

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 351

Introduced by Harms, 48.

Read first time January 18, 2013

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Motor Vehicle Operator's License Act; to
2 amend section 60-4,118, Reissue Revised Statutes of
3 Nebraska; to require a cognitive test for persons eighty
4 years of age or older as prescribed; to provide an
5 exception; to provide an operative date; and to repeal
6 the original section.

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

1 Section 1. Section 60-4,118, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-4,118 (1) No operator's license shall be granted to
4 any applicant until such applicant satisfies the examiner that he or
5 she possesses sufficient powers of eyesight to enable him or her to
6 obtain a Class O license and to operate a motor vehicle on the
7 highways of this state with a reasonable degree of safety. The
8 Department of Motor Vehicles, with the advice of the Health Advisory
9 Board, shall adopt and promulgate rules and regulations:

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

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

18 (2) If a vision aid is used by the applicant to meet the
19 vision requirements of this section, the operator's license of the
20 applicant shall be restricted to the use of such vision aid when
21 operating the motor vehicle. If the applicant fails to meet the
22 vision requirements, the examiner shall require the applicant to
23 present an optometrist's or ophthalmologist's statement certifying
24 the vision reading obtained when testing the applicant within ninety
25 days of the applicant's license examination. If the vision reading

1 meets the vision requirements prescribed by the department, the
2 vision requirements of this section shall have been met. If the
3 vision reading demonstrates that the applicant is required to use
4 bioptic or telescopic lenses to operate a motor vehicle, the
5 statement from the optometrist or ophthalmologist shall also indicate
6 when the applicant needs to be reexamined for purposes of meeting the
7 vision requirements for an operator's license as prescribed by the
8 department. If such time period is two years or more after the date
9 of the application, the license shall be valid for two years. If such
10 time period is less than two years, the license shall be valid for
11 such time period.

12 ~~(3)~~ (3)(a) If the applicant for an operator's license
13 discloses that he or she has any other physical impairment which may
14 affect the safety of operation by such applicant of a motor vehicle,
15 the examiner shall require the applicant to show cause why such
16 license should be granted and, through such personal examination and
17 demonstration as may be prescribed by the director with the advice of
18 the Health Advisory Board, to show the necessary ability to safely
19 operate a motor vehicle on the highways. The director may also
20 require the person to appear before the board or a designee of the
21 board. If the examiner, board, or designee is then satisfied that
22 such applicant has the ability to safely operate a motor vehicle, an
23 operator's license may be issued to the applicant subject, at the
24 discretion of the director, to a limitation to operate only such
25 motor vehicles at such time, for such purpose, and within such area

1 as the license shall designate.

2 (b) If the applicant for an operator's license is eighty
3 years of age or older, the examiner shall require the applicant to
4 pass a cognitive test in order to be issued an operator's license. A
5 cognitive test may be adopted by the department by rule and
6 regulation. If the cognitive test is not passed, such applicant shall
7 be required to pass the written test authorized under the Motor
8 Vehicle Operator's License Act in order to be issued an operator's
9 license.

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

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

25 (c) If the person cannot qualify at the examination by an

1 examiner, his or her operator's license shall be immediately
2 surrendered to the examiner and forwarded to the director who shall
3 cancel the person's operator's license.

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

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

16 Sec. 2. This act becomes operative on January 1, 2014.

17 Sec. 3. Original section 60-4,118, Reissue Revised
18 Statutes of Nebraska, is repealed.