

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

Introduced by Dubas, 34.

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 harmonize provisions;
7 and to repeal the original sections.
8 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?

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

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

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

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

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

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

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

24 (ii) Any individual under the age of eighteen years
25 applying for an operator's license or a state identification card

1 shall provide a certified copy of his or her birth certificate or, if
2 such individual is unable to provide a certified copy of his or her
3 birth certificate, other reliable proof of his or her identity and
4 age, as required in subdivision (1)(f)(i) of this section,
5 accompanied by a certification signed by a parent or guardian
6 explaining the inability to produce a copy of such birth certificate.
7 The applicant also may be required to furnish proof to department
8 personnel that the parent or guardian signing the certification is in
9 fact the parent or guardian of such applicant.

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

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

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

24 (b) Application for an operator's license or a state
25 identification card shall be made in a manner prescribed by the

1 department. Such application may be made to department personnel in
 2 any county. Department personnel shall conduct the examination of the
 3 applicant and deliver to each successful applicant an issuance
 4 certificate containing the statements made pursuant to subdivision
 5 (c) of this subsection.

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

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

19 (I) lost voluntary control or consciousness ... yes ...
 20 no

21 (II) experienced vertigo or multiple episodes of
 22 dizziness or fainting ... yes ... no

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

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

25 (V) experienced impairment of memory, memory loss ...

1 yes ... no

2 Please explain:

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

7 Please explain:

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

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

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

16 (B) Do you wish to have the word "veteran" displayed on
17 the front of your operator's license or state identification card to
18 show that you served in the armed forces of the United States?

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

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

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

25 ~~(D)~~-(E) Do you wish to donate \$1 to promote the Organ and

1 Tissue Donor Awareness and Education Fund?

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

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

19 (f)(i) Each individual applying for an operator's license
20 or a state identification card shall furnish proof of date of birth
21 and identity with documents containing a photograph or with nonphoto
22 identity documents which include his or her full legal name and date
23 of birth. Such documents shall be those provided in subsection (2) of
24 section 60-484.04.

25 (ii) Any individual under the age of eighteen years

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

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

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

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

21 Sec. 4. (1) An operator's license or a state
22 identification card shall include a notation of the word "veteran" on
23 the front of the license or card if the individual applying for such
24 license or card (a) served on active duty in the armed forces of the
25 United States, other than active duty for training, and was

1 discharged or otherwise separated with a characterization of
2 honorable or general (under honorable conditions) from such service,
3 (b) provides his or her discharge papers from the armed forces of the
4 United States as documentation of such service, and (c) indicates on
5 the application under section 60-484 his or her wish to include such
6 notation on his or her license or card.

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

11 (3) An individual may obtain a replacement operator's
12 license or state identification card to add or remove the notation
13 authorized in subsection (1) of this section by applying to the
14 department for such replacement license or card and, if adding the
15 notation, by providing the documentation required in subdivision (1)
16 (b) of this section. The fee for such replacement license or card
17 shall be the fee provided in section 60-4,115.

18 (4) The director shall designate, by rule and regulation,
19 the discharge papers acceptable under this section.

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

22 60-4,117 (1) Upon presentation of an issuance certificate
23 for an operator's license or state identification card issued by
24 department personnel to the applicant, the county treasurer shall
25 collect the applicable fee and surcharge as prescribed in section

1 60-4,115 and issue a receipt which is valid for up to thirty days. If
2 there is cause for an operator's license to be issued, the receipt
3 shall also authorize driving privileges for such thirty-day period.
4 The license or card shall be delivered as provided in section
5 60-4,113.

6 (2) The operator's license and state identification card
7 shall be in a form prescribed by the department. The license and card
8 may include security features prescribed by the department. The
9 license and card shall be conspicuously marked Nebraska Operator's
10 License or Nebraska Identification Card, shall be, to the maximum
11 extent practicable, tamper and forgery proof, and shall include the
12 following information:

13 (a) The full legal name and principal residence address
14 of the holder;

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

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

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

19 (e) The holder's signature;

20 (f) The class of motor vehicle which the holder is
21 authorized to operate and any applicable endorsements or
22 restrictions;

23 (g) The issuance and expiration date of the license or
24 card;

25 (h) The organ and tissue donation information specified

1 in section 60-494; and

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

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

6 (3) Each operator's license and state identification card
7 shall contain the following encoded, machine-readable information:
8 The holder's full legal name; date of birth; gender; race or
9 ethnicity; document issue date; document expiration date; principal
10 residence address; unique identification number; revision date;
11 inventory control number; and state of issuance.

12 Sec. 6. Original sections 60-462, 60-479, 60-484, and
13 60-4,117, Revised Statutes Cumulative Supplement, 2012, are repealed.