

LEGISLATIVE BILL 34

Approved by the Governor March 14, 2001

Introduced by Thompson, 14; Bromm, 23; Dw. Pedersen, 39

AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-4,117 and 60-4,151, Reissue Revised Statutes of Nebraska, and sections 60-484, 60-493, 60-494, 60-4,144, and 60-4,181, Revised Statutes Supplement, 2000; to change provisions relating to organ and tissue donation language on applications; to harmonize provisions; 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 60-484, Revised Statutes Supplement, 2000, 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 be an organ and tissue donor? ~~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 organ and tissue donation?

~~*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) 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. 2. Section 60-493, Revised Statutes Supplement, 2000, is amended to read:

60-493. When a person applies for an operator's license or state identification card, the county treasurer or examiner of the Department of Motor Vehicles shall distribute a brochure provided by an organ and tissue recovery agency and approved by the Department of Health and Human Services Regulation and Licensure containing a description and explanation of the Uniform Anatomical Gift Act to each person applying for a new or renewal license or card. Beginning October 1, 2000, the brochure shall include the information prescribed in subsection (1) of section 60-494.

If an individual desires to receive additional specific information regarding anatomical gifts organ and tissue donation as indicated on an application or examiner's certificate under section 60-484, 60-4,144, or 60-4,181, the department shall notify a representative of the Nebraska Organ Retrieval System within five working days of the name and address of such individual.

Sec. 3. Section 60-494, Revised Statutes Supplement, 2000, is amended to read:

60-494. (1) Each operator's license and state identification card shall provide anatomical gift organ and tissue donation information regarding the licensee or cardholder. The location of the information on the license or card shall be determined by the Department of Motor Vehicles. A special notification shall be included on the front of the license or card if the licensee or cardholder desires to make an anatomical gift organ and tissue donation. The information shall include the following items to be completed by the licensee or cardholder if he or she desires to make an anatomical gift organ and tissue donation:

- (a) A suitable notation indicating that the licensee or cardholder is a potential donor;
- (b) A designation as to which body organs or tissues may be donated;
- (c) A dated signature of the licensee or cardholder;
- (d) The signatures of two witnesses who witnessed the signature of the licensee or cardholder; and
- (e) Such other information as the director may determine.

(2) The ~~gift organ and tissue donation~~ shall be renewed upon renewal of each license or card only if the licensee or cardholder, at the time of renewal, complies with the requirements of subsection (1) of this section.

(3) No licensee or cardholder shall be deemed to have authorized an ~~anatomical gift organ and tissue donation~~ if the notation authorized in subsection (1) of this section has not been marked.

(4) Any person whose operator's license or state identification card indicates that he or she desires to make an ~~anatomical gift organ and tissue donation~~ may obtain a replacement license or card changing his or her status to that of a nondonor. The fee for such replacement license or card shall be the fee charged for obtaining a duplicate license or card as provided in section 60-4,120.

Sec. 4. Section 60-4,117, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,117. The director shall provide each county treasurer with a sufficient number of official operator's license blanks to supply the needs of his or her county, and immediately on the presentation to the county treasurer of the certificate for license issued by the examining officer of his or her county to the applicant for such license, the county treasurer shall issue such license to the applicant. The license shall be in full force and effect until the expiration date thereon, until officially revoked or canceled by the director, or until suspended or revoked by a court of competent jurisdiction as set forth in section 60-496. The operator's license shall be in the form of a card of a size that may be conveniently carried on the person. Each license shall contain the following information: Name, age, place of residence, post office address, and brief personal description sufficient for identification of the licensee; the ~~anatomical gift organ and tissue donor~~ information specified in section 60-494; and such other facts and information, not inconsistent with the Motor Vehicle Operator's License Act, as the director may determine.

Sec. 5. Section 60-4,144, Revised Statutes Supplement, 2000, 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 be an organ and tissue donor? ~~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 organ and tissue donation?

*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

(1) 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.

Sec. 6. Section 60-4,151, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,151. (1) The commercial driver's license shall be conspicuously marked Nebraska Commercial Driver's License, shall be, to the maximum extent practicable, tamper proof, and shall include the following information:

- (a) The name and residential address of the holder;
- (b) The holder's color photograph;
- (c) A physical description of the holder, including sex, height, weight, and eye and hair colors;
- (d) The holder's date of birth;
- (e) The holder's signature;
- (f) The class of commercial motor vehicle or vehicles which the holder is authorized to operate, including any endorsements or restrictions;
- (g) The dates between which the commercial driver's license is valid; and

(h) ~~The anatomical gift organ and tissue donor~~ information specified in section 60-494.

(2) The restricted commercial driver's license shall be conspicuously marked Nebraska Restricted Commercial Driver's License and shall be, to the maximum extent practicable, tamper and forgery proof. The restricted commercial driver's license shall contain such additional information as deemed necessary by the director.

(3) The seasonal permit shall contain such information as deemed necessary by the director but shall include the time period during which the commercial motor vehicle operating privilege is effective. The seasonal

permit shall be valid only when held in conjunction with a restricted commercial driver's license.

Sec. 7. Section 60-4,181, Revised Statutes Supplement, 2000, 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 organ and tissue donor~~ 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~~ be an organ and tissue donor?

(c) Do you wish to receive any additional specific information regarding ~~anatomical gifts organ and tissue donation~~?

(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) 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. 8. This act becomes operative on January 1, 2002.

Sec. 9. Original sections 60-4,117 and 60-4,151, Reissue Revised Statutes of Nebraska, and sections 60-484, 60-493, 60-494, 60-4,144, and 60-4,181, Revised Statutes Supplement, 2000, are repealed.