

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 47**

Introduced by Watermeier, 1.

Read first time January 08, 2015

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act;  
2 to amend section 60-494, Reissue Revised Statutes of Nebraska, and  
3 sections 60-484 and 60-4,144, Revised Statutes Cumulative  
4 Supplement, 2014; to change provisions relating to applications and  
5 anatomical gifts; to harmonize provisions; to provide an operative  
6 date; and to repeal the original sections.

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

1 Section 1. Section 60-484, Revised Statutes Cumulative Supplement,  
2 2014, is amended to read:

3 60-484 (1) Except as otherwise provided in the Motor Vehicle  
4 Operator's License Act, no resident of the State of Nebraska shall  
5 operate a motor vehicle upon the alleys or highways of this state until  
6 the person has obtained an operator's license for that purpose.

7 (2) Application for an operator's license or a state identification  
8 card shall be made in a manner prescribed by the department. Such  
9 application may be made to department personnel in any county. Department  
10 personnel shall conduct the examination of the applicant and deliver to  
11 each successful applicant an issuance certificate containing the  
12 statements made pursuant to subsection (3) of this section.

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

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

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

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

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

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

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

1 Please explain: .....

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

6 Please explain: .....

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

9 Please explain, including how the above affects your ability to  
10 drive: ....., and (d) may answer the following:

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

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

17 (e) shall answer the following:

18 (i) Do you wish to include your name in the Donor Registry of  
19 Nebraska and donate your organs and tissues at the time of your  
20 death? ...yes ...no, and (f) may answer the following:

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

23 ~~(iii) Do you wish to be an organ and tissue donor?~~

24 (i iv) Do you wish to receive any additional specific information  
25 regarding organ and tissue donation and the Donor Registry of Nebraska?

26 (ii v) Do you wish to donate \$1 to promote the Organ and Tissue  
27 Donor Awareness and Education Fund?

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

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

14           (6)(a) Each individual applying for an operator's license or a state  
15 identification card shall furnish proof of date of birth and identity  
16 with documents containing a photograph or with nonphoto identity  
17 documents which include his or her full legal name and date of birth.  
18 Such documents shall be those provided in subsection (1) of section  
19 60-484.04.

20           (b) Any individual under the age of eighteen years applying for an  
21 operator's license or a state identification card shall provide a  
22 certified copy of his or her birth certificate or, if such individual is  
23 unable to provide a certified copy of his or her birth certificate, other  
24 reliable proof of his or her identity and age, as required in subdivision  
25 (6)(a) of this section, accompanied by a certification signed by a parent  
26 or guardian explaining the inability to produce a copy of such birth  
27 certificate. The applicant also may be required to furnish proof to  
28 department personnel that the parent or guardian signing the  
29 certification is in fact the parent or guardian of such applicant.

30           (c) An applicant may present other documents as proof of  
31 identification and age designated by the director. Any documents accepted

1 shall be recorded according to a written exceptions process established  
2 by the director.

3 (7) Any individual applying for an operator's license or a state  
4 identification card who indicated his or her wish to have the word  
5 "veteran" displayed on the front of such license or card shall comply  
6 with section 60-4,189.

7 (8) No person shall be a holder of an operator's license and a state  
8 identification card at the same time.

9 Sec. 2. Section 60-494, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 60-494 (1) Each operator's license and state identification card  
12 shall include a special notation on the front of the license or card if  
13 the licensee or cardholder is at least sixteen years of age and indicates  
14 on the application or issuance ~~examiner's~~ certificate under section  
15 60-484, or 60-4,144, ~~or 60-4,181~~ his or her wish to be an organ and  
16 ~~donor, a tissue donor, or both.~~

17 (2) The status as an organ and ~~donor, a tissue donor, or both~~ shall  
18 continue until amended or revoked by the licensee or cardholder as  
19 provided in subsection (4) of this section or section 71-4829 be renewed  
20 upon renewal of each license or card if the licensee or cardholder, at  
21 the time of renewal, indicates the desire to renew the status and the  
22 notation authorized in subsection (1) of this section has been marked.  
23 The status as an organ and ~~donor, a tissue donor, or both~~ is not changed  
24 by the expiration, suspension, cancellation, revocation, or impoundment  
25 of the license or card.

26 (3) Any person whose operator's license or state identification card  
27 indicates his or her status as an organ and ~~donor, a tissue donor, or~~  
28 ~~both~~ may obtain a replacement license or card without a notation of such  
29 status. The fee for such replacement license or card shall be the fee  
30 provided in section 60-4,115.

31 (4) A licensee or cardholder may ~~also~~ change his or her status as a

1 donor by (a) Internet access to the Donor Registry of Nebraska, (b)  
2 indicating the desire that his or her name not be included in the Donor  
3 Registry of Nebraska on an application for an operator's license, a state  
4 identification card, or a replacement license or card under subsection  
5 (3) of this section ~~telephone request to the registry,~~ or (c) other  
6 methods approved by the federally designated organ procurement  
7 organization for Nebraska.

8 (5) The ~~department~~ Department of Motor Vehicles shall electronically  
9 transfer to the federally designated organ procurement organization for  
10 Nebraska all information which appears on the face of an original or  
11 replacement operator's license or state identification card except the  
12 image and signature of each person whose license or card includes the  
13 notation described in subsection (1) of this section.

14 Sec. 3. Section 60-4,144, Revised Statutes Cumulative Supplement,  
15 2014, is amended to read:

16 60-4,144 (1) An applicant for issuance of any original or renewal  
17 commercial driver's license or an applicant for a change of class of  
18 commercial motor vehicle, endorsement, or restriction shall demonstrate  
19 his or her knowledge and skills for operating a commercial motor vehicle  
20 as prescribed in the Motor Vehicle Operator's License Act. An applicant  
21 for a commercial driver's license shall provide the information and  
22 documentation required by this section and section 60-4,144.01. Such  
23 information and documentation shall include any additional information  
24 required by 49 C.F.R. parts 383 and 391 and also include:

25 (a) Certification that the commercial motor vehicle in which the  
26 applicant takes any driving skills examination is representative of the  
27 class of commercial motor vehicle that the applicant operates or expects  
28 to operate; and

29 (b) The names of all states where the applicant has been licensed to  
30 operate any type of motor vehicle in the ten years prior to the date of  
31 application.

1           (2)(a) Before being issued a CLP-commercial learner's permit or  
2 commercial driver's license, the applicant shall provide (i) his or her  
3 full legal name, date of birth, mailing address, gender, race or  
4 ethnicity, and social security number, (ii) two forms of proof of address  
5 of his or her principal residence unless the applicant is a program  
6 participant under the Address Confidentiality Act, except that a  
7 nondomiciled applicant for a CLP-commercial learner's permit or  
8 nondomiciled commercial driver's license holder does not have to provide  
9 proof of residence in Nebraska, (iii) evidence of identity as required by  
10 this section, and (iv) a brief physical description of himself or  
11 herself.

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

24           (c) No person shall be a holder of a CLP-commercial learner's permit  
25 or commercial driver's license and a state identification card at the  
26 same time.

27           (3) Before being issued a CLP-commercial learner's permit or  
28 commercial driver's license, an applicant, except a nondomiciled  
29 applicant, shall provide proof that this state is his or her state of  
30 residence. Acceptable proof of residence is a document with the person's  
31 name and residential address within this state.

1 (4)(a) Before being issued a CLP-commercial learner's permit or  
2 commercial driver's license, an applicant shall provide proof of  
3 identity.

4 (b) The following are acceptable as proof of identity:

5 (i) A valid, unexpired United States passport;

6 (ii) A certified copy of a birth certificate filed with a state  
7 office of vital statistics or equivalent agency in the individual's state  
8 of birth;

9 (iii) A Consular Report of Birth Abroad issued by the United States  
10 Department of State;

11 (iv) A valid, unexpired permanent resident card issued by the United  
12 States Department of Homeland Security or United States Citizenship and  
13 Immigration Services;

14 (v) An unexpired employment authorization document issued by the  
15 United States Department of Homeland Security;

16 (vi) An unexpired foreign passport with a valid, unexpired United  
17 States visa affixed accompanied by the approved form documenting the  
18 applicant's most recent admittance into the United States;

19 (vii) A Certificate of Naturalization issued by the United States  
20 Department of Homeland Security;

21 (viii) A Certificate of Citizenship issued by the United States  
22 Department of Homeland Security;

23 (ix) A driver's license or identification card issued in compliance  
24 with the standards established by the REAL ID Act of 2005, Public Law  
25 109-13, division B, section 1, 119 Stat. 302; or

26 (x) Such other documents as the director may approve.

27 (c) If an applicant presents one of the documents listed under  
28 subdivision (b)(i), (ii), (iii), (iv), (vii), or (viii) of this  
29 subsection, the verification of the applicant's identity will also  
30 provide satisfactory evidence of lawful status.

31 (d) If the applicant presents one of the identity documents listed

1 under subdivision (b)(v), (vi), or (ix) of this subsection, the  
2 verification of the identity documents does not provide satisfactory  
3 evidence of lawful status. The applicant must also present a second  
4 document from subdivision (4)(b) of this section, a document from  
5 subsection (5) of this section, or documentation issued by the United  
6 States Department of Homeland Security or other federal agencies  
7 demonstrating lawful status as determined by the United States  
8 Citizenship and Immigration Services.

9 (e) An applicant may present other documents as designated by the  
10 director as proof of identity. Any documents accepted shall be recorded  
11 according to a written exceptions process established by the director.

12 (5)(a) Whenever a person is renewing, replacing, upgrading,  
13 transferring, or applying as a nondomiciled individual to this state for  
14 a CLP-commercial learner's permit or commercial driver's license, the  
15 Department of Motor Vehicles shall verify the citizenship in the United  
16 States of the person or the lawful status in the United States of the  
17 person.

18 (b) The following are acceptable as proof of citizenship or lawful  
19 status:

20 (i) A valid, unexpired United States passport;

21 (ii) A certified copy of a birth certificate filed with a state  
22 office of vital statistics or equivalent agency in the individual's state  
23 of birth, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the  
24 Commonwealth of the Northern Mariana Islands;

25 (iii) A Consular Report of Birth Abroad issued by the United States  
26 Department of State;

27 (iv) A Certificate of Naturalization issued by the United States  
28 Department of Homeland Security;

29 (v) A Certificate of Citizenship issued by the United States  
30 Department of Homeland Security; or

31 (vi) A valid, unexpired Permanent Resident Card issued by the United

1 States Department of Homeland Security or United States Citizenship and  
2 Immigration Services.

3 (6) An applicant may present other documents as designated by the  
4 director as proof of lawful status. Any documents accepted shall be  
5 recorded according to a written exceptions process established by the  
6 director.

7 (7)(a) An applicant shall obtain a nondomiciled CLP-commercial  
8 driver's license or nondomiciled CLP-commercial learner's permit:

9 (i) If the applicant is domiciled in a foreign jurisdiction and the  
10 Federal Motor Carrier Safety Administrator has not determined that the  
11 commercial motor vehicle operator testing and licensing standards of that  
12 jurisdiction meet the standards contained in subparts G and H of 49  
13 C.F.R. part 383; or

14 (ii) If the applicant is domiciled in a state that is prohibited  
15 from issuing commercial learners' permits and commercial drivers'  
16 licenses in accordance with 49 C.F.R. 384.405. Such person is eligible to  
17 obtain a nondomiciled CLP-commercial learner's permit or nondomiciled  
18 commercial driver's license from Nebraska that complies with the testing  
19 and licensing standards contained in subparts F, G, and H of 49 C.F.R.  
20 part 383.

21 (b) An applicant for a nondomiciled CLP-commercial learner's permit  
22 and nondomiciled commercial driver's license must do the following:

23 (i) Complete the requirements to obtain a CLP-commercial learner's  
24 permit or a commercial driver's license under the Motor Vehicle  
25 Operator's License Act, except that an applicant domiciled in a foreign  
26 jurisdiction must provide an unexpired employment authorization document  
27 issued by the United States Citizenship and Immigration Services or an  
28 unexpired foreign passport accompanied by an approved I-94 form  
29 documenting the applicant's most recent admittance into the United  
30 States. No proof of domicile is required;

31 (ii) After receipt of the nondomiciled CLP-commercial learner's

1 permit or nondomiciled commercial driver's license and, for as long as  
2 the permit or license is valid, notify the Department of Motor Vehicles  
3 of any adverse action taken by any jurisdiction or governmental agency,  
4 foreign or domestic, against his or her driving privileges. Such adverse  
5 actions include, but are not limited to, license disqualification or  
6 disqualification from operating a commercial motor vehicle for the  
7 convictions described in 49 C.F.R. 383.51. Notifications must be made  
8 within the time periods specified in 49 C.F.R. 383.33; and

9 (iii) Provide a mailing address to the Department of Motor Vehicles.  
10 If the applicant is applying for a foreign nondomiciled CLP-commercial  
11 learner's permit or foreign nondomiciled commercial driver's license, he  
12 or she must provide a Nebraska mailing address and his or her employer's  
13 mailing address to the Department of Motor Vehicles.

14 (c) An applicant for a nondomiciled CLP-commercial learner's permit  
15 or nondomiciled commercial driver's license is not required to surrender  
16 his or her foreign license.

17 (8) Any person applying for a CLP-commercial learner's permit or  
18 commercial driver's license (a) may answer the following:

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

21 (ii b) Do you wish to have the word "veteran" displayed on the front  
22 of your operator's license to show that you served in the armed forces of  
23 the United States? (To be eligible you must register with the Nebraska  
24 Department of Veterans' Affairs registry.), (b) shall answer the  
25 following:

26 (i) Do you wish to include your name in the Donor Registry of  
27 Nebraska and donate your organs and tissues at the time of your  
28 death? ...yes ...no, and (c) may answer the following:

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

31 ~~(c) Do you wish to be an organ and tissue donor?~~

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

3           (ii ~~e~~) Do you wish to donate \$1 to promote the Organ and Tissue  
4 Donor Awareness and Education Fund?

5           (9) Any person applying for a CLP-commercial learner's permit or  
6 commercial driver's license must make one of the certifications in  
7 section 60-4,144.01 and any certification required under section 60-4,146  
8 and must provide such certifications to the Department of Motor Vehicles  
9 in order to be issued a CLP-commercial learner's permit or a commercial  
10 driver's license.

11           (10) Every person who holds any commercial driver's license must  
12 provide to the department medical certification as required by section  
13 60-4,144.01. The department may provide notice and prescribe medical  
14 certification compliance requirements for all holders of commercial  
15 drivers' licenses. Holders of commercial drivers' licenses who fail to  
16 meet the prescribed medical certification compliance requirements may be  
17 subject to downgrade.

18           Sec. 4. This act becomes operative on July 1, 2016.

19           Sec. 5. Original section 60-494, Reissue Revised Statutes of  
20 Nebraska, and sections 60-484 and 60-4,144, Revised Statutes Cumulative  
21 Supplement, 2014, are repealed.