and Education Fund? This is strictly a voluntary contribution.

If you answer "YES", you may pay the dollar in cash or simply add it to your fee payment. Funds collected will be used for statewide public information programs on organ and tissue donation.

~~(3) In addition to the information prescribed in subsection (2) of this section, the application or examiner's certificate shall also provide in~~

a clear and conspicuous manner a notice that the personal information on the application is subject to disclosure as a motor vehicle record unless the individual chooses to prohibit such disclosure by filing a prescribed form with the Department of Motor Vehicles.

(4) The director may summarily cancel any state identification card, and any judge or magistrate may order a state identification card canceled in a judgment of conviction, if the application or examiner's certificate for the card contains any false or fraudulent statements which were deliberately and knowingly made as to any matter material to the issuance of the card or if the application or examiner's certificate does not contain required or correct information. Any state identification card so obtained shall be void from the date of issuance. Any judgment of conviction ordering cancellation of a state identification card shall be transmitted to the director who shall cancel the card.

Sec. 10. Section 60-2901, Reissue Revised Statutes of Nebraska, is amended to read:

60-2901. Sections 60-2901 to ~~60-2913~~ 60-2912 and section 14 of this act shall be known and may be cited as the Uniform Motor Vehicle Records Disclosure Act.

Sec. 11. Section 60-2904, Reissue Revised Statutes of Nebraska, is amended to read:

60-2904. For purposes of the Uniform Motor Vehicle Records Disclosure Act:

(1) Department means the Department of Motor Vehicles or the duly authorized agents or contractors of the department responsible to compile and maintain motor vehicle records;

(2) Disclose means to engage in any practice or conduct to make available and make known personal information contained in a motor vehicle record about a person to any other person, organization, or entity by any means of communication;

(3) Individual record means a motor vehicle record containing personal information about a designated person who is the subject of the record as identified in a request;

(4) Motor vehicle record means any record that pertains to a motor vehicle operator's or driver's license or permit, motor vehicle registration, motor vehicle certificate of title, motorboat certificate of title, or state identification card issued by the department or any other state or local agency authorized to issue any of such forms of credentials;

(5) Person means an individual, organization, or entity; ~~and~~

(6) Personal information means information that identifies a person, including an individual's ~~photograph or computerized image, social security number,~~ driver identification number, name, address excluding zip code, ~~and~~ telephone number, ~~and medical or disability information,~~ but does not include information on vehicular accidents, driving or equipment-related violations, and driver's license or registration status; ~~and~~

(7) Sensitive personal information means an individual's operator's license photograph or computerized image, social security number, and medical or disability information.

Sec. 12. Section 60-2905, Reissue Revised Statutes of Nebraska, is amended to read:

60-2905. (1) Notwithstanding any other provision of state law to the contrary, except as provided in sections 60-2906 and 60-2907, the department and any officer, employee, agent, or contractor of the department shall not disclose personal information about any person obtained by the department in connection with a motor vehicle record.

(2) Notwithstanding any other provision of state law to the contrary, except as provided in sections 60-483 and 60-484 and section 14 of this act, the department and any officer, employee, agent, or contractor of the department shall not disclose sensitive personal information about any person obtained by the department in connection with a motor vehicle record without the express written consent of the person to whom such information pertains.

Sec. 13. Section 60-2907, Reissue Revised Statutes of Nebraska, is amended to read:

60-2907. The department and any officer, employee, agent, or contractor of the department having custody of a motor vehicle record shall, upon the verification of identity and purpose of a requester, disclose and make available the requested motor vehicle record, including the personal information in the record, ~~other than the social security number,~~ for the following purposes:

(1) For use by any federal, state, or local governmental agency, including any court or law enforcement agency, in carrying out the agency's

functions or by a private person or entity acting on behalf of a governmental agency in carrying out the agency's functions;

(2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; motor vehicle market research activities, including survey research; and removal of nonowner records from the original owner records of motor vehicle manufacturers;

(3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors but only:

(a) To verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

(b) If such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual;

(4) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, state, or local court or governmental agency or before any self-regulatory body, including service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court, an administrative agency, or a self-regulatory body;

(5) For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals;

(6) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, anti-fraud activities, rating, or underwriting;

(7) For use in providing notice to the owners of abandoned, towed, or impounded vehicles;

(8) For use only for a purpose permitted under this section either by a private detective, plain clothes investigator, or private investigative agency licensed under sections 71-3201 to 71-3213;

(9) For use by an employer or the employer's agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. ~~app. 2710~~ 31301 et seq., or pursuant to sections 60-4,132 and 60-4,141;

(10) For use in connection with the operation of private toll transportation facilities;

(11) ~~For any use by a requester of an individual motor vehicle record if the individual who is the subject of the record being requested has not expressly prohibited such disclosure by filing a request on a form prescribed by the department;~~

~~(12) For bulk distribution for surveys of, marketing to, or solicitations of persons who have not prohibited expressly consented to such disclosure if the requester has obtained the notarized written consent of the individual who is the subject of the personal information being requested and has provided proof of receipt of such written consent to the department or an officer, employee, agent, or contractor of the department by filing a request on a form prescribed by the department; and if the information will be used, rented, or sold solely for bulk distribution for surveys, marketing, or solicitations and the surveys, marketing, or solicitations will not be directed at those individuals who have requested in a timely fashion on such form that the surveys, marketing, or solicitations will not be directed at them;~~

~~(13) (12) For any use if the requester has obtained the notarized written consent of the individual who is the subject of the personal information being requested and has provided proof of receipt of such written consent to the department or an officer, employee, agent, or contractor of the department;~~

~~(14) (13) For use, including redisclosure through news publication, of a member of a medium of communication as defined in section 20-145 who requests such information in connection with preparing, researching, gathering, or confirming news information involving motor vehicle or driver safety or motor vehicle theft; and~~

~~(15) (14) For any other use specifically authorized by law that is related to the operation of a motor vehicle or public safety.~~

Sec. 14. The department and any officer, employee, agent, or contractor of the department having custody of a motor vehicle record shall, upon the verification of identity and purpose of a requester, disclose and

make available the requested motor vehicle record, including the sensitive personal information in the record, other than the social security number, for the following purposes:

(1) For use by any federal, state, or local governmental agency, including any court or law enforcement agency, in carrying out the agency's functions or by a private person or entity acting on behalf of a governmental agency in carrying out the agency's functions;

(2) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, state, or local court or governmental agency or before any self-regulatory body, including service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court, an administrative agency, or a self-regulatory body;

(3) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, anti-fraud activities, rating, or underwriting; and

(4) For use by an employer or the employer's agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31301 et seq., or pursuant to sections 60-4,132 and 60-4,141.

Sec. 15. Section 60-2910, Reissue Revised Statutes of Nebraska, is amended to read:

60-2910. (1) An authorized recipient of personal information disclosed under section 60-2906 or 60-2907, except a recipient under subdivision (11) ~~or (12)~~ of section 60-2907, may resell or redisclose the information only for the uses permitted under section 60-2907, but not including the use for bulk distribution for surveys, marketing, or solicitations as set forth in subdivision ~~(12)~~ (11) of such section.

~~(2) An authorized recipient of an individual record or records under subdivision (11) of section 60-2907 may resell or redisclose personal information for any purpose.~~

~~(3) An authorized recipient of personal information for bulk distribution for surveys, marketing, or solicitations under subdivision (12) (11) of section 60-2907 may resell or redisclose personal information only in accordance with the terms of such subdivision concerning the right of individuals who have so requested in a timely manner not to have such surveys, marketing, or solicitations directed at them consented to such disclosure.~~

~~(4) (3) An authorized recipient, except a recipient of an individual record or records under subdivision (11) of section 60-2907, who resells or rediscloses personal information shall (a) make and keep for a period of not less than five years records identifying each person who received personal information from the authorized recipient and the permitted purpose for which it was obtained and (b) make such records available for inspection and copying by a representative of the department upon request.~~

~~(5) (4) The department may implement any safeguard which the department considers reasonable or necessary, including a bond requirement, in a memorandum of understanding executed under this section to ensure that the information provided or sold is used only for a permissible purpose and that the rights of individuals and the interest of the state are protected.~~

Sec. 16. This act becomes operative on June 1, 2000.

Sec. 17. Original sections 37-1278, 37-1278.01, 60-106, 60-111.01, 60-308, 60-483, 60-2901, 60-2904, 60-2905, 60-2907, and 60-2910, Reissue Revised Statutes of Nebraska, and sections 60-484, 60-4,144, and 60-4,181, Revised Statutes Supplement, 1999, are repealed.

Sec. 18. The following section is outright repealed: Section 60-2913, Reissue Revised Statutes of Nebraska.

Sec. 19. Since an emergency exists, this act takes effect when passed and approved according to law.