

LEGISLATURE OF NEBRASKA  
NINETY-SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 387**

Introduced by Bromm, 23

Read first time January 8, 2001

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections 60-305.09,  
2 60-4,124, 66-1406, and 75-352, Reissue Revised Statutes  
3 of Nebraska, and sections 48-604, 60-480, 60-484,  
4 60-4,118, 60-4,120.01, 60-4,122, and 60-4,149.01, Revised  
5 Statutes Supplement, 2000; to change provisions relating  
6 to motor carriers, fleet vehicles, motorcycle licenses,  
7 proof of identification, provisional operators' permits,  
8 license examinations, school permits, waiver of  
9 examinations, and fuel tax agreements; to harmonize  
10 provisions; and to repeal the original sections.  
11 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 48-604, Revised Statutes Supplement,  
2 2000, is amended to read:

3           48-604. As used in the Employment Security Law, unless  
4 the context otherwise requires, employment shall mean:

5           (1) Any service performed after June 30, 1941, including  
6 service in interstate commerce, for wages under a contract of hire,  
7 written or oral, express or implied;

8           (2) The term employment shall include an individual's  
9 entire service, performed within or both within and without this  
10 state if (a) the service is localized in this state, (b) the  
11 service is not localized in any state but some of the service is  
12 performed in this state and the base of operations or, if there is  
13 no base of operations, then the place from which such service is  
14 directed or controlled is in this state or the base of operations  
15 or place from which such service is directed or controlled is not  
16 in any state in which some part of the service is performed but the  
17 individual's residence is in this state, (c) the service shall be  
18 deemed to be localized within a state if (i) the service is  
19 performed entirely within such state or (ii) the service is  
20 performed both within and without such state, but the service  
21 performed without such state is incidental to the individual's  
22 service within the state, for example, is temporary or transitory  
23 in nature or consists of isolated transactions;

24           (3) Services performed outside the state and services  
25 performed outside the United States as follows:

26           (a) Services not covered under subdivision (2) of this  
27 section and performed entirely without this state, with respect to  
28 no part of which contributions are required under an unemployment

1 compensation law of any other state or of the federal government,  
2 shall be deemed to be employment subject to the Employment Security  
3 Law if the commissioner approves the election of the employer, for  
4 whom such services are performed, that the entire service of such  
5 individual shall be deemed to be employment subject to such law;

6 (b) Services of an individual wherever performed within  
7 the United States or Canada if (i) such service is not covered  
8 under the employment compensation law of any other state or Canada  
9 and (ii) the place from which the service is directed or controlled  
10 is in this state;

11 (c)(i) Services of an individual who is a citizen of the  
12 United States, performed outside the United States except in Canada  
13 in the employ of an American employer, other than service which is  
14 deemed employment under subdivisions (2) and (3)(a) and (b) of this  
15 section or the parallel provisions of another state's law, if:

16 (A) The employer's principal place of business in the  
17 United States is located in this state;

18 (B) The employer has no place of business in the United  
19 States, but the employer is an individual who is a resident of this  
20 state; the employer is a corporation or limited liability company  
21 which is organized under the laws of this state; or the employer is  
22 a partnership or a trust and the number of the partners or trustees  
23 who are residents of this state is greater than the number who are  
24 residents of any other state; or

25 (C) None of the criteria of subdivisions (A) and (B) of  
26 this subdivision are met, but the employer has elected coverage in  
27 this state or, the employer having failed to elect coverage in any  
28 state, the individual has filed a claim for benefits based on such

1 service under the laws of this state.

2 (ii) American employer, for the purposes of this  
3 subdivision, shall mean: (A) An individual who is a resident of  
4 the United States; (B) a partnership if two-thirds or more of the  
5 partners are residents of the United States; (C) a trust if all the  
6 trustees are residents of the United States; or (D) a corporation  
7 or limited liability company organized under the laws of the United  
8 States or of any state.

9 (iii) The term United States for the purpose of this  
10 section includes the states, the District of Columbia, the Virgin  
11 Islands, and the Commonwealth of Puerto Rico;

12 (4)(a) Service performed prior to January 1, 1978, which  
13 is or was service in employment for this state or any  
14 instrumentality thereof immediately prior to September 2, 1977,  
15 including service performed after December 31, 1971, in the employ  
16 of this state or any of its instrumentalities, or in the employ of  
17 this state and one or more other states or their instrumentalities,  
18 for a hospital or institution of higher education located in this  
19 state; and service performed after December 31, 1977, in the employ  
20 of this state or any political subdivision thereof or any  
21 instrumentality of any one or more of the foregoing or any  
22 instrumentality which is wholly owned by this state and one or more  
23 other states or political subdivisions, or any service performed in  
24 the employ of any instrumentality of this state or of any political  
25 subdivision thereof and one or more other states or political  
26 subdivisions if such service is excluded from employment as defined  
27 in the Federal Unemployment Tax Act solely by reason of section  
28 3306(c)(7) of that act and is not otherwise excluded under this

1 section;

2 (b) Service performed after December 31, 1971, by an  
3 individual in the employ of a religious, charitable, educational,  
4 or other organization, but only if the following conditions are  
5 met: (i) The service is excluded from employment as defined in the  
6 Federal Unemployment Tax Act solely by reason of section 3306(c)(8)  
7 of that act and is not otherwise excluded under this section; and  
8 (ii) the organization had four or more individuals in employment  
9 for some portion of a day in each of twenty different weeks,  
10 whether or not such weeks were consecutive, within either the  
11 current or preceding calendar year, regardless of whether they were  
12 employed at the same moment of time;

13 (c)(i) Service performed after December 31, 1977, by an  
14 individual in agricultural labor as defined in subdivision (6)(a)  
15 of this section when:

16 (A) Such service is performed for a person who during any  
17 calendar quarter in either the current or preceding calendar year  
18 paid remuneration in cash of twenty thousand dollars or more to  
19 individuals employed in agricultural labor, or for some portion of  
20 a day in each of twenty different calendar weeks, whether or not  
21 such weeks were consecutive, in either the current or the preceding  
22 calendar year, employed in agricultural labor ten or more  
23 individuals, regardless of whether they were employed at the same  
24 moment of time; and

25 (B) Such service is not performed in agricultural labor  
26 if performed before January 1, 1984, by an individual who is an  
27 alien admitted to the United States to perform service in  
28 agricultural labor pursuant to sections 214(c) and 101(a)(15)(H) of

1 the federal Immigration and Nationality Act.

2 (ii) For purposes of this subdivision:

3 (A) Any individual who is a member of a crew furnished by  
4 a crew leader to perform services in agricultural labor for any  
5 other person shall be treated as an employee of such crew leader if  
6 such crew leader holds a valid certificate of registration under  
7 the Migrant and Seasonal Agricultural Worker Protection Act, 29  
8 U.S.C. 1801 et seq.; substantially all the members of such crew  
9 operate or maintain tractors, mechanized harvesting or cropdusting  
10 equipment, or any other mechanized equipment, which is provided by  
11 such crew leader; and if such individual is not an employee of such  
12 other person within the meaning of any other provisions of this  
13 section;

14 (B) In case any individual who is furnished by a crew  
15 leader to perform service in agricultural labor for any other  
16 person and who is not treated as an employee of such crew leader  
17 under subdivision (A) of this subdivision, such other person and  
18 not the crew leader shall be treated as the employer of such  
19 individual and such other person shall be treated as having paid  
20 cash remuneration to such individual in an amount equal to the  
21 amount of cash remuneration paid to such individual by the crew  
22 leader, either on his or her own behalf or on behalf of such other  
23 person, for the service in agricultural labor performed for such  
24 other person; and

25 (C) The term crew leader shall mean an individual who  
26 furnishes individuals to perform service in agricultural labor for  
27 any other person, pays, either on his or her own behalf or on  
28 behalf of such other person, the individuals so furnished by him or

1 her for the service in agricultural labor performed by them, and  
2 has not entered into a written agreement with such other person  
3 under which such individual is designated as an employee of such  
4 other person; and

5 (d) Service performed after December 31, 1977, by an  
6 individual in domestic service in a private home, local college  
7 club, or local chapter of a college fraternity or sorority if  
8 performed for a person who paid cash remuneration of one thousand  
9 dollars or more after December 31, 1977, in the current calendar  
10 year or the preceding calendar year to individuals employed in such  
11 domestic service in any calendar quarter;

12 (5) Services performed by an individual for wages,  
13 including wages received under a contract of hire, shall be deemed  
14 to be employment unless it is shown to the satisfaction of the  
15 commissioner that (a) such individual has been and will continue to  
16 be free from control or direction over the performance of such  
17 services, both under his or her contract of service and in fact,  
18 (b) such service is either outside the usual course of the business  
19 for which such service is performed or such service is performed  
20 outside of all the places of business of the enterprise for which  
21 such service is performed, and (c) such individual is customarily  
22 engaged in an independently established trade, occupation,  
23 profession, or business. The provisions of this subdivision are  
24 not intended to be a codification of the common law and shall be  
25 considered complete as written;

26 (6) The term employment shall not include:

27 (a) Agricultural labor, except as provided in subdivision  
28 (4)(c) of this section, including all services performed:

1           (i) On a farm, in the employ of any employer, in  
2 connection with cultivating the soil or in connection with raising  
3 or harvesting any agricultural or horticultural commodity,  
4 including the raising, shearing, feeding, caring for, training, and  
5 management of livestock, bees, poultry, fur-bearing animals, and  
6 wildlife;

7           (ii) In the employ of the owner, tenant, or other  
8 operator of a farm, in connection with the operation, management,  
9 conservation, improvement, or maintenance of such farm and its  
10 tools and equipment or in salvaging timber or clearing land of  
11 brush and other debris left by a windstorm, if the major part of  
12 such service is performed on a farm;

13           (iii) In connection with the production or harvesting of  
14 any commodity defined as an agricultural commodity in section 15(g)  
15 of the Federal Agricultural Marketing Act, as amended; in  
16 connection with the operation or maintenance of ditches, canals,  
17 reservoirs, or waterways, not owned or operated for profit, used  
18 exclusively for supplying and storing water for farming purposes;

19           (iv)(A) In the employ of the operator of a farm in  
20 handling, planting, drying, packing, packaging, processing,  
21 freezing, grading, storing, or delivering to storage or to market  
22 or to a carrier for transportation to market, in its unmanufactured  
23 state, any agricultural or horticultural commodity, but only if  
24 such operator produced more than one-half of the commodity with  
25 respect to which such service is performed, or (B) in the employ of  
26 a group of operators of farms, or a cooperative organization of  
27 which such operators are members, in the performance of service  
28 described in subdivision (A) of this subdivision, but only if such

1 operators produced more than one-half of the commodity with respect  
2 to which such service is performed. Subdivisions (A) and (B) of  
3 this subdivision shall not be deemed to be applicable with respect  
4 to service performed in connection with commercial canning or  
5 commercial freezing or in connection with any agricultural or  
6 horticultural commodity after its delivery to a terminal market for  
7 distribution for consumption; or

8 (v) On a farm operated for profit if such service is not  
9 in the course of the employer's trade or business.

10 As used in this section, the term farm includes stock,  
11 dairy, poultry, fruit, fur-bearing animal, and truck farms,  
12 plantations, ranches, nurseries, ranges, greenhouses, or other  
13 similar structures used primarily for the raising of agricultural  
14 or horticultural commodities, and orchards;

15 (b) Domestic service, except as provided in subdivision  
16 (4)(d) of this section, in a private home, local college club, or  
17 local chapter of a college fraternity or sorority;

18 (c) Service not in the course of the employer's trade or  
19 business performed in any calendar quarter by an employee, unless  
20 the cash remuneration paid for such service is fifty dollars or  
21 more and such service is performed by an individual who is  
22 regularly employed by such employer to perform such service and,  
23 for the purposes of this subdivision, an individual shall be deemed  
24 to be regularly employed by an employer during a calendar quarter  
25 only if (i) on each of some twenty-four days during such quarter  
26 such individual performs for such employer for some portion of the  
27 day service not in the course of the employer's trade or business,  
28 or (ii) such individual was regularly employed, as determined under

1 subdivision (i) of this subdivision, by such employer in the  
2 performance of such service during the preceding calendar quarter;

3 (d) Service performed by an individual in the employ of  
4 his or her son, daughter, or spouse and service performed by a  
5 child under the age of twenty-one in the employ of his or her  
6 father or mother;

7 (e) Service performed in the employ of the United States  
8 Government or an instrumentality of the United States immune under  
9 the Constitution of the United States from the contributions  
10 imposed by sections 48-648 and 48-649, except that, to the extent  
11 that the Congress of the United States shall permit states to  
12 require any instrumentalities of the United States to make payments  
13 into an unemployment fund under a state unemployment compensation  
14 act, all of the Employment Security Law shall be applicable to such  
15 instrumentalities and to services performed for such  
16 instrumentalities in the same manner, to the same extent, and on  
17 the same terms as to all other employers, individuals, and  
18 services, except that if this state is not certified for any year  
19 by the Secretary of Labor of the United States under section 3304  
20 of the Internal Revenue Code, the payments required of such  
21 instrumentalities with respect to such year shall be refunded by  
22 the commissioner from the fund in the same manner and within the  
23 same period as is provided in section 48-660, with respect to  
24 contributions erroneously collected;

25 (f) Service performed in the employ of this state or any  
26 political subdivision thereof or any instrumentality of any one or  
27 more of the foregoing if such services are performed by an  
28 individual in the exercise of his or her duties: (i) As an elected

1 official; (ii) as a member of the legislative body or a member of  
2 the judiciary of a state or political subdivision thereof; (iii) as  
3 a member of the Army National Guard or Air National Guard; (iv) as  
4 an employee serving on a temporary basis in case of fire, storm,  
5 snow, earthquake, flood, or similar emergency; or (v) in a position  
6 which, under or pursuant to the state law, is designated a major  
7 nontenured policymaking or advisory position, or a policymaking or  
8 advisory position, the performance of the duties of which  
9 ordinarily does not require more than eight hours per week;

10 (g) For the purposes of subdivisions (4)(a) and (4)(b) of  
11 this section, service performed:

12 (i) In the employ of (A) a church or convention or  
13 association of churches or (B) an organization which is operated  
14 primarily for religious purposes and which is operated, supervised,  
15 controlled, or principally supported by a church or convention or  
16 association of churches;

17 (ii) By a duly ordained, commissioned, or licensed  
18 minister of a church in the exercise of his or her ministry or by a  
19 member of a religious order in the exercise of the duties required  
20 by such order;

21 (iii) Prior to January 1, 1978, in the employ of a school  
22 which is not an institution of higher education;

23 (iv) In a facility conducted for the purpose of carrying  
24 out a program of rehabilitation for an individual whose earning  
25 capacity is impaired by age or physical or mental deficiency or  
26 injury, or providing remunerative work for the individuals who  
27 because of their impaired physical or mental capacity cannot be  
28 readily absorbed in the competitive labor market, by an individual

1 receiving such rehabilitation or remunerative work;

2 (v) As part of an unemployment work relief or  
3 work-training program assisted or financed in whole or in part by  
4 any federal agency or an agency of a state or political subdivision  
5 thereof, by an individual receiving such work relief or work  
6 training; or

7 (vi) Prior to January 1, 1978, for a hospital in a state  
8 prison or other state correctional institution by an inmate of the  
9 prison or correctional institution and after December 31, 1977, by  
10 an inmate of a custodial or penal institution;

11 (h) Service with respect to which unemployment  
12 compensation is payable under an unemployment compensation system  
13 established by an act of Congress;

14 (i) Service performed in any calendar quarter in the  
15 employ of any organization exempt from income tax under section  
16 501(a) of the Internal Revenue Code, other than an organization  
17 described in section 401(a) of the Internal Revenue Code, or under  
18 section 521 thereof, if the remuneration for such service is less  
19 than fifty dollars;

20 (j) Service performed in the employ of a school, college,  
21 or university, if such service is performed (i) by a student who is  
22 enrolled, regularly attending classes at, and working for such  
23 school, college, or university pursuant to a financial assistance  
24 arrangement with such school, college, or university or (ii) by the  
25 spouse of such student, if such spouse is advised, at the time such  
26 spouse commences to perform such service, that (A) the employment  
27 of such spouse to perform such service is provided under a program  
28 to provide financial assistance to such student by such school,

1 college, or university and (B) such employment will not be covered  
2 by any program of unemployment insurance;

3 (k) Service performed as a student nurse in the employ of  
4 a hospital or nurses training school by an individual who is  
5 enrolled and is regularly attending classes in a nurses training  
6 school chartered or approved pursuant to state law; and service  
7 performed as an intern in the employ of a hospital by an individual  
8 who has completed a four-year course in a medical school chartered  
9 or approved pursuant to state law;

10 (l) Service performed by an individual as a real estate  
11 salesperson, as an insurance agent, or as an insurance solicitor,  
12 if all such service performed by such individual is performed for  
13 remuneration solely by way of commission;

14 (m) Service performed by an individual under the age of  
15 eighteen in the delivery or distribution of newspapers or shopping  
16 news, not including delivery or distribution to any point for  
17 subsequent delivery or distribution;

18 (n) Service performed by an individual in the sale,  
19 delivery, or distribution of newspapers or magazines under a  
20 written contract in which (i) the individual acknowledges that the  
21 individual performing the service and the service are not covered  
22 and (ii) the newspapers and magazines are sold by him or her at a  
23 fixed price with his or her compensation being based on the  
24 retention of the excess of such price over the amount at which the  
25 newspapers or magazines are charged to him or her, whether or not  
26 he or she is guaranteed a minimum amount of compensation for such  
27 service, or is entitled to be credited with the unsold newspapers  
28 or magazines turned back;

1           (o) Service performed by an individual who is enrolled at  
2 a nonprofit or public educational institution which normally  
3 maintains a regular faculty and curriculum and normally has a  
4 regularly organized body of students in attendance at the place  
5 where its educational activities are carried on, as a student in a  
6 full-time program, taken for credit at such institution, which  
7 combines academic instruction with work experience, if such service  
8 is an integral part of such program, and such institution has so  
9 certified to the employer, except that this subdivision shall not  
10 apply to service performed in a program established for or on  
11 behalf of an employer or a group of employers;

12           (p) Service performed in the employ of a hospital, if  
13 such service is performed by a patient of the hospital;

14           (q) Service performed for a motor carrier, as defined in  
15 49 U.S.C. 10102(13), as amended, or section 75-302, as amended, by  
16 a lessor leasing one or more motor vehicles driven by the lessor or  
17 one or more drivers provided by the lessor under a lease, with the  
18 motor carrier as lessee, executed pursuant to 49 C.F.R. 1057, as  
19 amended, ~~or~~ Title 291, Chapter 3, as amended, of the rules and  
20 regulations of the Public Service Commission, or the rules and  
21 regulations of the Division of Motor Carrier Services. ~~with the~~  
22 ~~motor carrier as lessee.~~ This shall not preclude the determination  
23 of an employment relationship between the lessor and any personnel  
24 provided by the lessor in the conduct of the service performed for  
25 the lessee. The existence of such a lease either prior to, on the  
26 date of, or after August 26, 1983, shall preclude a determination  
27 of liability as defined by the Employment Security Law after  
28 September 1, 1982;

1           (r) Service performed by an individual for a business  
2 engaged in compilation of marketing data bases if such service  
3 consists only of the processing of data and is performed in the  
4 residence of the individual. The performance of such service prior  
5 to, on, or after August 26, 1983, shall preclude a determination of  
6 liability as defined by the Employment Security Law after January  
7 1, 1983;

8           (s) Service performed by an individual as a volunteer  
9 research subject who is paid on a per study basis for scientific,  
10 medical, or drug-related testing for any organization other than  
11 one described in section 501(c)(3) of the Internal Revenue Code or  
12 any governmental entity;

13           (t) Service performed by a direct seller if: (i) Such  
14 person is engaged in sales primarily in person and is (A) engaged  
15 in the trade or business of selling or soliciting the sale of  
16 consumer products or services to any buyer on a buy-sell basis or a  
17 deposit-commission basis for resale, by the buyer or any other  
18 person, in the home or otherwise than in a permanent retail  
19 establishment or (B) engaged in the trade or business of selling or  
20 soliciting the sale of consumer products or services in the home or  
21 otherwise than in a permanent retail establishment; (ii)  
22 substantially all the remuneration, whether or not paid in cash,  
23 for the performance of the services described in subdivision (t)(i)  
24 of this subdivision is directly related to sales or other output,  
25 including the performance of services, rather than to the number of  
26 hours worked; and (iii) the services performed by the person are  
27 performed pursuant to a written contract between such person and  
28 the person for whom the services are performed and the contract

1 provides that the person will not be treated as an employee for  
2 federal and state tax purposes. Sales by a person whose business  
3 is conducted primarily by telephone or any other form of electronic  
4 sales or solicitation is not service performed by a direct seller  
5 under this subdivision; and

6 (u) Service performed by an individual who is a  
7 participant in the National and Community Service State Grant  
8 Program, also known as AmeriCorp, because a participant is not  
9 considered an employee of the program in which the participant is  
10 enrolled pursuant to 42 U.S.C. 12511(17)(B);

11 (7) If the services performed during one-half or more of  
12 any pay period by an individual for the person employing him or her  
13 constitute employment, all the services of such individual for such  
14 period shall be deemed to be employment, but if the services  
15 performed during more than one-half of any such pay period by an  
16 individual for the person employing him or her do not constitute  
17 employment, then none of the services of such individual for such  
18 period shall be deemed to be employment. As used in this  
19 subdivision, the term pay period means a period, of not more than  
20 thirty-one consecutive days, for which a payment of remuneration is  
21 ordinarily made to such individual by the person employing him or  
22 her. This subdivision shall not be applicable with respect to  
23 services performed in a pay period by an individual for the person  
24 employing him or her when any of such service is excepted by  
25 subdivision (6)(h) of this section;

26 (8) Notwithstanding the foregoing exclusions from the  
27 definition of employment, services shall be deemed to be in  
28 employment if with respect to such services a tax is required to be

1 paid under any federal law imposing a tax against which credit may  
2 be taken for contributions required to be paid into a state  
3 unemployment compensation fund or which as a condition for full tax  
4 credit against the tax imposed by the Federal Unemployment Tax Act  
5 is required to be covered under the Employment Security Law; and

6 (9) Any extension of the definition of employment by this  
7 section to include services heretofore excluded shall not be  
8 effective until after December 31, 1977, and section 48-604 as it  
9 existed prior to its amendments by Laws 1977, LB 509, shall be  
10 applicable to services performed prior to January 1, 1978.

11 Sec. 2. Section 60-305.09, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 60-305.09. (1) Any owner engaged in operating a fleet of  
14 apportionable vehicles in this state in interstate commerce may, in  
15 lieu of registration of such vehicles under the general provisions  
16 of sections 60-301 to 60-344, register and license such fleet for  
17 operation in this state by filing a statement and the application  
18 required by section 60-305.16 with the Division of Motor Carrier  
19 Services of the Department of Motor Vehicles. The statement shall  
20 be in such form and contain such information as the division  
21 requires, declaring the total mileage operated by such vehicles in  
22 all states and in this state during the preceding year and  
23 describing and identifying each such vehicle to be operated in this  
24 state during the ensuing license year. Upon receipt of such  
25 statement and application, the division shall determine the total  
26 fee payment which shall be equal to the amount of fees due pursuant  
27 to section 60-305.16 and the amount obtained by applying the  
28 proportion of instate fleet miles to total fleet miles, as reported

1 in such states, to a fee of thirty-two dollars per ton based upon  
2 gross vehicle weight of the empty weights of a truck or  
3 truck-tractor and the empty weights of any trailer, semitrailer, or  
4 combination thereof with which it is to be operated in combination  
5 at any one time, plus the weight of the maximum load to be carried  
6 thereon at any one time, and shall notify the applicant of the  
7 amount of payment required to be made. Mileage operated in  
8 noncontracting reciprocity states by vehicles based in Nebraska  
9 shall be applied to the portion of the formula for determining the  
10 Nebraska instate fleet miles.

11 Temporary authority which permits the operation of a  
12 fleet or an addition to a fleet in this state while the application  
13 is being processed may be issued upon application to the division  
14 if necessary to complete processing of the application.

15 Upon completion of such processing and receipt of the  
16 appropriate fees, the division shall issue to the applicant a  
17 sufficient number of distinctive registration certificates and such  
18 other evidence of registration for display on the vehicle as the  
19 division determines appropriate for each of the vehicles of his or  
20 her fleet, identifying it as a part of an interstate fleet  
21 proportionately registered. All fees received as provided in this  
22 section shall be remitted to the State Treasurer for credit to the  
23 Motor Carrier Services Division Distributive Fund. The Director of  
24 Motor Vehicles shall ratify and do all things necessary to  
25 effectuate the International Registration Plan with such exceptions  
26 as are deemed advisable and such changes as are necessary.

27 The vehicles so registered shall be exempt from all  
28 further registration and license fees under sections 60-301 to

1 60-344 for movement or operation in the State of Nebraska except as  
2 provided in section 60-305.16. The proportional registration and  
3 licensing provision of this section shall apply to vehicles added  
4 to such fleets and operated in this state during the license year  
5 except with regard to permanent license plates issued under section  
6 60-305.16.

7           The right of applicants to proportional registration  
8 under this section shall be subject to the terms and conditions of  
9 any reciprocity agreement, contract, or consent made by the  
10 division.

11           When a nonresident fleet owner has registered his or her  
12 vehicles on an apportionment basis, his or her vehicles shall be  
13 considered as fully registered for both interstate and intrastate  
14 commerce when the state of base registration for such fleet accords  
15 the same consideration for fleets with a base registration in  
16 Nebraska. Each vehicle of a fleet registered by a resident of  
17 Nebraska on an apportionment basis shall be considered as fully  
18 registered for both interstate and intrastate commerce.

19           (2) Mileage proportions for interstate fleets not  
20 operated in this state during the preceding year shall be  
21 determined by the division upon the ~~sworn~~ application of the  
22 applicant on forms to be supplied by the division which shall show  
23 the operations of the preceding year in other states and estimated  
24 operations in Nebraska or, if no operations were conducted the  
25 previous year, a full statement of the proposed method of  
26 operation.

27           (3) Any owner complying with and being granted  
28 proportional registration shall preserve the records on which the

1 application is made for a period of three years following the  
2 current registration year. Upon request of the division, the owner  
3 shall make such records available to the division at its office for  
4 audit as to accuracy of computation and payments or pay the costs  
5 of an audit at the home office of the owner by a duly appointed  
6 representative of the division if the office where the records are  
7 maintained is not within the State of Nebraska. The division may  
8 enter into agreements with agencies of other states administering  
9 motor vehicle registration laws for joint audits of any such owner.  
10 All payments received to cover the costs of an audit shall be  
11 remitted by the division to the State Treasurer for credit to the  
12 Motor Carrier Division Cash Fund. No deficiency shall be assessed  
13 and no claim for credit shall be allowed for any license  
14 registration year for which records on which the application was  
15 made are no longer required to be maintained.

16 (4) If the division claims that a greater amount of fee  
17 is due under this section than was paid, the division shall notify  
18 the owner of the additional amount claimed to be due. The owner  
19 may accept such claim and pay the amount due, or he or she may  
20 dispute the claim and submit to the division any information which  
21 he or she may have in support of his or her position. If the  
22 dispute cannot otherwise be resolved within the division, the  
23 entire matter shall be submitted to the Director of Motor Vehicles  
24 for his or her final departmental determination thereof. The  
25 director shall incorporate his or her determination into a written  
26 order. Such order may be appealed. The appeal shall be in  
27 accordance with the Administrative Procedure Act. Upon expiration  
28 of the time for perfecting an appeal if no appeal is taken or upon

1 final judicial determination if an appeal is taken, the division  
2 shall deny the owner the right to further registration for a fleet  
3 license until the amount finally determined to be due, together  
4 with any costs assessed against the owner, has been paid.

5 (5) Every applicant who licenses any vehicles under this  
6 section and section 60-305.16 shall have his or her registration  
7 certificates issued only after all fees under such sections are  
8 paid and, if applicable, proof has been furnished of payment, in  
9 the form prescribed by the director as directed by the United  
10 States Secretary of the Treasury, of the federal heavy vehicle use  
11 tax imposed by the Internal Revenue Code, 26 U.S.C. 4481.

12 (6) In the event of the transfer of ownership of any  
13 registered motor vehicle or in the case of loss of possession  
14 because of fire or theft or because the motor vehicle was wrecked,  
15 junked, or dismantled, its registration shall expire, except that  
16 if the registered owner applies to the division after such transfer  
17 or loss of possession and accompanies the application with the fee  
18 of one dollar and fifty cents, he or she may have assigned to  
19 another motor vehicle the registration identification of the motor  
20 vehicle so transferred or lost. If the assigned motor vehicle has  
21 a greater gross weight than the transferred or lost motor vehicle,  
22 the owner of the assigned motor vehicle shall additionally pay only  
23 the registration fee for the increased gross weight for the  
24 remaining months of the registration year based on the factors  
25 determined by the division in the original fleet application.

26 (7) Whenever a Nebraska-based fleet owner files an  
27 application with the division to delete a registered motor vehicle  
28 from a fleet of registered motor vehicles because of (a) the

1 transfer of ownership or (b) the loss of possession due to fire or  
2 theft or because the motor vehicle was wrecked, junked, or  
3 dismantled, the registered owner may, by returning the registration  
4 certificate or certificates and such other evidence of registration  
5 used by the division or, if such certificate or certificates or  
6 such other evidence of registration is unavailable, then by making  
7 an affidavit to the division of such transfer or loss, receive a  
8 refund of the registration fee based upon the number of unexpired  
9 months remaining in the registration year. No refund shall be  
10 allowed for any fees paid under section 60-305.16. When such motor  
11 vehicle is transferred or lost within the same month as acquired,  
12 no refund shall be allowed for such month. Such refund may be in  
13 the form of a credit against any registration fees that have been  
14 incurred or are, at the time of the refund, being incurred by the  
15 registered motor vehicle owner.

16 (8) Whenever a Nebraska-based fleet owner files an  
17 application with the division to delete a registered motor vehicle  
18 from a fleet of registered motor vehicles because the vehicle is  
19 disabled and has been removed from service, the registered owner  
20 may, by returning the registration certificate or certificates and  
21 such other evidence of registration used by the division or, in the  
22 case of the unavailability of such certificate or certificates or  
23 such other evidence of registration, then by making an affidavit to  
24 the division of such disablement and removal from service, receive  
25 a credit for that portion of the registration fee deposited in the  
26 Highway Trust Fund based upon the number of unexpired months  
27 remaining in the registration year. No credit shall be allowed for  
28 any fees paid under section 60-305.16. When such motor vehicle is

1 removed from service within the same month in which it was  
2 registered, no credit shall be allowed for such month. Such credit  
3 may be applied against registration fees for new or replacement  
4 vehicles incurred within one year after cancellation of  
5 registration of the motor vehicle for which the credit was allowed.  
6 When any such vehicle is reregistered within the same registration  
7 year in which its registration has been canceled, the fee shall be  
8 that portion of the registration fee provided to be deposited in  
9 the Highway Trust Fund for the remainder of the registration year.

10 (9) In case of addition to the registered fleet during  
11 the registration year, the owner engaged in operating the fleet  
12 shall pay the proportionate registration fee from the date of the  
13 application for the remaining balance of the registration year.  
14 The fee for any permanent license plate issued for such addition  
15 pursuant to section 60-305.16 shall be the full fee required by  
16 such section, regardless of the number of months remaining in the  
17 license year.

18 (10) In lieu of registration under subsections (1)  
19 through (9) of this section, the title holder of record may apply  
20 to the division for special registration, to be known as an  
21 unladen-weight registration, for any commercial vehicle or  
22 combination of vehicles. Such registration shall be valid only for  
23 a period of thirty days and shall give no authority to operate the  
24 vehicle except when empty. The fee for such registration shall be  
25 twenty dollars for each vehicle, which fee shall be remitted to the  
26 State Treasurer for credit to the Highway Trust Fund. The issuance  
27 of such permits shall be governed by subsection (1) of section  
28 60-305.03.

1           (11) In lieu of registration under subsections (1)  
2 through (9) of this section, a trip permit for any nonresident  
3 truck, truck-tractor, bus, or truck or truck-tractor combination  
4 shall be purchased. Such permit shall be valid for (a) a single  
5 trip across or through Nebraska and (b) not longer than seventy-two  
6 hours. The fee for such permit shall be twenty-five dollars for  
7 each vehicle or combination of vehicles. Such permit shall be  
8 available at weighing stations operated by the carrier enforcement  
9 division and at various vendor stations as determined appropriate  
10 by the carrier enforcement division. The carrier enforcement  
11 division shall act as an agent for the Division of Motor Carrier  
12 Services in collecting such fees and shall remit all such fees  
13 collected to the State Treasurer for credit to the Highway Cash  
14 Fund. Trip permits shall be obtained at the first available  
15 location whether that is a weighing station or a vendor station.  
16 The vendor stations shall be entitled to collect and retain an  
17 additional fee of ten percent of the fee collected pursuant to this  
18 subsection as reimbursement for the clerical work of issuing the  
19 permits.

20           Sec. 3. Section 60-480, Revised Statutes Supplement,  
21 2000, is amended to read:

22           60-480. Operators' licenses issued by the Department of  
23 Motor Vehicles pursuant to the Motor Vehicle Operator's License Act  
24 shall be classified as follows:

25           (1) Class O license. The operator's license which  
26 authorizes the person to whom it is issued to operate on highways  
27 any motor vehicle except a commercial motor vehicle or motorcycle;

28           (2) Class M license. The operator's license or

1 endorsement on a Class O license, provisional operator's permit,  
2 learner's permit, school permit, or commercial driver's license  
3 which authorizes the person to whom it is issued to operate a  
4 motorcycle on highways;

5 (3) CDL-commercial driver's license. The operator's  
6 license which authorizes the person to whom it is issued to operate  
7 a class of commercial motor vehicles or any motor vehicle, except a  
8 motorcycle, on highways;

9 (4) RCDL-restricted commercial driver's license. The  
10 class of commercial driver's license which, when held with an  
11 annual seasonal permit, authorizes a seasonal commercial motor  
12 vehicle operator as defined in section 60-4,146.01 to operate any  
13 Class B Heavy Straight Vehicle or Class C Small Vehicle commercial  
14 motor vehicle for purposes of a farm-related or ranch-related  
15 service industry as defined in such section within one hundred  
16 fifty miles of the employer's place of business or the farm or  
17 ranch currently being served as provided in such section or any  
18 other motor vehicle, except a motorcycle, on highways;

19 (5) POP-provisional operator's permit. A motor vehicle  
20 operating permit with restrictions issued pursuant to section  
21 60-4,120.01 to a person who is at least sixteen years of age but  
22 less than eighteen years of age which authorizes the person to  
23 operate any motor vehicle except a commercial motor vehicle or  
24 motorcycle;

25 (6) SCP-school permit. A permit issued to a student  
26 between fourteen and sixteen years of age for the purpose of  
27 driving to and from school in accordance with the requirements of  
28 section 60-4,124;

1           (7) FMP-farm permit. A permit issued to a person for  
2 purposes of operating farm tractors and other motorized implements  
3 of farm husbandry on highways in accordance with the requirements  
4 of section 60-4,126;

5           (8) LPC-learner's permit. A permit which when held in  
6 conjunction with a Class O license or commercial driver's license  
7 authorizes a person to operate a commercial motor vehicle for  
8 learning purposes when accompanied by a person who is at least  
9 twenty-one years of age;

10          (9) LPD-learner's permit. A permit issued in accordance  
11 with the requirements of section 60-4,123 to a person at least  
12 fifteen years of age which authorizes the person to operate a motor  
13 vehicle, except a commercial motor vehicle, for learning purposes  
14 when accompanied by a licensed operator who is at least twenty-one  
15 years of age and who possesses a valid operator's license issued by  
16 this state or another state;

17          (10) LPE-learner's permit. A permit issued to a person  
18 at least fourteen years of age which authorizes the person to  
19 operate a motor vehicle, except a commercial motor vehicle, while  
20 learning to drive in preparation for application for a school  
21 permit;

22          (11) EDP-employment driving permit. A permit issued to a  
23 person which authorizes the person to operate a motor vehicle,  
24 except a commercial motor vehicle, pursuant to the requirements of  
25 sections 60-4,129 and 60-4,130;

26          (12) SEP-seasonal permit. A permit issued to a person  
27 who holds a restricted commercial driver's license authorizing the  
28 person to operate a commercial motor vehicle, as prescribed by

1 section 60-4,146.01, for no more than one hundred eighty  
2 consecutive days in any twelve-month period. The seasonal permit  
3 shall be valid and run from the date of original issuance of the  
4 permit for one hundred eighty days and from the date of annual  
5 revalidation of the permit; and

6 (13) MHP-medical hardship driving permit. A permit  
7 issued to a person which authorizes the person to operate a motor  
8 vehicle, except a commercial motor vehicle, pursuant to the  
9 requirements of sections 60-4,130.01 and 60-4,130.02.

10 Sec. 4. Section 60-484, Revised Statutes Supplement,  
11 2000, is amended to read:

12 60-484. (1) Except as otherwise provided in the Motor  
13 Vehicle Operator's License Act, no resident of the State of  
14 Nebraska shall operate a motor vehicle upon the alleys or highways  
15 of the State of Nebraska until the person has obtained an  
16 operator's license for that purpose.

17 (2) Application for an operator's license may be made on  
18 uniform blanks prepared and furnished by the director to the county  
19 treasurers and the examiners of the Department of Motor Vehicles  
20 prior to January 1, 2003. Such application may be made to an  
21 examiner in any county. The standard application blanks shall be  
22 sufficient in form and content to substantially carry out the  
23 purposes of the act.

24 (3) Beginning October 1, 2000, application for an  
25 operator's license may also be made in a manner prescribed by the  
26 department. Such application may be made to an examiner in any  
27 county. The examiner shall personally conduct the examination of  
28 the applicant and deliver to each successful applicant an

1 examiner's certificate containing the statements made pursuant to  
2 subsection (4) of this section.

3 (4) In addition to any other information and questions  
4 necessary to comply with the requirements and purposes of the act,  
5 the applicant (a) shall provide his or her name, age, post office  
6 address, place of residence, date of birth, sex, social security  
7 number, and brief description of himself or herself, (b) may  
8 complete the voter registration portion pursuant to section 32-308,  
9 (c) shall be provided the advisement language required by  
10 subsection (10) of section 60-6,197, (d) shall answer the  
11 following:

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

15 (A) lost voluntary control or consciousness ... yes ...  
16 no

17 (B) experienced vertigo or multiple episodes of dizziness  
18 or fainting ... yes ... no

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

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

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

23 Please explain: .....

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

28 Please explain: .....

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

4 Please explain, including how the above affects your ability to  
5 drive:

6 .....,

7 and (e) may answer the following:

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

10 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING  
11 QUESTIONS:

12 (ii) Do you wish to make an anatomical gift?\*

13 If yes:

14 (A) ..... any needed organs or tissues

15 (B) ..... only the following organs or tissues

16 .....

17 (C) ..... my body for anatomical study, if needed.\*\*

18 Limitations or special wishes if any .....

19 (iii) Do you wish to receive any additional specific  
20 information regarding anatomical gifts?

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

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

4 .....	.....	.....
5 Signature of Donor	Date of Birth	Date Signed
6 .....	.....	.....
7 City and State	Witness	Witness

8                   (iv) Do you wish to donate \$1 to promote the Organ and  
9 Tissue Donor Awareness and Education Fund? This is strictly a  
10 voluntary contribution.

11                   If you answer "YES", you may pay the dollar in cash or  
12 simply add it to your license fee payment. Funds collected will be  
13 used for statewide public information programs on organ and tissue  
14 donation.

15                   (5) Application for an operator's license shall be made  
16 under oath or affirmation of the applicant.

17                   (6) The social security number shall not be printed on  
18 the operator's license and shall be used only (a) to furnish driver  
19 record information to the United States Selective Service System  
20 under section 60-483, (b) with the permission of the director in  
21 connection with the verification of the status of an individual's  
22 driving record in this state or any other state, or (c) for  
23 purposes of child support enforcement pursuant to section 42-358.08  
24 or 43-512.06.

25                   (7)(a) Except for an individual under the age of eighteen  
26 years, each individual applying for an operator's license or a  
27 state identification card shall furnish proof of date of birth and  
28 identity by a valid Nebraska operator's license, a valid Nebraska

1 learner's permit, a valid Nebraska school permit, a valid  
2 operator's license from another state or jurisdiction of the United  
3 States, a certified birth certificate, a certified birth  
4 registration, a valid United States passport, a valid United States  
5 military identification card, United States military discharge  
6 papers, or other United States-based identification as approved by  
7 the director.

8 (b) Any individual under the age of eighteen years  
9 applying for an operator's license or a state identification card  
10 shall provide a certified copy of his or her birth certificate, a  
11 certified birth registration, or other reliable proof of his or her  
12 identity and age accompanied by ~~an affidavit~~ a certification signed  
13 by a parent or guardian explaining the inability to produce a copy  
14 of such birth certificate. The applicant may be required to  
15 furnish proof to the examiner that the parent or guardian signing  
16 ~~any written information~~ the certification is in fact the parent or  
17 guardian of such applicant.

18 Sec. 5. Section 60-4,118, Revised Statutes Supplement,  
19 2000, is amended to read:

20 60-4,118. (1) No operator's license shall be granted to  
21 any applicant until such applicant satisfies the examiner that he  
22 or she possesses sufficient powers of eyesight to enable him or her  
23 to obtain a Class O license and to operate a motor vehicle on the  
24 highways of this state with a reasonable degree of safety. The  
25 Department of Motor Vehicles, with the advice of the Health  
26 Advisory Board, shall adopt and promulgate rules and regulations:

27 (a) Requiring a minimum acuity level of vision. Such  
28 level may be obtained through the use of standard eyeglasses,

1 contact lenses, or bioptic or telescopic lenses which are specially  
2 constructed vision correction devices which include a lens system  
3 attached to or used in conjunction with a carrier lens; and

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

7 (2) If a vision aid is used by the applicant to meet the  
8 vision requirements of this section, the operator's license of the  
9 applicant shall be restricted to the use of such vision aid when  
10 operating the motor vehicle. If the applicant fails to meet the  
11 vision requirements, the examiner shall require the applicant to  
12 present an optometrist's or ophthalmologist's statement certifying  
13 the vision reading obtained when testing the applicant within  
14 ninety days of the applicant's license examination. If the vision  
15 reading meets the vision requirements prescribed by the department,  
16 the vision requirements of this section shall have been met.

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

1 subject, at the discretion of the director, to a limitation to  
2 operate only such motor vehicles at such time, for such purpose,  
3 and within such area as the license shall designate.

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

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

20 (c) If the person cannot qualify at the examination by an  
21 examiner, his or her operator's license shall be immediately  
22 surrendered to the examiner and forwarded to the director who shall  
23 cancel the person's operator's license.

24 (d) If in the opinion of the board the person cannot  
25 qualify at the examination by the board, the board shall advise the  
26 director. If the director determines after consideration of the  
27 advice of the board that the person lacks the physical or mental  
28 ability to operate a motor vehicle, the director shall notify the

1 person in writing of the decision. Upon receipt of the notice, the  
2 person shall immediately surrender his or her operator's license to  
3 the director who shall cancel the person's operator's license.

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

8 (5) No operator's license referred to in this section  
9 shall, under any circumstances, be issued to any person who has not  
10 attained the age of seventeen years.

11 (6) No operator's license shall be issued to a person  
12 under eighteen years of age applying for an operator's license  
13 under this section unless such person:

14 (a) Has possessed a valid provisional operator's permit  
15 for at least a twelve-month period beginning on the date of  
16 issuance of such person's provisional operator's permit;

17 (b) Has not accumulated three or more points pursuant to  
18 section 60-4,182 during the twelve-month period immediately  
19 preceding the date of the application for the operator's license;  
20 and

21 (c) Has surrendered the provisional operator's permit to  
22 the examiner.

23 (7) The department shall waive the written examination  
24 and the driving test required under this section for any person  
25 seventeen to twenty-one years of age applying for his or her  
26 initial operator's license, ~~except a commercial driver's license or~~  
27 ~~permit,~~ if he or she has been issued a provisional operator's  
28 permit. The department shall not waive the written examination and

1 the driving test required under this section if the person is  
2 applying for a commercial driver's license or permit or if the  
3 operator's license being applied for contains a class or  
4 endorsement which is different from the class or endorsement of the  
5 provisional operator's permit.

6 (8)(a) Upon receipt by the director of (i) a certified  
7 copy of a court order issued pursuant to section 60-6,211.05, (ii)  
8 sufficient evidence that the defendant has surrendered his or her  
9 operator's license to the department and installed an approved  
10 ignition interlock device in accordance with such court order, and  
11 (iii) payment by the defendant of the fee provided in section  
12 60-4,115, the defendant shall be eligible for reinstatement of his  
13 or her operator's license following the expiration of thirty days  
14 after revocation under section 60-6,206 and the director shall  
15 issue to the defendant a Class O license restricted to the  
16 operation of a motor vehicle equipped with an ignition interlock  
17 device. The department shall not issue such a license to any  
18 person convicted of a second or subsequent violation of section  
19 60-6,196 or 60-6,197 until at least one year of the operator's  
20 license revocation has elapsed.

21 (b) Upon expiration of the court order issued pursuant to  
22 section 60-6,211.05 or an order issued by the Board of Pardons  
23 pursuant to section 83-1,127.02, the defendant may apply to the  
24 department in writing for issuance of an operator's license which  
25 does not contain such restriction. If the license surrendered by  
26 the defendant under subdivision (a) of this subsection has not  
27 expired, the director shall return such license to the defendant.  
28 If such license has expired, the defendant shall reapply for an

1 operator's license pursuant to the Motor Vehicle Operator's License  
2 Act.

3 Sec. 6. Section 60-4,120.01, Revised Statutes  
4 Supplement, 2000, is amended to read:

5 60-4,120.01. (1) Any person who is at least sixteen  
6 years of age but less than eighteen years of age may be issued a  
7 provisional operator's permit by the Department of Motor Vehicles.  
8 The provisional operator's permit shall expire on the applicant's  
9 eighteenth birthday. The requirements for the provisional  
10 operator's permit prescribed in subdivisions (2)(a) and (b) of this  
11 section may be completed prior to the applicant's sixteenth  
12 birthday. A person may apply for a provisional operator's permit  
13 and take the driving test and the written examination, if required,  
14 at any time within sixty days prior to his or her sixteenth  
15 birthday upon proof of age in the manner provided in section  
16 60-484.

17 (2) In order to obtain a provisional operator's permit,  
18 the applicant shall present to the examiner (a)(i) proof of  
19 successful completion of a department-approved driver safety course  
20 which includes behind-the-wheel driving specifically emphasizing  
21 (A) the effects of the consumption of alcohol on a person operating  
22 a motor vehicle, (B) occupant protection systems, (C) risk  
23 assessment, and (D) railroad crossing safety and (ii) proof of  
24 successful completion of a written examination and driving test  
25 administered by a driver safety course instructor or (b) ~~an~~  
26 affidavit and driving log on a certificate in a form prescribed by  
27 the department, signed by a parent, guardian, or licensed driver at  
28 least twenty-one years of age, verifying that the applicant has

1 completed fifty hours of lawful motor vehicle operation, under  
2 conditions that reflect department-approved driver safety course  
3 curriculum, with a parent, guardian, or adult at least twenty-one  
4 years of age, who has a current Nebraska operator's license or who  
5 is licensed in another state. If the applicant presents such an  
6 ~~affidavit~~ a certificate, the applicant shall be required to  
7 successfully complete a driving test administered by an examiner of  
8 the department. The written examination shall be waived if the  
9 applicant ~~has held an~~ surrenders a Nebraska LPD-learner's permit  
10 ~~issued on or after~~ issued on or after January 1, 1999, and such permit is valid or has  
11 expired no more than one year prior to surrender. However, the  
12 department shall not waive the written examination if the  
13 provisional operator's permit being applied for contains a class or  
14 endorsement which is different from the class or endorsement of the  
15 LPD-learner's permit. Upon presentation to the examiner by the  
16 applicant of a form prescribed by the department showing successful  
17 completion of the driver safety course, the examiner shall waive  
18 the written examination and driving test. Upon presentation to the  
19 examiner of the ~~affidavit and driving log~~ certificate, the examiner  
20 shall waive the written examination but not the driving test. ~~Upon~~  
21 ~~presentation to the examiner by the applicant of his or her school~~  
22 ~~permit, the examiner shall waive the written examination and the~~  
23 ~~driving test.~~ The examiner shall waive the written examination and  
24 the driving test if the applicant has been issued a school permit  
25 and such permit is valid or has expired no more than one year prior  
26 to application. The written examination shall not be waived if the  
27 provisional operator's permit being applied for contains a class or  
28 endorsement which is different from the class or endorsement of the

1 school permit.

2 (3) The holder of a provisional operator's permit shall  
3 only operate a motor vehicle on the highways of this state during  
4 the period beginning at 6 a.m. and ending at 12 midnight except  
5 when he or she is en route to or from his or her residence to his  
6 or her place of employment or a school activity. The holder of a  
7 provisional operator's permit may operate a motor vehicle on the  
8 highways of this state at any hour of the day or night if  
9 accompanied by a parent, guardian, or adult at least twenty-one  
10 years of age, who has a current Nebraska operator's license or who  
11 is licensed in another state.

12 (4) The county treasurer shall collect a fee for the  
13 issuance of each provisional operator's permit in the amount of ten  
14 dollars. Two dollars and seventy-five cents of each fee shall be  
15 credited to the county general fund, and the remainder of the fee  
16 shall be remitted to the State Treasurer for credit to the  
17 Department of Motor Vehicles Cash Fund.

18 Sec. 7. Section 60-4,122, Revised Statutes Supplement,  
19 2000, is amended to read:

20 60-4,122. (1) Except as provided in subsections (2) and  
21 (3) of this section, no original or renewal operator's license  
22 shall be issued to any person until such person has appeared before  
23 an examiner to demonstrate his or her ability to operate a motor  
24 vehicle safely as provided in section 60-4,114.

25 (2) Except as provided in section 60-4,127, any person  
26 who renews his or her Class O or Class M license shall appear  
27 before an examiner to demonstrate his or her ability to drive and  
28 maneuver a motor vehicle safely as provided in subdivision (3)(b)

1 of section 60-4,114 only at the discretion of the examiner, except  
2 that a person required to use bioptic or telescopic lenses shall be  
3 required to demonstrate his or her ability to drive and maneuver a  
4 motor vehicle safely each time he or she renews his or her license.

5 (3) Any person who renews his or her Class O or Class M  
6 license prior to or within one year after its expiration shall not  
7 be required to demonstrate his or her knowledge of the motor  
8 vehicle laws of this state as provided in subdivision (3)(c) of  
9 section 60-4,114 if his or her driving record abstract maintained  
10 in the computerized records of the Department of Motor Vehicles  
11 shows that such person's license is not suspended, revoked, or  
12 canceled.

13 (4) Except for operators' licenses issued to persons  
14 required to use bioptic or telescopic lenses, any person who renews  
15 his or her operator's license which has been valid for fifteen  
16 months or less shall not be required to take any examination  
17 required under section 60-4,114.

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

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

1           (7) An applicant for an original operator's license shall  
2 not be required to demonstrate his or her knowledge of the motor  
3 vehicle laws of this state if he or she surrenders to the examiner  
4 his or her ~~valid~~ Nebraska LPD-learner's permit issued after January  
5 1, 1999, and such permit is valid or has expired no more than one  
6 year prior to surrender. The written examination shall not be  
7 waived if the original operator's license being applied for  
8 contains a class or endorsement which is different from the class  
9 or endorsement of the Nebraska LPD-learner's permit.

10           Sec. 8.     Section 60-4,124, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           60-4,124. A person who is younger than sixteen years of  
13 age but is over fourteen years of age may be issued, by the county  
14 treasurer, a school permit to drive a motor vehicle, moped, or  
15 motorcycle to and from where he or she attends school by the  
16 nearest highway from his or her place of residence if such person  
17 lives a distance of one and one-half miles or more from such school  
18 and either resides outside a city of the metropolitan, primary, or  
19 first class or attends a school which is outside a city of the  
20 metropolitan, primary, or first class. A school permit shall be  
21 used for the sole purpose of transporting such person or any family  
22 member who resides with such person to attend school, except that  
23 the holder of the permit may drive under the personal supervision  
24 of ~~his or her parents or guardian~~ a licensed operator. Such  
25 licensed operator shall be at least twenty-one years of age and  
26 licensed by this state or another state and shall actually occupy  
27 the seat beside the permitholder or, in the case of a motorcycle or  
28 moped, if the permitholder is within visual contact of and under

1 the supervision of, in the case of a motorcycle, a licensed  
2 motorcycle operator or, in the case of a moped, a licensed motor  
3 vehicle operator. A school permit shall not be issued until such  
4 person has appeared before an examiner to demonstrate that he or  
5 she is capable of successfully operating a motor vehicle, moped, or  
6 motorcycle and has in his or her possession an examiner's  
7 certificate authorizing the county treasurer to issue a school  
8 permit.

9 Any such person desiring a school permit may first obtain  
10 an LPE-learner's permit from the county treasurer, which permit  
11 shall be valid for a period of two months. An LPE-learner's permit  
12 shall not be issued until such person demonstrates that he or she  
13 has sufficient powers of eyesight to safely operate a motor  
14 vehicle, moped, or motorcycle. While holding the LPE-learner's  
15 permit, the person may operate a motor vehicle on the highways of  
16 this state if he or she has seated next to him or her a person who  
17 is a licensed operator or, in the case of a motorcycle or moped, if  
18 he or she is within visual contact of and is under the supervision  
19 of a person who, in the case of a motorcycle, is a licensed  
20 motorcycle operator or, in the case of a moped, is a licensed motor  
21 vehicle operator. Such licensed motor vehicle or motorcycle  
22 operator shall ~~either be a parent or guardian of the holder or a~~  
23 ~~person over the age of nineteen years who is authorized in writing~~  
24 ~~by the holder's parent or guardian to supervise the actions of the~~  
25 ~~holder in operating the vehicle~~ be at least twenty-one years of age  
26 and licensed by this state or another state.

27 The county treasurer shall collect a fee of three dollars  
28 from each successful applicant for a school or LPE-learner's

1 permit. All school permits shall be subject to revocation under  
2 the terms of section 60-496. Any person who violates the terms of  
3 a school permit shall be guilty of an infraction and shall not be  
4 eligible for another operator's license or school, farm,  
5 LPD-learner's, or LPE-learner's permit until he or she has attained  
6 the age of sixteen years.

7 Sec. 9. Section 60-4,149.01, Revised Statutes  
8 Supplement, 2000, is amended to read:

9 60-4,149.01. (1) A commercial driver's license examiner  
10 shall not require the commercial driver's license knowledge  
11 examination, except the hazardous material portion of the  
12 examination and any knowledge examinations not previously taken for  
13 that class of commercial motor vehicle or endorsement, if the  
14 applicant renews his or her commercial driver's license prior to  
15 its expiration or within one year after its expiration, and if the  
16 applicant's driving record abstract maintained in the department's  
17 computerized records shows that his or her commercial driver's  
18 license is not suspended, revoked, canceled, or disqualified. 7  
19 and if the renewal application is for the same class of commercial  
20 motor vehicle the applicant was licensed to operate.

21 (2) A nonresident who holds a valid commercial driver's  
22 license from another state shall not be required to take the  
23 commercial driver's license knowledge examination, except the  
24 hazardous material portion of the examination and any knowledge  
25 examinations not previously taken for that class of commercial  
26 motor vehicle or endorsement, if the application is for the same  
27 class of commercial motor vehicle the nonresident was licensed to  
28 operate and the nonresident surrenders his or her valid

1 out-of-state commercial driver's license to the commercial driver's  
2 license examiner.

3           Sec. 10.     Section 66-1406, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           66-1406. An agreement may provide for:

6           (1) Defining the classes of motor vehicles upon which the  
7 motor fuel taxes are to be collected under the agreement;

8           (2) Establishing methods for motor fuel tax licensing,  
9 license revocation, and tax collection for motor carriers by the  
10 base state on behalf of itself and all other states which are  
11 parties to the agreement;

12           (3) Establishing procedures for the granting of credits  
13 or refunds;

14           (4) Defining conditions and criteria relative to bonding  
15 requirements including criteria for exemption from bonding;

16           (5) Establishing tax reporting periods and tax report due  
17 dates not to exceed one calendar month after the close of the  
18 reporting period;

19           (6) Providing for a penalty at a rate of fifty dollars  
20 for each reporting period or ten percent of the delinquent tax  
21 whichever is greater for failure to file a report, for filing a  
22 late report, or for filing an underpayment of taxes due;

23           (7) ~~Providing for interest~~ Interest on all delinquent  
24 taxes at a rate set by the base state;

25           (8) Establishing procedures for forwarding of motor fuel  
26 taxes, penalties, and interest collected on behalf of another state  
27 to that state;

28           (9) Record-keeping requirements for licensees; and

1           (10) Any additional provisions which will facilitate the  
2 administration of the agreement.

3           Sec. 11.     Section 75-352, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           75-352. It shall be unlawful for any common, contract,  
6 or private carrier to conduct any operations under the registration  
7 provided for by sections 75-348 to 75-358 until such carrier has  
8 registered with the Division of Motor Carrier Services the number  
9 of motor vehicles to be operated thereunder ~~and has met the~~  
10 ~~insurance and bond requirements provided for in section 75-307~~ and  
11 all motor vehicles are identified as being registered with the  
12 division in a manner to be provided in rules and regulations which  
13 shall be adopted by the division in conformance with federal law  
14 and regulations. It shall be unlawful for any common, contract, or  
15 private carrier not domiciled in this state to conduct operations  
16 under such registration unless such carriers make the filings and  
17 pay the fees provided for in sections 75-348 to 75-358 through an  
18 agent designated by the division, which agent shall be a  
19 corporation, organized under the laws of this state, not for  
20 profit, and it has been exempted from the payment of federal income  
21 taxes, as provided by section 501(c)(4), (6), or (8) of the  
22 Internal Revenue Code. It shall be the duty of the designated  
23 agent to:

24           (1) Serve as the true and lawful attorney for such  
25 carriers upon whom all legal processes may be served in any action  
26 or proceeding against such carrier, growing out of such use or  
27 operation of a motor vehicle over or upon the streets, highways, or  
28 any other place within this state, resulting in damages or loss to

1 person or property;

2 (2) Certify with the office of the Secretary of State, in  
3 a manner to be prescribed by the Secretary of State, a current list  
4 of all such carriers for whom the designated agent is serving under  
5 subdivision (1) of this section; and

6 ~~(3) File with the division, in a manner to be prescribed~~  
7 ~~by the division, evidence of compliance by such carriers with the~~  
8 ~~requirements of section 75-307; and~~

9 ~~(4)~~ Collect from such carriers and pay to the division,  
10 at the time of making the filings prescribed herein, all fees  
11 required by the provisions of sections 75-348 to 75-358, and the  
12 designated agent may collect an additional fee not to exceed fifty  
13 cents per motor vehicle registered with the division under such  
14 sections.

15 Sec. 12. Original sections 60-305.09, 60-4,124, 66-1406,  
16 and 75-352, Reissue Revised Statutes of Nebraska, and sections  
17 48-604, 60-480, 60-484, 60-4,118, 60-4,120.01, 60-4,122, and  
18 60-4,149.01, Revised Statutes Supplement, 2000, are repealed.