

COMMITTEE STATEMENT

LB 704

HEARING DATE: 2/23/99

COMMITTEE ON: Transportation

TITLE: (Transportation Committee) Change provisions relating to operators' licenses and state identification cards

ROLL CALL VOTE – FINAL COMMITTEE ACTION

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

8 Yes Senators Jones, Janssen, Bromm, C. Peterson,
Thompson, Hudkins, Baker, Dw. Pedersen

No

Present, not voting

Absent

PROPOSERS

Ed Wimes

Fred Zwonechek

REPRESENTING

DMV

Highway Safety

OPPOSERS

REPRESENTING

NEUTRAL

REPRESENTING

SUMMARY OF PURPOSE AND/OR CHANGES:

The changes made by this bill significantly reform the manner in which all forms of driver's licenses and state identification cards are issued in the State of Nebraska. After the passage of LB 704, persons will be able to obtain operator's licenses in any county, rather than just in that person's county of residence.

The requirement of testing to receive a driver's license is, in many cases, lessened considerably, particularly for persons who have allowed their licenses to expire, but have not had the licenses suspended, revoked or cancelled. The requirement that out-of-state persons possessing a valid license must take a test upon applying for a Nebraska license is abolished for

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both Class O/M licenses and commercial driver's licenses (with the exception of testing in hazardous materials laws).

The Department of Motor Vehicles (DMV) receives through this bill the delegated responsibility of designing and changing the application *process* used by persons applying for a driver's license: currently the DMV is delegated the responsibility to create the *forms* by which the statutory application process is completed.

- 1 (This section is replaced by the committee amendment) *Makes several changes to the provision governing the form in which applications for an operator's license are made, as follows by subsection:*
 - ❖ *Provides a termination date for the current blank form for driver's license applications -- i.e. January 1, 2003, and removes references to local examiners.*
 - ❖ *Adds a new section whereby the DMV is granted the power to design the manner in which applications are made after October 1, 2000; also requires examiners to give successful applicants a examiner's certificate that includes the information currently found in the application form.*
 - ❖ *Updates the language that must be found (currently) in the application form and (after July 1, 2000) will be found in the examiner's certificate.*
 - ❖ *Adds a new section [replacing language stricken from Subsection (2)], which requires that an application for an operator's license must be made under oath or affirmation.*

The other changes to Subsections (6) through (8) harmonize the language in those subsections with the language instituting the new examination procedures found in Subsection (1) of this section.
- 2 The language in 60-487 is updated to refer to "examiner's certificates," in addition to the current reference to application forms.
- 3 The language in § 60-491, involving illegal acts involving operators' licenses, is updated in subsection (5) so that false statements in the application *process* rather than on the application *form* are illegal.
- 4 Adds language to § 60-493, which language conforms this organ donor provision with the new application procedures being developed by the DMV for use after October 1, 2000. A reference to local examiners is removed.
- 5 In § 60-494, language is updated and harmonized.
- 6 Updates § 60-499 to allow the director of DMV to revoke an operator's license if, *inter alia*, a person commits fraud in the application process (the provision currently covering fraud on the application form).
- 7 (This section is replaced by the committee amendment) *Updates § 60-4,105, the appeals process for orders of the director, to reflect the possibility licenses issued in any county.*
- 8 Changes § 60-4,113 to add a provision allowing county treasurers in all counties to collect fees and issue operator's licenses, rather than only the treasurer in a person's county of residence on or after January 1, 2003.

A duty to provide forms to local examiners is stricken from the statute.

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- 9** (This section is replaced by the committee amendment) *In new Subsection (2) of § 60-4,114, the duty to personally examine applicants is changed from those “who do not possess and who cannot present an operator’s license” to those who are applying “for an initial license;” the reference to persons whose licenses have been revoked, canceled or suspended has not been changed. A new subsection is added that (a) conforms this section to the new application procedure that DMV will develop for use after October 1, 2000. Other changes in § 60-4,114 harmonize existing language with these changes.*
- 10** The language in § 60-4,1115 is harmonized with the new application procedure being developed by DMV for use after October 1, 2000, and the fee structure for the application process is revised to reflect the ability to obtain a license in any county.
- 11** This section (§ 60-1,119) governs the physical characteristics of operators’ licenses. Changes are made to Subdivision (2), which provide that after January 1, 2003, all out-of-state applications must be made to the DMV, rather than to county
- 12** The provisions in § 60-4,1222 are changed so that the time after which a person need not take a written test when renewing his or her license is extended to include a period of one (1) year *after* the license’s expiration, if the person’s license was not suspended, revoked, or canceled during that period.
A new subsection (6) is added, waiving testing requirement for out-of-state persons applying for an initial Nebraska license, if they surrender their out-of-state operator’s license to the examiner for the DMV.
- 13** New language is added to § 60-5,127 which allows persons whose licenses are not shown as suspended, revoked, or cancelled to renew their licenses before (and up to one year after) expiration without taking a written test.
- 14** (This section is replaced by the committee amendment) *A new Subsection (2) is added to § 60-4,144 that harmonizes the applications process for commercial driver’s licenses with the new procedures that DMV is to develop for use after October 1, 2000.*
- 15** The language in § 60-4,146.01 is harmonized with the new procedures that DMV is to develop for use after October 1, 1999.
- 16** The provision in §60-4,148 that govern the fees charged for a commercial driver’s license are changed to reflect the proration of fees for a commercial driver’s license issued to a person less than 21 years of age:
- for a license valid for 1 year or less -- \$14.00:
 - for a license valid for more than 1 year and less than 2 years -- \$22.00:
 - for a license valid for more than 2 years and less than 3 years -- \$33.00:
 - for a license valid for more than 3 years and less than 4 years -- \$40.00.
- 17** Language in § 60-4,149 is updated and harmonized.
- 18** The time after which a person renewing a commercial driver’s license need not take a written test when renewing his or her license is extended to include a period of one (1) year *after* the license’s expiration, if the person’s license was not suspended, revoked, or canceled during that period, and if the renewal is for the same class of commercial driver’s license as that which expired.
In addition, a new subsection is added that allows nonresidents who apply for a commercial driver’s license to receive a Nebraska Commercial Driver’s License without taking a written test, except that the hazardous material portion of the written examination must be taken.

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- 19 The provisions in § 60-4,171 which govern how a person whose commercial drivers' license is revoked may apply for a general class O or class M license is revised so that the application procedure is merged with the general application procedure for such licenses in § 60-4,114.
- 20 Language in § 60-4,181 which governs the issuance of state identification cards is updated and harmonized with the application process that the Department of Motor Vehicles will be developing.
- 21 Repealer clause.
- 22 Outright repeals Section 60-4,116.
- 23 The Emergency Clause.

EXPLANATION OF COMMITTEE AMENDMENTS

The committee amendments make several general changes to the whole bill, replace several sections of the bill, and add new sections. In general, the committee amendment adds further clean-up language suggested by the Department of Motor Vehicles with respect to commercial drivers licenses testing (originally found in LB 588) and with respect to other elements of drivers licenses (originally found in LB 589). The committee also added language dealing with motor vehicle safety regulations (originally found in LB 303) and with farm-plated trucking.

The following are the general changes that are not section-specific:

1. The final date on which the Department of Motor Vehicles must make the changes specified by the bill moved from "on or after" January 1, 2003 to "Not later than" – thus the process must be completed by that date, rather than begun on that date.
2. Fees for operator's license applications are remitted to the county that *issues* the license, rather than the county of residence.
3. Within Section 12 of the original bill, a new subsection (7) is added to § 60-4,122: the new subsection waives the written test for any person who is applying for a Class O operator's license, who also surrenders his or her learner's permit.
4. Within Section 17 of the original bill, a new subsection (2) is added to § 60-4,149, which allows license examiners for commercial drivers' licenses to give driving tests without themselves having a CDL.
5. Added to the outright repeals is § 60-4,101.

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The following are the new sections that are added to the bill:

- 1) The following changes are made to § 60-330 by the committee amendment:
 - (a) The prohibition against “exchange of services” for farm-related trucks that are truck-trailers and trailers or semitrailers” is stricken from the statute.
- 2) The following changes are made to § 60-484 by the committee amendment:
 - (a) Language is added, which gives the DMV the responsibility to design the application process for driver’s licenses, effective October 1, 2000.
 - (b) The application questions found on the application form (and later in the application process) are updated, to reveal a more medically accurate series of questions dealing with driving-related disabilities: also updated are the organ-donation question, to reflect DMV-related changes.
 - (c) Language in the section is updated, so that after the new process is completed, examiner’s certificates can be used in place of application forms, when applying for a license.
- 3) The following changes are made to § 60-486 by the committee amendment:
 - (a) The Department of Motor Vehicles is given the power to cancel (upon 45 days written notice) the operator’s permit of someone who obtained a Nebraska License while their privilege to drive is suspended or revoked in another state.
- 4) The following changes are made to § 60-497.03 by the committee amendment:
 - (a) Language referring to the State Court Administrator is stricken from the statute.
- 5) The following changes are made to § 60-4, 105 by the committee amendment:
 - (a) The appeals procedure for person aggrieved by an order of the Director of the DMV is modified – creating the following procedural process:
 - (b) Any person aggrieved may appeal to the district court of the county in which the application for a license was originally made within 30 days after the final decision or order of the Director;
 - (c) Summons is then served on the Department within 30 days of the filing of the appeal petition;
 - (d) Upon service, the Department has 30 days to prepare and transmit to the petitioner a certified copy of the official record of the department proceedings, and must charge a \$5.00 fee before transmitting the official record.
 - (e) The petitioner has the duty to file the transcript with the district court before the day the answer is due.
- 6) The following changes are made to § 60-4, 114 by the committee amendment:
 - (a) Language on what needs to be contained in the application process, with respect to medial condition and visual ability is updated.
 - (b) Provisions in dealing with the denial of an application are updated.
 - (c) The Director of the DMV is given the duty to provide a written finding of fact and conclusions of law, to be sent by registered mail to the applicant’s last known address, and the applicant may appealed pursuant to § 60-4,105.
- 7) The following changes are made to § 60-4, 141 by the committee amendment:
 - (a) Language with respect to commercial driver’s license LPC learners permits is added, so that a person administering the driving test need not have a CDL to accompany the applicant on the drive-test, and the applicant’s LPC learner’s permit will be valid for purposes of the driver-test.

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- 8) The following changes are made to § 60-4,144 by the committee amendment:
 - (a) Language is added, requiring that the advisement language on commercial drivers' licenses found in § 60-6,197 be included in the application process.
 - (b) Language is added, which gives the DMV the responsibility to design the application process for commercial drivers' licenses, effective October 1, 2000.
 - (c) The application questions found on the application form (and later in the application process) are updated, to reveal a more medically accurate series of questions dealing with driving-related disabilities: also updated are the organ-donation question, to reflect DMV-related changes.
 - (d) Language in the section is updated, so that after the new process is completed, so that the process is under oath, and the examiner's certificates can be used in place of application forms, when applying for a license.

- 9) The following changes are made to § 60-4,145 by the committee amendment:
 - (a) Waiver language, required under federal law (the Americans with Disabilities Act) and referring to certain visual requirements, is added the Nebraska statutes.

- 10) The following changes are made to § 60-4,146 by the committee amendment:
 - (a) A new subsection (3) is added; if an applicant certifies that he or she is not subject to 49 C.F.R. part 391 (the Safety Qualifications of a Driver under Federal Law); and
 - (b) Language identical to the new safety questions for a Class O application is also added to a Commercial Driver's License application.

- 11) The following changes are made to § 60-4,153 by the committee amendment:
 - (a) The DMV is given the responsibility to complete necessary background checks within 24 hours prior to the issuance of a new Nebraska commercial driver's license, or 10 days before the issuance of other CDLs.

- 12) The following changes are made to § 60-4,158 by the committee amendment:
 - (a) In § 60-4,158, which governs third-party testing for CDL's, language is added clarifying that a third-party examiner need not have a CDL when administering a driving test.

- 13) The following changes are made to § 60-4,178 by the committee amendment:
 - (a) Language on appeals is stricken.

- 14) The following changes are made to § 60-507 by the committee amendment:
 - (a) The time is extended from 90 to 120 days, during which the Department of Motor Vehicles may suspend the license of a person about whom it has received report that such a person was involved in an accident without having proof of financial responsibility.

- 15) The following changes are made to § 60-524 by the committee amendment:
 - (a) Subsection (3) of the section, dealing with persons who have been incarcerated and receiving their license back, is stricken from Nebraska statutes.

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- 16) The following changes are made to § 60-544 by the committee amendment:
- (a) A new duty is provided whereby insurance companies who have cancelled policies after ten days notice to an insured must file a notice with the department.
- 17) The following changes are made to § 75-363 by the committee amendment:
- (a) Farm trucks and farm truck-tractors operating solely in intrastate commerce are exempted from the federal truck-marking regulations found in Section 390.21 of the Federal Motor Carrier Safety Regulations.

Senator