

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 93
Final Reading

Introduced by Dubas, 34; Janssen, 15.

Read first time January 10, 2013

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Motor Vehicle Operator's License Act; to
2 amend sections 60-462, 60-479, 60-484, and 60-4,117,
3 Revised Statutes Cumulative Supplement, 2012; to provide
4 for the notation of a person's status as a veteran on
5 operators' licenses and state identification cards; to
6 change application provisions; to provide for a registry
7 of veterans; to harmonize provisions; to provide
8 operative dates; and to repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-462, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 60-462 Sections 60-462 to 60-4,188 and section 4 of this
4 act shall be known and may be cited as the Motor Vehicle Operator's
5 License Act.

6 Sec. 2. Section 60-479, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 60-479 Sections 60-479.01 to 60-4,111.01 and 60-4,182 to
9 60-4,188 and section 4 of this act shall apply to any operator's
10 license subject to the Motor Vehicle Operator's License Act.

11 Sec. 3. Section 60-484, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 60-484 (1)(a) This subsection applies until the
14 implementation date designated by the director on or before January
15 1, 2014. Except as otherwise provided in the Motor Vehicle Operator's
16 License Act, no resident of the State of Nebraska shall operate a
17 motor vehicle upon the alleys or highways of this state until the
18 person has obtained an operator's license for that purpose.

19 (b) Application for an operator's license or a state
20 identification card shall be made in a manner prescribed by the
21 department. Such application may be made to department personnel in
22 any county. Department personnel shall conduct the examination of the
23 applicant and deliver to each successful applicant an issuance
24 certificate containing the statements made pursuant to subdivision
25 (c) of this subsection.

1 (c) The applicant (i) shall provide his or her full legal
 2 name, date of birth, mailing address, gender, race or ethnicity, and
 3 social security number, two forms of proof of address of his or her
 4 principal residence unless the applicant is a program participant
 5 under the Address Confidentiality Act, evidence of identity as
 6 required by subdivision (1)(f) of this subsection, and a brief
 7 physical description of himself or herself, (ii) may complete the
 8 voter registration portion pursuant to section 32-308, (iii) shall be
 9 provided the advisement language required by subsection (5) of
 10 section 60-6,197, (iv) shall answer the following:

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

14 (I) lost voluntary control or consciousness ... yes ...
 15 no

16 (II) experienced vertigo or multiple episodes of
 17 dizziness or fainting ... yes ... no

18 (III) experienced disorientation ... yes ... no

19 (IV) experienced seizures ... yes ... no

20 (V) experienced impairment of memory, memory loss ...
 21 yes ... no

22 Please explain:

23 (B) Do you experience any condition which affects your
 24 ability to operate a motor vehicle? (e.g. due to loss of, or
 25 impairment of, foot, leg, hand, arm; neurological or neuromuscular

1 disease, etc.) ... yes ... no

2 Please explain:

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

6 Please explain, including how the above affects your
7 ability to drive:, and (v) may answer the
8 following:

9 (A) Do you wish to register to vote as part of this
10 application process?

11 (B) Do you wish to have the word "veteran" displayed on
12 the front of your operator's license or state identification card to
13 show that you served in the armed forces of the United States? (To be
14 eligible you must register with the Nebraska Department of Veterans'
15 Affairs registry.)

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

18 ~~(B)~~-(C) Do you wish to be an organ and tissue donor?

19 ~~(C)~~-(D) Do you wish to receive any additional specific
20 information regarding organ and tissue donation and the Donor
21 Registry of Nebraska?

22 ~~(D)~~-(E) Do you wish to donate \$1 to promote the Organ and
23 Tissue Donor Awareness and Education Fund?

24 (d) Application for an operator's license or state
25 identification card shall include a signed oath, affirmation, or

1 declaration of the applicant that the information provided on the
2 application for the license or card is true and correct.

3 (e) The social security number shall not be printed on
4 the operator's license or state identification card and shall be used
5 only (i) to furnish information to the United States Selective
6 Service System under section 60-483, (ii) with the permission of the
7 director in connection with the verification of the status of an
8 individual's driving record in this state or any other state, (iii)
9 for purposes of child support enforcement pursuant to section
10 42-358.08 or 43-512.06, (iv) to furnish information regarding an
11 applicant for or holder of a commercial driver's license with a
12 hazardous materials endorsement to the Transportation Security
13 Administration of the United States Department of Homeland Security
14 or its agent, or (v) to furnish information to the Department of
15 Revenue under section 77-362.02.

16 (f)(i) Each individual applying for an operator's license
17 or a state identification card shall furnish proof of date of birth
18 and identity with documents containing a photograph or with nonphoto
19 identity documents which include his or her full legal name and date
20 of birth. Such documents shall include, but not be limited to, any
21 valid Nebraska operator's license or Nebraska state identification
22 card, a valid operator's license or identification card from another
23 state or jurisdiction of the United States, a certified birth
24 certificate, a valid United States passport, or any other United
25 States-based identification as approved by the director.

1 (ii) Any individual under the age of eighteen years
2 applying for an operator's license or a state identification card
3 shall provide a certified copy of his or her birth certificate or, if
4 such individual is unable to provide a certified copy of his or her
5 birth certificate, other reliable proof of his or her identity and
6 age, as required in subdivision (1)(f)(i) of this section,
7 accompanied by a certification signed by a parent or guardian
8 explaining the inability to produce a copy of such birth certificate.
9 The applicant also may be required to furnish proof to department
10 personnel that the parent or guardian signing the certification is in
11 fact the parent or guardian of such applicant.

12 (iii) An applicant may present other documents as proof
13 of identification and age designated by the director. Any documents
14 accepted shall be recorded according to a written exceptions process
15 established by the director.

16 (g) Any individual applying for an operator's license or
17 a state identification card who indicated his or her wish to have the
18 word "veteran" displayed on the front of such license or card shall
19 comply with section 4 of this act.

20 (2)(a) This subsection applies beginning on an
21 implementation date designated by the director on or before January
22 1, 2014. Except as otherwise provided in the Motor Vehicle Operator's
23 License Act, no resident of the State of Nebraska shall operate a
24 motor vehicle upon the alleys or highways of this state until the
25 person has obtained an operator's license for that purpose.

1 (b) Application for an operator's license or a state
2 identification card shall be made in a manner prescribed by the
3 department. Such application may be made to department personnel in
4 any county. Department personnel shall conduct the examination of the
5 applicant and deliver to each successful applicant an issuance
6 certificate containing the statements made pursuant to subdivision
7 (c) of this subsection.

8 (c) The applicant shall provide his or her full legal
9 name, date of birth, mailing address, gender, race or ethnicity, and
10 social security number, two forms of proof of address of his or her
11 principal residence unless the applicant is a program participant
12 under the Address Confidentiality Act, evidence of identity as
13 required by subdivision (2)(f) of this subsection, and a brief
14 physical description of himself or herself. The applicant (i) may
15 also complete the voter registration portion pursuant to section
16 32-308, (ii) shall be provided the advisement language required by
17 subsection (5) of section 60-6,197, (iii) shall answer the following:

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

21 (I) lost voluntary control or consciousness ... yes ...
22 no

23 (II) experienced vertigo or multiple episodes of
24 dizziness or fainting ... yes ... no

25 (III) experienced disorientation ... yes ... no

1 (IV) experienced seizures ... yes ... no

2 (V) experienced impairment of memory, memory loss ...
3 yes ... no

4 Please explain:

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

9 Please explain:

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

13 Please explain, including how the above affects your
14 ability to drive:, and (iv) may answer the
15 following:

16 (A) Do you wish to register to vote as part of this
17 application process?

18 (B) Do you wish to have the word "veteran" displayed on
19 the front of your operator's license or state identification card to
20 show that you served in the armed forces of the United States? (To be
21 eligible you must register with the Nebraska Department of Veterans'
22 Affairs registry.)

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

25 ~~(B)~~-(C) Do you wish to be an organ and tissue donor?

1 ~~(C)~~-(D) Do you wish to receive any additional specific
2 information regarding organ and tissue donation and the Donor
3 Registry of Nebraska?

4 ~~(D)~~-(E) Do you wish to donate \$1 to promote the Organ and
5 Tissue Donor Awareness and Education Fund?

6 (d) Application for an operator's license or state
7 identification card shall include a signed oath, affirmation, or
8 declaration of the applicant that the information provided on the
9 application for the license or card is true and correct.

10 (e) The social security number shall not be printed on
11 the operator's license or state identification card and shall be used
12 only (i) to furnish information to the United States Selective
13 Service System under section 60-483, (ii) with the permission of the
14 director in connection with the verification of the status of an
15 individual's driving record in this state or any other state, (iii)
16 for purposes of child support enforcement pursuant to section
17 42-358.08 or 43-512.06, (iv) to furnish information regarding an
18 applicant for or holder of a commercial driver's license with a
19 hazardous materials endorsement to the Transportation Security
20 Administration of the United States Department of Homeland Security
21 or its agent, or (v) to furnish information to the Department of
22 Revenue under section 77-362.02.

23 (f)(i) Each individual applying for an operator's license
24 or a state identification card shall furnish proof of date of birth
25 and identity with documents containing a photograph or with nonphoto

1 identity documents which include his or her full legal name and date
2 of birth. Such documents shall be those provided in subsection (2) of
3 section 60-484.04.

4 (ii) Any individual under the age of eighteen years
5 applying for an operator's license or a state identification card
6 shall provide a certified copy of his or her birth certificate or, if
7 such individual is unable to provide a certified copy of his or her
8 birth certificate, other reliable proof of his or her identity and
9 age, as required in subdivision (2)(f)(i) of this section,
10 accompanied by a certification signed by a parent or guardian
11 explaining the inability to produce a copy of such birth certificate.
12 The applicant also may be required to furnish proof to department
13 personnel that the parent or guardian signing the certification is in
14 fact the parent or guardian of such applicant.

15 (iii) An applicant may present other documents as proof
16 of identification and age designated by the director. Any documents
17 accepted shall be recorded according to a written exceptions process
18 established by the director.

19 (g) Any individual applying for an operator's license or
20 a state identification card who indicated his or her wish to have the
21 word "veteran" displayed on the front of such license or card shall
22 comply with section 4 of this act.

23 ~~(g)~~(h) No person shall be a holder of an operator's
24 license and a state identification card at the same time.

25 Sec. 4. (1) An operator's license or a state

1 identification card shall include a notation of the word "veteran" on
2 the front of the license or card as directed by the department if the
3 individual applying for such license or card is eligible for the
4 license or card and (a) has served on active duty in the armed forces
5 of the United States, other than active duty for training, and was
6 discharged or otherwise separated with a characterization of
7 honorable or general (under honorable conditions) from such service,
8 (b) registers with the Department of Veterans' Affairs pursuant to
9 section 6 of this act as verification of such service, and (c)
10 indicates on the application under section 60-484 his or her wish to
11 include such notation on his or her license or card.

12 (2) The Department of Motor Vehicles shall consult the
13 registry established pursuant to section 6 of this act before placing
14 the notation of the word "veteran" on the operator's license or state
15 identification card issued to the applicant. Such notation shall not
16 be authorized unless the registry verifies the applicant's
17 eligibility. If the Director of Motor Vehicles discovers evidence of
18 fraud in an application under this section, the director may
19 summarily cancel the license or state identification card and send
20 notice of the cancellation to the licensee or cardholder. If the
21 Department of Motor Vehicles has information that an individual is no
22 longer eligible for the notation, the department may summarily cancel
23 the license and send notice of the cancellation to the licensee or
24 cardholder. The notation shall not be restored until the Department
25 of Motor Vehicles subsequently verifies the applicant's eligibility

1 by consulting the registry of the Department of Veterans' Affairs.

2 (3) The notation authorized in subsection (1) of this
3 section shall continue to be included on the license or card upon
4 renewal of such license or card if the licensee or cardholder, at the
5 time of renewal, indicates the desire to include the notation.

6 (4) An individual may obtain a replacement operator's
7 license or state identification card to add or remove the notation
8 authorized in subsection (1) of this section by applying to the
9 Department of Motor Vehicles for such replacement license or card
10 and, if adding the notation, by meeting the requirements of
11 subsection (1) of this section. The fee for such replacement license
12 or card shall be the fee provided in section 60-4,115.

13 Sec. 5. Section 60-4,117, Revised Statutes Cumulative
14 Supplement, 2012, is amended to read:

15 60-4,117 (1) Upon presentation of an issuance certificate
16 for an operator's license or state identification card issued by
17 department personnel to the applicant, the county treasurer shall
18 collect the applicable fee and surcharge as prescribed in section
19 60-4,115 and issue a receipt which is valid for up to thirty days. If
20 there is cause for an operator's license to be issued, the receipt
21 shall also authorize driving privileges for such thirty-day period.
22 The license or card shall be delivered as provided in section
23 60-4,113.

24 (2) The operator's license and state identification card
25 shall be in a form prescribed by the department. The license and card

1 may include security features prescribed by the department. The
2 license and card shall be conspicuously marked Nebraska Operator's
3 License or Nebraska Identification Card, shall be, to the maximum
4 extent practicable, tamper and forgery proof, and shall include the
5 following information:

6 (a) The full legal name and principal residence address
7 of the holder;

8 (b) The holder's full facial digital image;

9 (c) A physical description of the holder, including
10 gender, height, weight, and eye and hair colors;

11 (d) The holder's date of birth;

12 (e) The holder's signature;

13 (f) The class of motor vehicle which the holder is
14 authorized to operate and any applicable endorsements or
15 restrictions;

16 (g) The issuance and expiration date of the license or
17 card;

18 (h) The organ and tissue donation information specified
19 in section 60-494; ~~and~~

20 (i) A notation of the word "veteran" as provided in
21 section 4 of this act; and

22 ~~(i)-(j)~~ Such other marks and information as the director
23 may determine.

24 (3) Each operator's license and state identification card
25 shall contain the following encoded, machine-readable information:

1 The holder's full legal name; date of birth; gender; race or
2 ethnicity; document issue date; document expiration date; principal
3 residence address; unique identification number; revision date;
4 inventory control number; and state of issuance.

5 Sec. 6. (1) The Department of Veterans' Affairs shall
6 create and maintain a registry of residents of Nebraska who meet the
7 requirements of subsection (1) of section 4 of this act. The
8 Department of Veterans' Affairs may adopt and promulgate rules and
9 regulations governing the establishment and maintenance of the
10 registry. The registry may be used to assist the department in
11 carrying out the duties of the department and shall provide for the
12 collection of sufficient information to identify an individual who
13 qualifies for a notation of "veteran" on his or her operator's
14 license or state identification card issued by the Department of
15 Motor Vehicles. The registry may include information such as
16 identifying information on an individual, an individual's records on
17 active duty in the armed forces of the United States, or an
18 individual's status of active duty, retired, discharged, or other.

19 (2) Any resident of Nebraska who meets the requirements
20 of subsection (1) of section 4 of this act shall register with the
21 Department of Veterans' Affairs using the registry created by this
22 section before being eligible for a notation of "veteran" on his or
23 her operator's license or state identification card issued by the
24 Department of Motor Vehicles. No person shall be deemed eligible
25 until his or her status has been verified on the registry.

1 (3) The Department of Motor Vehicles may adopt and
2 promulgate rules and regulations governing use of the registry of the
3 Department of Veterans' Affairs for determination of eligibility for
4 the notation of "veteran" on operators' licenses and state
5 identification cards.

6 Sec. 7. Sections 1, 2, 3, 4, 5, and 8 of this act become
7 operative on July 1, 2014. The other sections of this act become
8 operative on their effective date.

9 Sec. 8. Original sections 60-462, 60-479, 60-484, and
10 60-4,117, Revised Statutes Cumulative Supplement, 2012, are repealed.