

LEGISLATURE OF NEBRASKA  
NINETY-SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 704**

Introduced by Transportation Committee: Bromm, 23, Chairperson;  
Baker, 44; Hudkins, 21; Janssen, 15; Jones, 43; Dw.  
Pedersen, 39; C. Peterson, 35; Thompson, 14

Read first time January 20, 1999

Committee: Transportation

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections 60-484,  
2 60-487, 60-491, 60-493, 60-494, 60-499, 60-4,105,  
3 60-4,113, 60-4,114, 60-4,115, 60-4,119, 60-4,122,  
4 60-4,127, 60-4,144, 60-4,146.01, 60-4,148, 60-4,149,  
5 60-4,149.01, 60-4,171, and 60-4,181, Reissue Revised  
6 Statutes of Nebraska; to change and eliminate provisions  
7 relating to operator's licenses and state identification  
8 cards; to harmonize provisions; to repeal the original  
9 sections; to outright repeal section 60-4,116, Reissue  
10 Revised Statutes of Nebraska; and to declare an  
11 emergency.  
12 Be it enacted by the people of the State of Nebraska,

1           Section 1.   Section 60-484, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

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

8           (2) Application for an operator's license ~~shall~~ may be  
9 made ~~under oath or affirmation~~ on uniform blanks prepared and  
10 furnished by the director to the county treasurers, and the  
11 examiners of the Department of Motor Vehicles, ~~and any local~~  
12 ~~examiners~~ prior to January 1, 2003. The standard application  
13 blanks shall be sufficient in form and content to substantially  
14 carry out the purposes of the act.

15           (3) Beginning October 1, 2000, application for an  
16 operator's license may also be made in a manner prescribed by the  
17 department. Such application may be made to an examiner in any  
18 county. The examiner shall personally conduct the examination of  
19 the applicant and deliver to each successful applicant an  
20 examiner's certificate containing the statements made pursuant to  
21 subsection (4) of this section.

22           (4) In addition to any other information and questions  
23 necessary to comply with the requirements and purposes of the act,  
24 the ~~application~~ applicant (a) shall include the provide his or her  
25 name, age, post office address, place of residence, date of birth,  
26 sex, social security number, and brief description of the applicant  
27 himself or herself, (b) may complete the voter registration portion  
28 pursuant to section 32-308, (c) shall be provided the advisement

1 language required by subsection (10) of section 60-6,197, and (d)  
2 shall answer the following:

3 (a) Do you suffer from any physical impairment that would  
4 detract from normal ability to safely operate a motor vehicle?

5 (b) Have you suffered dismemberment of foot, leg, hand,  
6 or arm?

7 (c) Are you subject to vertigo or fainting spells?

8 (d) Has your operator's license ever been revoked or  
9 suspended in Nebraska or in any other state or jurisdiction in the  
10 United States and, if so, give date and period of and reason for  
11 each such occurrence.

12 (e) Do you wish to register to vote as part of this the  
13 application process?

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

16 (f) (e) Do you wish to make an anatomical gift?\*

17 If so, please complete the following:

18 I give:

19 (i) ..... any needed organs or tissues.

20 (ii) ..... only the following organs or tissues

21 .....

22 (specify the organ or tissue)

23 for transplantation, therapy, or medical or dental education or  
24 research.

25 (iii) ..... my body for anatomical study if needed.\*\*

26 Limitations or special wishes if any .....

27 (g) (f) Do you wish to receive any additional specific  
28 information regarding anatomical gifts?

1           \*An anatomical gift means a gift of all or any part of  
 2 your body for transplantation, therapy, or medical or dental  
 3 education or research. For purposes of an anatomical gift, parts  
 4 of your body include organs, tissues, eyes, bones, arteries, blood,  
 5 other fluids, and other portions of a human body. You may make an  
 6 anatomical gift if you are of sound mind. The anatomical gift is  
 7 effective upon your death and the consent of your next of kin,  
 8 guardian, or other person as listed in section 71-4802.

9           \*\*In order for you to donate your body to the State  
 10 Anatomical Board, you must complete a bequeathal form which is  
 11 available from the board.

12	.....	.....
13	Signature of Donor	Date of Birth of Donor
14	.....	.....
15	Date Signed	City and State
16	.....	.....
17	Witness	Witness

18           ~~(2)~~ (5) Application for an operator's license shall be  
 19 made under oath or affirmation of the applicant.

20           (6) In addition to the information prescribed in  
 21 subsection ~~(1)~~ (4) of this section, beginning on January 1, 1998,  
 22 the application or examiner's certificate shall also provide in a  
 23 clear and conspicuous manner a notice that the personal information  
 24 on the application or examiner's certificate is subject to  
 25 disclosure as a motor vehicle record unless the individual chooses  
 26 to prohibit such disclosure by filing a prescribed form with the  
 27 department.

28           ~~(3)~~ (7) The social security number shall not be printed

1 on the operator's license and shall be used only (a) to furnish  
2 driver record information to the United States Selective Service  
3 System under section 60-483, (b) with the permission of the  
4 director in connection with the verification of the status of an  
5 individual's driving record in this state or any other state, or  
6 (c) for purposes of child support enforcement pursuant to section  
7 42-358.08 or 43-512.06.

8           ~~(4)(a)~~ (8)(a) Except for an individual under the age of  
9 eighteen years, each individual ~~making an application~~ applying for  
10 an operator's license or a state identification card shall furnish  
11 proof of date of birth and identity by a valid Nebraska operator's  
12 license, a valid Nebraska learner's permit, a valid Nebraska school  
13 permit, a valid operator's license from another state or  
14 jurisdiction of the United States, a certified birth certificate, a  
15 notarized birth registration, a certified birth registration, a  
16 valid United States passport, a valid United States military  
17 identification card, United States military discharge papers, or  
18 other United States-based identification as approved by the  
19 director.

20           (b) Any individual under the age of eighteen years ~~making~~  
21 ~~an application~~ applying for an operator's license or a state  
22 identification card shall provide a certified copy of his or her  
23 birth certificate, a notarized birth registration, a certified  
24 birth registration, or other reliable proof of his or her identity  
25 and age accompanied by an affidavit signed by a parent or guardian  
26 explaining the inability to produce a copy of such birth  
27 certificate. The applicant may be required to furnish proof to the  
28 examiner that the parent or guardian signing any written

1 information is in fact the parent or guardian of such applicant.

2           Sec. 2.     Section 60-487, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           60-487. If any magistrate or judge finds in his or her  
5 judgment of conviction that the application or examiner's  
6 certificate pursuant to which the director has issued an operator's  
7 license under the Motor Vehicle Operator's License Act contains any  
8 false or fraudulent statement deliberately and knowingly made to  
9 any officer as to any matter material to the issuance of such  
10 license or does not contain required or correct information or that  
11 the person to whom the license was issued was not eligible to  
12 receive such license, then the license shall be absolutely void  
13 from the date of issue and such motor vehicle operator shall be  
14 deemed to be not licensed to operate a motor vehicle. Such license  
15 shall be at once canceled of record in his or her office by the  
16 director upon receipt of a copy of such judgment of conviction.  
17 The director may, upon his or her own motion, summarily revoke any  
18 license for any of the reasons set forth in this section if such  
19 reason or reasons affirmatively appear on his or her official  
20 records.

21           Sec. 3.     Section 60-491, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23           60-491. It shall be unlawful for any person:

24           (1) To display or cause or permit to be displayed or have  
25 in his or her possession any canceled, revoked, suspended,  
26 fictitious, or fraudulently altered operator's license or state  
27 identification card issued by the State of Nebraska or any other  
28 state;

1           (2) To lend his or her operator's license or state  
2 identification card to any person or knowingly permit the use  
3 thereof by another;

4           (3) To display or represent as one's own any operator's  
5 license or state identification card not issued to him or her by  
6 the State of Nebraska or any other state;

7           (4) To fail or refuse to surrender to the director upon  
8 his or her lawful demand any operator's license or state  
9 identification card which has been suspended, revoked, or canceled;

10           (5) To use a false or fictitious name in ~~any application~~  
11 applying for an operator's license or state identification card or  
12 knowingly to make a false statement or knowingly to conceal a  
13 material fact or otherwise commit a fraud in ~~any such application~~  
14 applying for an operator's license or state identification card;

15           (6) To permit any unlawful use of an operator's license  
16 or state identification card issued to him or her by the State of  
17 Nebraska or any other state;

18           (7) To do any act forbidden or fail to perform any act  
19 required by the Motor Vehicle Operator's License Act;

20           (8) To make any false affidavit or knowingly to swear or  
21 affirm falsely to any matter or thing required by the terms of the  
22 act to be sworn to or affirmed. Such person shall be guilty of  
23 perjury and, upon conviction thereof, shall be punished as other  
24 persons committing perjury are punishable;

25           (9) To cause or knowingly permit his or her child or ward  
26 under the age of sixteen years to drive a motor vehicle upon any  
27 highway when such minor is not authorized under the act or is in  
28 violation of any of the provisions of the act;

1                   (10) To authorize or knowingly permit a motor vehicle  
 2 owned by him or her or under his or her control to be driven upon  
 3 any highway by any person who is not authorized under the act or is  
 4 in violation of any of the provisions of the act; or

5                   (11) To manufacture any fraudulent state identification  
 6 card whether of the State of Nebraska or any other state.

7                   Sec. 4. Section 60-493, Reissue Revised Statutes of  
 8 Nebraska, is amended to read:

9                   60-493. When a person applies for an operator's license  
 10 or state identification card, the county treasurer, or examiner of  
 11 the Department of Motor Vehicles, ~~or local examiner~~ shall  
 12 distribute a brochure provided by an organ and tissue recovery  
 13 agency and approved by the Department of Health and Human Services  
 14 Regulation and Licensure containing a description and explanation  
 15 of the Uniform Anatomical Gift Act to each person applying for a  
 16 new or renewal license or card. Beginning October 1, 2000, the  
 17 brochure shall include the information prescribed in subsection (1)  
 18 of section 60-494.

19                   If an individual desires to receive additional specific  
 20 information regarding anatomical gifts as indicated on an  
 21 application or examiner's certificate under section 60-484,  
 22 60-4,144, or 60-4,181, the department shall notify a representative  
 23 of the Nebraska Organ Retrieval System within five working days of  
 24 the name and address of such individual.

25                   Sec. 5. Section 60-494, Reissue Revised Statutes of  
 26 Nebraska, is amended to read:

27                   60-494. (1) Each operator's license and state  
 28 identification card shall provide anatomical gift information ~~en~~

1 regarding the licensee or cardholder. The location of the  
2 information on the license or card shall be determined by the  
3 Department of Motor Vehicles. A special notification shall be  
4 included on the front of the license or card if the licensee or  
5 cardholder desires to make an anatomical gift. The information  
6 shall include the following items to be completed by the licensee  
7 or cardholder ~~on the application for a new or renewal license or~~  
8 ~~card~~ if he or she desires to make an anatomical gift:

9 (a) A suitable notation indicating that the licensee or  
10 cardholder is a potential donor;

11 (b) A designation as to which body organs or tissues may  
12 be donated;

13 (c) A dated signature of the licensee or cardholder;

14 (d) The signatures of two witnesses who witnessed the  
15 signature of the licensee or cardholder; and

16 (e) Such other information as the director may determine.

17 (2) The gift shall be renewed upon renewal of each  
18 license or card only if the licensee or cardholder, at the time of  
19 renewal, complies with the requirements of subsection (1) of this  
20 section.

21 (3) No licensee or cardholder shall be deemed to have  
22 authorized an anatomical gift if the notation authorized in  
23 subsection (1) of this section has not been marked.

24 (4) Any person whose operator's license or state  
25 identification card indicates that he or she desires to make an  
26 anatomical gift may obtain a replacement license or card changing  
27 his or her status to that of a nondonor. The fee for such  
28 replacement license or card shall be the fee charged for obtaining

1 a duplicate license or card as provided in section 60-4,120.

2 Sec. 6. Section 60-499, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 60-499. The director may revoke the operator's license  
5 of a person upon receipt of a copy of a judgment of conviction from  
6 the trial magistrate or judge which states that the licensee: (1)  
7 Has committed an offense for which mandatory revocation is required  
8 upon conviction as set forth in section 60-498; (2) has been  
9 involved as a driver in an accident resulting in the death or  
10 personal injury of another or in serious property damage; (3) is a  
11 habitually reckless or negligent driver of a motor vehicle; (4) is  
12 a habitual violator of the traffic laws; (5) is incompetent to  
13 drive a motor vehicle; (6) has permitted an unlawful or fraudulent  
14 use of such license; (7) was not entitled to the issuance of the  
15 license; (8) failed to give the required or correct information in  
16 his or her application; (9) committed fraud in ~~making such~~ his or  
17 her application process; or (10) has, as a nonresident, suffered  
18 revocation or suspension of his or her operator's license or of his  
19 or her driving privilege by the trial court and the director and  
20 has, during the period of revocation or suspension, violated the  
21 terms of that revocation or suspension by exercising the driving  
22 privilege under a new operator's license fraudulently obtained or  
23 otherwise.

24 Sec. 7. Section 60-4,105, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 60-4,105. Any person who feels aggrieved because of any  
27 order of the director on account of a refusal to issue any  
28 operator's license contemplated under sections 60-4,101 and

1 60-4,107, any decision of the director made after consideration of  
2 advice from the Health Advisory Board, or suspension of an  
3 operator's license under the License Suspension Act may appeal to  
4 either the district court of the county in which the ~~application~~  
5 ~~for the license was~~ person originally ~~made~~ applied for the license  
6 or to the district court of the county in which such person resides  
7 as provided in this section.

8           The director shall reduce the ruling, order, or decision  
9 to writing, file a copy in his or her office, and furnish a copy  
10 together with a statement of reasons for the ruling to the  
11 applicant or licensee, as the case may be, upon request. The  
12 ruling, order, or decision of the director in refusing to issue or  
13 reinstate such license or in suspending, canceling, or revoking the  
14 same shall be as final and binding as the final order or judgment  
15 of a court of general jurisdiction.

16           The applicant, licensee, or appellant shall, within  
17 thirty days from the date of the final order complained of, execute  
18 a bond for costs to the State of Nebraska in the sum of two hundred  
19 dollars with sufficient surety to be approved by the Auditor of  
20 Public Accounts. The bond shall be filed in the office of the  
21 director. In lieu of the bond, the sum of two hundred dollars in  
22 cash, certified check, or money order may be deposited at the  
23 office of the director.

24           It shall be the duty of the director, on payment or  
25 tender of the cost of preparing the transcript at the rate of ten  
26 cents per hundred words, to prepare a complete transcript of the  
27 proceedings relating to the refusal to issue or to reinstate any  
28 license or relating to the proceedings concerning the suspension,

1 cancellation, or revocation of such license.

2           The applicant or licensee shall file a petition in such  
3 district court within thirty days from the date of filing of the  
4 director's final order in the matter and shall file the transcript  
5 before answer day as provided in section 25-821. The district  
6 court shall hear the appeal as in equity without a jury and  
7 determine anew all questions raised before the director. Either  
8 party may appeal from the decision of the district court to the  
9 Court of Appeals.

10           The appeal procedures described in the Administrative  
11 Procedure Act shall not apply to this section.

12           Sec. 8. Section 60-4,113, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           60-4,113. In and for each county in the State of  
15 Nebraska, the director shall appoint as his or her agents one or  
16 more examiners who shall examine all applicants for an operator's  
17 license as provided in section 60-4,114 and may, in his or her  
18 discretion, also appoint one or more examining officers with  
19 similar powers as are set forth in such section. The same examiner  
20 may be assigned to one or more counties by the director. Each  
21 county shall furnish office space for the administration of the  
22 operator's license examination. The examiner shall actually  
23 conduct the examination of applicants and deliver to each  
24 successful applicant a certificate entitling such applicant to  
25 secure an operator's license. If the examiner refuses to issue  
26 such certificate for cause, he or she shall state such cause in  
27 writing and deliver the same to the applicant. The successful  
28 applicant shall, within ninety days, present his or her certificate

1 to the county treasurer of his or her county or, on or after  
 2 January 1, 2003, to any county treasurer, who shall immediately  
 3 issue the operator's license and collect the fee therefor. The  
 4 county treasurer shall report the issuance of such licenses to the  
 5 Department of Motor Vehicles within five days after issuance. ~~The~~  
 6 ~~director shall furnish to the examiner in every county in this~~  
 7 ~~state the blank applications provided for in section 60-484 and a~~  
 8 ~~sufficient supply of blank certificates for successful applicants~~  
 9 ~~to cover all probable requirements.~~

10 Sec. 9. Section 60-4,114, Reissue Revised Statutes of  
 11 Nebraska, is amended to read:

12 60-4,114. (1) The county treasurer may employ such  
 13 additional clerical help as may be necessary to assist him or her  
 14 in the performance of the ministerial duties required of him or her  
 15 under the Motor Vehicle Operator's License Act and, for such  
 16 additional expense, shall be reimbursed as set out in section  
 17 60-4,115.

18 (2) The director may, in his or her discretion, appoint  
 19 one or more examining officers who shall personally examine all  
 20 applicants ~~who do not possess and who cannot present an operator's~~  
 21 ~~license and apply for an initial license or~~ whose licenses have  
 22 been revoked, canceled, or suspended in accordance with rules and  
 23 regulations of the director to ascertain such person's ability to  
 24 operate a motor vehicle properly and safely.

25 (3) ~~The application process, such examination shall,~~ in  
 26 addition to the other requisites of the act, shall include the  
 27 following:

28 ~~(1)~~ (a) An inquiry into the physical fitness of the

1 applicant to operate a motor vehicle;

2           ~~(2)~~ (b) An inquiry into the applicant's ability to drive  
3 and maneuver a motor vehicle;

4           ~~(3)~~ (c) An inquiry touching upon the applicant's  
5 knowledge of the motor vehicle laws of this state, which shall  
6 include sufficient questions to indicate familiarity with the  
7 provisions thereof; and

8           ~~(4)~~ (d) An inquiry into the applicant's knowledge of the  
9 laws for operating a motor vehicle to avoid arrest.

10           (4) If an applicant is denied or refused a certificate  
11 for license by the examiners, such applicant shall have the right  
12 to an immediate appeal to the director from the decision of such  
13 examiners. It shall be the duty of the director to pass upon the  
14 appeal and to render a prompt finding, to be made not later than  
15 ten days from the receipt of the appeal by the director, except  
16 that if the director requests the advice of the Health Advisory  
17 Board on the matter, the director shall have up to forty-five days  
18 from the day a medical or vision problem is referred to him or her  
19 to consult with members of the board to obtain the medical opinion  
20 necessary to make a decision and shall render a prompt finding not  
21 later than ten days following receipt of the medical opinion. If  
22 after consideration of the advice of the board the director  
23 determines that the applicant lacks the physical or mental ability  
24 to operate a motor vehicle, the director shall notify the applicant  
25 in writing of the decision.

26           Sec. 10. Section 60-4,115, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

28           60-4,115.       (1) The applications or examiners'

1 certificates for operators' licenses, school permits, farm permits,  
2 LPD-learners' permits, or LPE-learners' permits shall be filed with  
3 the county treasurer who is required to transmit them weekly to the  
4 director.

5 (2) Except as provided in subsection (3) or (4) of this  
6 section, a fee of eighteen dollars and seventy-five cents shall be  
7 charged to each successful applicant for an original or renewal  
8 Class O or M operator's license issued under the Motor Vehicle  
9 Operator's License Act. Three dollars and fifty cents of each of  
10 the original and renewal fees for operators' licenses and  
11 twenty-five cents of each of the fees for school permits, farm  
12 permits, LPD-learners' permits, or LPE-learners' permits shall be  
13 credited immediately to the general fund of the county in which the  
14 application or examiner's certificate was made and shall be  
15 included by the county treasurer in his or her report of fees as  
16 provided by law. The county treasurer shall remit five dollars of  
17 each of the original and renewal fees for Class O or M operator's  
18 licenses to the State Treasurer for credit to the Department of  
19 Motor Vehicles Cash Fund. An amount equal to three dollars and  
20 fifty cents times the number of original or renewal Class M  
21 licenses issued pursuant to section 60-4,127 during the previous  
22 year shall be transferred to the Motorcycle Safety Education Fund.  
23 The balance of the original and renewal operator's license, school  
24 permit, farm permit, LPD-learner's permit, or LPE-learner's permit  
25 fees shall be remitted by the county treasurer to the State  
26 Treasurer and shall be credited to the General Fund.

27 (3) A fee of three dollars and seventy-five cents shall  
28 be charged to each successful applicant for an operator's license

1 issued to persons required to use bioptic or telescopic lenses as  
2 provided in section 60-4,118. Two dollars and seventy-five cents  
3 of such fee shall be credited to the general fund of the county in  
4 which the application or examiner's certificate was made. The  
5 county treasurer shall remit the remainder of the fee to the State  
6 Treasurer for credit to the General Fund.

7 (4) An application for an operator's license for a person  
8 under twenty-one years of age shall be accompanied by a fee of  
9 eighteen dollars and seventy-five cents from a successful applicant  
10 for an original or renewal Class O or M operator's license issued  
11 under the act, except that the fee for a license which will be  
12 valid for one year or less shall be three dollars and seventy-five  
13 cents, the fee for a license which will be valid for more than one  
14 year but not more than two years shall be seven dollars and fifty  
15 cents, the fee for a license which will be valid for three years or  
16 less but more than two years shall be eleven dollars and  
17 twenty-five cents, and the fee for a license which will be valid  
18 for four years or less but more than three years shall be fifteen  
19 dollars. Two dollars and seventy-five cents of the original and  
20 renewal fee for such operator's license shall be credited  
21 immediately to the general fund of the county in which the  
22 application or examiner's certificate was made and shall be  
23 included by the county treasurer in his or her report of fees as  
24 provided by law. The county treasurer shall remit four dollars of  
25 the original and renewal fee for such operator's license to the  
26 State Treasurer for credit to the Department of Motor Vehicles Cash  
27 Fund, except that for a license which is valid for one year or  
28 less, none of the fee shall be credited to the fund, for a license

1 which is valid for more than one year but not more than two years,  
2 one dollar and fifty cents of the fee shall be credited to the  
3 fund, and for a license which is valid for three years or less but  
4 more than two years, two dollars and fifty cents of the fee shall  
5 be credited to the fund. An amount equal to two dollars and fifty  
6 cents times the number of such original or renewal Class M licenses  
7 issued pursuant to section 60-4,127 during the previous year shall  
8 be transferred to the Motorcycle Safety Education Fund. The  
9 balance of the original and renewal operator's license fee shall be  
10 remitted by the county treasurer to the State Treasurer and shall  
11 be credited to the General Fund.

12 Sec. 11. Section 60-4,119, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 60-4,119. (1) All state identification cards and  
15 operators' licenses, except farm permits, school bus operators'  
16 permits, replacement and duplicate licenses as provided by  
17 subsections (3) and (4) of section 60-4,120, and licenses issued  
18 pursuant to subsection (2) of this section, shall include a color  
19 photograph of the cardholder or licensee. State identification  
20 cards and operators' licenses shall be issued by the county  
21 treasurer. The director shall negotiate and enter into a contract  
22 to provide the necessary equipment, supplies, and forms for the  
23 photographs. All costs incurred by the Department of Motor  
24 Vehicles under this section shall be paid by the state out of  
25 appropriations made to the department. All costs of taking the  
26 photographs shall be paid by the county from the fees provided  
27 pursuant to sections 60-4,115 and 60-4,181.

28 (2) A person who is out of the state at the time of

1 renewal of his or her operator's license may apply for a license  
 2 without a photograph upon payment of a fee as provided in section  
 3 60-4,115. The license may be issued at any time within ~~six months~~  
 4 one year after the expiration of the original license. ~~Such~~  
 5 ~~application~~ Prior to January 1, 2003, application shall be made to  
 6 the county treasurer of the county in which such person resides.  
 7 On or after January 1, 2003, application shall be made to the  
 8 Department of Motor Vehicles and the department shall issue the  
 9 license. of the county in which the applicant resides.

10 (3) Any operator's license and any state identification  
 11 card issued to a minor as defined in section 53-103, as such  
 12 definition may be amended from time to time by the Legislature,  
 13 shall be of a distinct designation, of a type prescribed by the  
 14 director, from the operator's license or state identification card  
 15 of a person who is not a minor. When a person is no longer a  
 16 minor, he or she may apply for a replacement license or card with  
 17 the distinct designation used for persons who are not minors. The  
 18 fee for such replacement license or card shall be the same as the  
 19 fee for a replacement license issued for a change of address  
 20 pursuant to subsection (2) of section 60-4,120.

21 Sec. 12. Section 60-4,122, Reissue Revised Statutes of  
 22 Nebraska, is amended to read:

23 60-4,122. (1) Except as provided in subsections (2) and  
 24 (3) of this section, no original or renewal operator's license  
 25 shall be issued to any person until such person has appeared before  
 26 an examiner to demonstrate his or her ability to operate a motor  
 27 vehicle safely as provided in section 60-4,114.

28 (2) Except as provided in section 60-4,127, any person

1 who renews his or her Class O or Class M license shall appear  
2 before an examiner to demonstrate his or her ability to drive and  
3 maneuver a motor vehicle safely as provided in subdivision ~~(2)~~  
4 (3)(b) of section 60-4,114 only at the discretion of the examiner,  
5 except that a person required to use bioptic or telescopic lenses  
6 shall be required to demonstrate his or her ability to drive and  
7 maneuver a motor vehicle safely each time he or she renews his or  
8 her license.

9 (3) Any person who renews his or her Class O or Class M  
10 license prior to or within one year after its expiration shall not  
11 be required to demonstrate his or her knowledge of the motor  
12 vehicle laws of this state as provided in subdivision ~~(3)~~ (3)(c) of  
13 section 60-4,114 if his or her driving record abstract maintained  
14 in the department's computerized records shows that such ~~person has~~  
15 ~~had no traffic violations as described in section 60-4,182 from the~~  
16 ~~date the operator's license was last issued to the date the~~  
17 ~~application for renewal is made~~ person's license is not suspended,  
18 revoked, or canceled.

19 (4) Except for operators' licenses issued to persons  
20 required to use bioptic or telescopic lenses, any person who renews  
21 his or her operator's license which has been valid for only one  
22 year or less shall not be required to take any examination required  
23 under section 60-4,114.

24 (5) Any person who renews a state identification card  
25 shall appear before an examiner and present his or her current  
26 state identification card. The examining officer, upon examination  
27 of the card, may require one additional form of proof of  
28 identification described in section 60-484.

1           (6) A nonresident who applies for an initial operator's  
2 license in this state and who holds a valid operator's license from  
3 another state which is his or her state of residence shall not be  
4 required to demonstrate his or her knowledge of the motor vehicle  
5 laws of this state if he or she surrenders to the examiner his or  
6 her valid out-of-state operator's license.

7           Sec. 13. Section 60-4,127, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           60-4,127. No person shall operate a motorcycle on the  
10 alleys or highways of the State of Nebraska until such person has  
11 obtained a Class M license. No such license shall be issued until  
12 the applicant has appeared before an examiner and (1) satisfied the  
13 examiner that he or she meets the vision and physical requirements  
14 established under section 60-4,118 for operation of a motor vehicle  
15 and (2) successfully completed an examination, including the  
16 actual operation of a motorcycle, prescribed by the director,  
17 except that an examiner shall waive the required examination,  
18 including the actual operation of a motorcycle, if the applicant  
19 presents proof of successful completion of a motorcycle safety  
20 course under the Motorcycle Safety Education Act within the  
21 immediately preceding forty-eight months or if the driving record  
22 abstract of the applicant pursuant to section 60-4,122 shows that  
23 the applicant has had no traffic violations as described in section  
24 60-4,182 from the date the applicant's operator's license was last  
25 issued to the date the abstract was issued.

26           Any person who renews his or her Class O or Class M  
27 license prior to or within one year after its expiration shall not  
28 be required to demonstrate his or her knowledge of the motor

1 vehicle laws of this state as provided in subdivision (3)(c) of  
2 section 60-4,114 if his or her driving record abstract maintained  
3 in the department's computerized records shows that such person's  
4 license is not suspended, revoked, or canceled.

5 Any applicant who qualifies for a Class M license shall  
6 be issued a license for such operation by the county treasurer with  
7 a color photograph included as provided for the issuance of an  
8 operator's license, or if he or she is the holder of an operator's  
9 license, the county treasurer shall, upon receipt of the examiner's  
10 certificate, endorse on the license the authorization to operate a  
11 motorcycle. Fees for Class M licenses shall be the same as  
12 provided by section 60-4,115 for operators' licenses.

13 Sec. 14. Section 60-4,144, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 60-4,144. (1) Application for any original or renewal  
16 commercial driver's license or application for any change of class  
17 of commercial motor vehicle, endorsement, or restriction ~~shall~~ may  
18 be made upon uniform blanks prepared and furnished by the director  
19 to the examiners of the Department of Motor Vehicles prior to  
20 January 1, 2003.

21 (2) Beginning October 1, 2000, application for any  
22 original or renewal commercial driver's license or application for  
23 any change of class of commercial motor vehicle, endorsement, or  
24 restriction may be made in a manner prescribed by the department.  
25 Such application may be made to an examiner in any county. The  
26 examiner shall personally conduct the examination of the applicant  
27 and deliver to each successful applicant an examiner's certificate  
28 containing the statements made pursuant to subsection (3) of this

1 ~~section. All applications shall be made under oath or affirmation~~  
2 ~~of the applicant and~~

3 (3) The application or examiner's certificate shall  
4 include the voter registration portion pursuant to section 32-308  
5 and the following:

6 (a) The full name and current mailing and residential  
7 addresses of the applicant;

8 (b) A physical description of the applicant, including  
9 sex, height, weight, and eye and hair colors;

10 (c) The applicant's date of birth;

11 (d) The applicant's social security number;

12 (e) The applicant's signature;

13 (f) Certification that the commercial motor vehicle in  
14 which the applicant takes any driving skills examination is  
15 representative of the class of commercial motor vehicle that the  
16 applicant operates or expects to operate;

17 (g) The certification required pursuant to section  
18 60-4,145 or 60-4,146;

19 (h) The following specific ~~question~~ questions:

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

22 ~~(i) Any other information required by the director, and~~

23 ~~(j) The following questions regarding anatomical gifts:~~

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

26 ~~(i)~~ (ii) Do you wish to make an anatomical gift?\*

27 ~~If so, please complete the following:~~

28 ~~I give:~~



1 affirmation of the applicant.

2           (5) In addition to the information prescribed in  
3 subsection ~~(1)~~ (3) of this section, ~~beginning on January 17, 1998,~~  
4 the application or examiner's certificate shall also provide in a  
5 clear and conspicuous manner a notice that the personal information  
6 on the application or examiner's certificate is subject to  
7 disclosure as a motor vehicle record unless the individual chooses  
8 to prohibit such disclosure by filing a prescribed form with the  
9 department.

10           Sec. 15. Section 60-4,146.01, Reissue Revised Statutes  
11 of Nebraska, is amended to read:

12           60-4,146.01. (1) Any resident of this state who is a  
13 seasonal commercial motor vehicle operator for a farm-related or  
14 ranch-related service industry may apply for a restricted  
15 commercial driver's license. If the applicant is an individual,  
16 the application or examiner's certificate shall include the  
17 applicant's social security number. A restricted commercial  
18 driver's license shall authorize the holder to operate any Class B  
19 Heavy Straight Vehicle commercial motor vehicle or any Class B  
20 Heavy Straight Vehicle or Class C Small Vehicle commercial motor  
21 vehicle required to be placarded pursuant to section 75-364 when  
22 the hazardous material being transported is (a) diesel fuel in  
23 quantities of one thousand gallons or less, (b) liquid fertilizers  
24 in vehicles or implements of husbandry with total capacities of  
25 three thousand gallons or less, or (c) solid fertilizers that are  
26 not transported or mixed with any organic substance within one  
27 hundred fifty miles of the employer's place of business or the farm  
28 or ranch being served.

1           (2) Any applicant for a restricted commercial driver's  
2 license or seasonal permit shall be eighteen years of age or older,  
3 shall have possessed a valid operator's license during the  
4 twelve-month period immediately preceding application, and shall  
5 demonstrate, in a manner to be prescribed by the director, that:

6           (a) If the applicant has possessed a valid operator's  
7 license for two or more years, that in the two-year period  
8 immediately preceding application the applicant:

9           (i) Has not possessed more than one operator's license at  
10 one time;

11           (ii) Has not been subject to any order of suspension,  
12 revocation, or cancellation of any type;

13           (iii) Has no convictions involving any type or  
14 classification of motor vehicle of the disqualification offenses  
15 enumerated in sections 60-4,168 and 60-4,168.01; and

16           (iv) Has no convictions for traffic law violations that  
17 are accident-connected and no record of at-fault accidents; and

18           (b) If the applicant has possessed a valid operator's  
19 license for more than one but less than two years, the applicant  
20 shall demonstrate that he or she meets the requirements prescribed  
21 in subdivision (a) of this subsection for the entire period of his  
22 or her driving record history.

23           (3) The commercial motor vehicle operating privilege as  
24 conferred by the restricted commercial driver's license shall be  
25 valid for five years if annually revalidated by the seasonal permit  
26 which shall be valid for no more than one hundred eighty  
27 consecutive days in any twelve-month period. To revalidate the  
28 restricted commercial driver's license, the applicant shall meet

1 the requirements of subsection (2) of this section and shall  
2 designate a time period he or she desires the commercial motor  
3 vehicle operating privilege to be valid. The time period  
4 designated by the applicant shall appear and be clearly indicated  
5 on the seasonal permit. A seasonal permit shall not be issued to  
6 any person more than once in any twelve-month period. The holder  
7 of a restricted commercial driver's license shall operate  
8 commercial motor vehicles in the course or scope of his or her  
9 employment within one hundred fifty miles of the employer's place  
10 of business or the farm or ranch currently being served.

11 (4) Any person who violates any provision of this section  
12 shall, upon conviction, be guilty of a Class III misdemeanor. In  
13 addition to any penalty imposed by the court, the director shall  
14 also revoke such person's restricted commercial driver's license  
15 and shall disqualify such person from operating any commercial  
16 motor vehicle in Nebraska for a period of five years.

17 (5) The Department of Motor Vehicles shall adopt and  
18 promulgate rules and regulations to carry out the requirements of  
19 this section.

20 (6) For purposes of this section:

21 (a) Agricultural chemical business means any business  
22 that transports agricultural chemicals predominately to or from a  
23 farm or ranch;

24 (b) Farm-related or ranch-related service industry means  
25 any custom harvester, retail agricultural outlet or supplier,  
26 agricultural chemical business, or livestock feeder which operates  
27 commercial motor vehicles for the purpose of transporting  
28 agricultural products, livestock, farm machinery and equipment, or

1 farm supplies to or from a farm or ranch;

2 (c) Retail agricultural outlet or supplier means any  
3 retail outlet or supplier that transports either agricultural  
4 products, farm machinery, farm supplies, or both, predominately to  
5 or from a farm or ranch; and

6 (d) Seasonal commercial motor vehicle operator means any  
7 person who, exclusively on a seasonal basis, operates a commercial  
8 motor vehicle for a farm-related or ranch-related service industry.

9 Sec. 16. Section 60-4,148, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 60-4,148. (1) All commercial drivers' licenses shall be  
12 issued by the Department of Motor Vehicles as provided in section  
13 60-4,149. Successful applicants shall pay to the county treasurer  
14 a fee of fifty dollars for an original or renewal commercial  
15 driver's license, except that the fee for a commercial driver's  
16 license issued to a minor which will be valid for one year or less  
17 shall be fourteen dollars, the fee for a commercial driver's  
18 license issued to a minor which will be valid for more than one  
19 year but less than two years shall be twenty-two dollars, the fee  
20 for a commercial driver's license issued to a minor which will be  
21 valid for two years or more but less than three years shall be  
22 thirty-two dollars, and the fee for a commercial driver's license  
23 issued to a minor that will be valid for three years or more but  
24 less than four years shall be forty dollars.

25 (2) Any person making application to add or remove a  
26 class of commercial motor vehicle, any endorsement, or any  
27 restriction to or from a previously issued and outstanding  
28 commercial driver's license shall pay a fee of five dollars. The

1 fee for an original or renewal seasonal permit to revalidate the  
2 restricted commercial motor vehicle operating privilege to a  
3 previously issued and outstanding restricted commercial driver's  
4 license shall be five dollars.

5 (3) One dollar and seventy-five cents of the fees for  
6 each original, renewal, duplicate, or replacement commercial  
7 driver's license or restricted commercial driver's license and  
8 twenty-five cents of each of the original and renewal fees for  
9 LPC-learner's permits and seasonal permits shall be credited to the  
10 general fund of the county and shall be included by the county  
11 treasurer in his or her report of fees as provided by law. The  
12 balance of such fees shall be remitted by the county treasurer to  
13 the State Treasurer for credit to the General Fund.

14 Sec. 17. Section 60-4,149, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 60-4,149. The examination for commercial drivers'  
17 licenses by the Department of Motor Vehicles shall occur in and for  
18 each county of the State of Nebraska. Each county shall furnish  
19 office space for the administration of the examinations, except  
20 that two or more counties may, with the permission of the director,  
21 establish a separate facility to jointly conduct the examinations  
22 for such licenses. Except as provided for by section 60-4,157, all  
23 commercial driver's license examinations shall be conducted by  
24 examiners designated by the director. The examiner shall deliver  
25 to each successful applicant a certificate entitling the applicant  
26 to secure a commercial driver's license. If the examiner refuses  
27 to issue such certificate for cause, he or she shall state such  
28 cause in writing and deliver the same to the applicant. The

1 successful applicant shall, within thirty days, present his or her  
 2 certificate to the county treasurer who shall immediately issue the  
 3 commercial driver's license and collect the fee. The county  
 4 treasurer shall report the issuance of commercial drivers' licenses  
 5 and LPC-learners' permits to the department within five days after  
 6 issuance. ~~The director shall provide each county treasurer with a~~  
 7 ~~sufficient number of commercial driver's license blanks to supply~~  
 8 ~~the needs of his or her county.~~

9 Sec. 18. Section 60-4,149.01, Reissue Revised Statutes  
 10 of Nebraska, is amended to read:

11 60-4,149.01. (1) A commercial driver's license examiner  
 12 ~~may waive the written~~ shall not require the commercial driver's  
 13 license knowledge examination, except the hazardous material  
 14 portion of the ~~test~~ examination, if the applicant:

15 ~~(1)~~ Has a valid commercial driver's license from another  
 16 state which was issued within the two years immediately preceding  
 17 the date of application for a commercial driver's license from this  
 18 state; and

19 ~~(2)~~ Provides suitable evidence that within at least two  
 20 years immediately preceding the date of application he or she has  
 21 taken a written test which was given by a state with a classified  
 22 licensing and testing system, which was the same as the test that  
 23 would otherwise be given by this state, and which was for the class  
 24 of commercial motor vehicle the applicant is applying to operate.

25 Any commercial driver's license applicant who renews his  
 26 or her commercial driver's license prior to its expiration is ~~not~~  
 27 required to take the written portion of the examination, ~~except for~~  
 28 ~~the hazardous material portion of the examination,~~ or within one

1 year after its expiration, if his or her the applicant's driving  
2 record abstract maintained in the department's computerized records  
3 shows that he or she has not had a traffic violation as described  
4 in section 60-4,182 from the date his or her commercial driver's  
5 license was issued to the date his or her application for renewal  
6 was made his or her commercial driver's license is not suspended,  
7 revoked, canceled, or disqualified, and if the renewal application  
8 is for the same class of commercial motor vehicle the applicant was  
9 licensed to operate.

10 (2) A nonresident who holds a valid commercial driver's  
11 license from another state shall not be required to take the  
12 commercial driver's license knowledge examination, except the  
13 hazardous material portion of the examination, if the application  
14 is for the same class of commercial motor vehicle the nonresident  
15 was licensed to operate and the nonresident surrenders his or her  
16 valid out-of-state commercial driver's license to the commercial  
17 driver's license examiner.

18 Sec. 19. Section 60-4,171, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 60-4,171. (1) Following any period of revocation ordered  
21 by a court, a resident who has had a commercial driver's license  
22 revoked pursuant to section 60-4,169 may apply, ~~on a form~~  
23 ~~prescribed by the director,~~ for a Class O or M operator's license.  
24 If in the judgment of the director such person is eligible to be  
25 issued a Class O or M operator's license, the application shall be  
26 presented to the county treasurer of the person's county of  
27 residence. The county treasurer shall issue the Class O or M  
28 operator's license upon payment of the fee provided for in section

1 ~~60-4,115.~~

2 (2) Any person who has had his or her commercial driver's  
3 license revoked pursuant to section 60-4,169 may, at the end of  
4 such revocation period, apply to have his or her commercial  
5 driver's license reinstated. The applicant shall (a) apply ~~on a~~  
6 ~~form prescribed by~~ to the Department of Motor Vehicles ~~which and,~~  
7 if the applicant is an individual, shall ~~include the applicant's~~  
8 provide his or her social security number, (b) take the ~~written~~  
9 commercial driver's license knowledge and driving skills  
10 examinations prescribed pursuant to section 60-4,155, (c) comply  
11 with section 60-4,145 regarding physical requirements, (d) be  
12 subject to a check of his or her driving record, (e) pay the fees  
13 specified in section 60-4,148 and a ninety-five-dollar  
14 reinstatement fee, and (f) surrender any operator's license issued  
15 pursuant to subsection (1) of this section. The reinstatement fee  
16 shall be remitted to the State Treasurer. The State Treasurer  
17 shall credit fifty dollars of each reinstatement fee to the General  
18 Fund and forty-five dollars of each reinstatement fee to the  
19 Department of Motor Vehicles Cash Fund.

20 Sec. 20. Section 60-4,181, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 60-4,181. (1) A state identification card shall be  
23 issued by the county treasurer after the person requesting the card  
24 (a) files an application or examiner's certificate with an  
25 examining officer, (b) furnishes two forms of proof of  
26 identification described in section 60-484, and (c) pays a fee to  
27 the county treasurer of eighteen dollars and seventy-five cents.  
28 Three dollars and fifty cents of the fee shall be credited to the

1 general fund of the county in which the application or examiner's  
 2 certificate was filed and shall be included by the county treasurer  
 3 in the report of fees as required by law. Five dollars of the fee  
 4 shall be remitted to the State Treasurer by the county treasurer  
 5 for credit to the Department of Motor Vehicles Cash Fund. The  
 6 balance of the fee shall be remitted to the State Treasurer by the  
 7 county treasurer and credited to the General Fund. The state  
 8 identification card shall contain the anatomical gift information  
 9 specified in section 60-494.

10 (2) The application or examiner's certificate shall  
 11 include the name, age, post office address, place of residence,  
 12 date of birth, sex, social security number, and physical  
 13 description of the applicant, the voter registration portion  
 14 pursuant to section 32-308, and the following:

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

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

19 ~~(a) (b) Do you wish to make an anatomical gift?\*~~

20 ~~If so, please complete the following:~~

21 ~~I give:~~

22 ~~(i) ..... any needed organs or tissues.~~

23 ~~(ii) ..... only the following organs or tissues~~

24 ~~.....~~

25 ~~(specify the organ or tissue)~~

26 ~~for transplantation, therapy, or medical or dental education or~~  
 27 ~~research.~~

28 ~~(iii) ..... my body for anatomical study if needed.\*\*~~

1 ~~Limitations or special wishes if any .....~~

2           ~~(b)~~ (c) Do you wish to receive any additional specific  
3 information regarding anatomical gifts?

4           \*An anatomical gift means a gift of all or any part of  
5 your body for transplantation, therapy, or medical or dental  
6 education or research. For purposes of an anatomical gift, parts  
7 of your body include organs, tissues, eyes, bones, arteries, blood,  
8 other fluids, and other portions of the human body. You may make  
9 an anatomical gift if you are of sound mind. The anatomical gift  
10 is effective upon your death and the consent of your next of kin,  
11 guardian, or other person as listed in section 71-4802.

12           \*\*In order for you to donate your body to the State  
13 Anatomical Board, you must complete a bequeathal form which is  
14 available from the board.

15	.....	.....
16	Signature of Donor	Date of Birth of Donor
17	.....	.....
18	Date Signed	City and State
19	.....	.....
20	Witness	Witness

21           (3) In addition to the information prescribed in  
22 subsection (2) of this section, the application or examiner's  
23 certificate shall also provide in a clear and conspicuous manner a  
24 notice that the personal information on the application is subject  
25 to disclosure as a motor vehicle record unless the individual  
26 chooses to prohibit such disclosure by filing a prescribed form  
27 with the department.

28           (4) The director may summarily cancel any state

1 identification card, and any judge or magistrate may order a state  
2 identification card canceled in a judgment of conviction, if the  
3 application or examiner's certificate for the card contains any  
4 false or fraudulent statements which were deliberately and  
5 knowingly made as to any matter material to the issuance of the  
6 card or if the application or examiner's certificate does not  
7 contain required or correct information. Any state identification  
8 card so obtained shall be void from the date of issuance. Any  
9 judgment of conviction ordering cancellation of a state  
10 identification card shall be transmitted to the director who shall  
11 cancel the card.

12           Sec. 21.     Original sections 60-484, 60-487, 60-491,  
13 60-493, 60-494, 60-499, 60-4,105, 60-4,113, 60-4,114, 60-4,115,  
14 60-4,119, 60-4,122, 60-4,127, 60-4,144, 60-4,146.01, 60-4,148,  
15 60-4,149, 60-4,149.01, 60-4,171, and 60-4,181, Reissue Revised  
16 Statutes of Nebraska, are repealed.

17           Sec. 22.     The following section is outright repealed:  
18 Section 60-4,116, Reissue Revised Statutes of Nebraska.

19           Sec. 23.     Since an emergency exists, this act takes  
20 effect when passed and approved according to law.