

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 81

Introduced by Baker, 44

Read first time January 6, 2005

Committee: Judiciary

A BILL

1 FOR AN ACT relating to law enforcement; to amend sections 60-304
2 and 60-480.01, Reissue Revised Statutes of Nebraska; to
3 authorize the issuance of undercover license plates and
4 undercover drivers' licenses to federal law enforcement
5 agencies; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-304, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-304. (1) (a) Undercover license plates may be issued
4 to federal, state, county, city, or village law enforcement
5 agencies and shall be used only for legitimate criminal
6 investigatory purposes. Undercover license plates may also be
7 issued to the Nebraska State Patrol, the Game and Parks Commission,
8 deputy state sheriffs employed by the Nebraska Brand Committee and
9 State Fire Marshal for state law enforcement purposes, persons
10 employed by the Tax Commissioner for state revenue enforcement
11 purposes, the Department of Health and Human Services for the
12 purposes of communicable disease control or for the prevention and
13 control of those communicable diseases which endanger the public
14 health, the Department of Health and Human Services Regulation and
15 Licensure in the enforcement of drug control laws or for other
16 investigation purposes, the Department of Agriculture for special
17 investigative purposes, and the Insurance Fraud Prevention Division
18 of the Department of Insurance for investigative purposes.
19 Undercover license plates shall not be used on personal vehicles or
20 for personal use of government vehicles.

21 (b) The Director of Motor Vehicles shall prescribe a form
22 for agencies to apply for undercover license plates. The form
23 shall include a space for the name and signature of the contact
24 person for the requesting agency, a statement that the undercover
25 license plates are to be used only for legitimate criminal
26 investigatory purposes, and a statement that undercover license
27 plates are not to be used on personal vehicles or for personal use
28 of government vehicles.

1 (2) The agency shall include the name and signature of
2 the contact person for the agency on the form and pay the fee
3 prescribed in section 60-311. If the undercover license plates
4 will be used for the investigation of a specific event rather than
5 for ongoing investigations, the agency shall designate on the form
6 an estimate of the length of time the undercover license plates
7 will be needed. The contact person in the agency shall sign the
8 form and verify the information contained in the form.

9 (3) Upon receipt of a completed form, the director shall
10 determine whether the undercover license plates will be used by an
11 approved agency for a legitimate purpose pursuant to subsection (1)
12 of this section. If the director determines that the undercover
13 license plates will be used for such a purpose, he or she may issue
14 the undercover license plates in the form and under the conditions
15 he or she determines to be necessary. The decision of the director
16 regarding issuance of undercover license plates is final.

17 (4) The Department of Motor Vehicles shall keep records
18 pertaining to undercover license plates confidential, and such
19 records shall not be subject to public disclosure. Any person who
20 receives information pertaining to undercover license plates in the
21 course of his or her employment and who discloses any such
22 information to any unauthorized individual shall be guilty of a
23 Class III misdemeanor.

24 (5) The contact person shall return the undercover
25 license plates to the Department of Motor Vehicles if:

26 (a) The undercover license plates expire and are not
27 renewed;

28 (b) The purpose for which the undercover license plates

1 were issued has been completed or terminated; or

2 (c) The director requests their return.

3 (6) A state agency, board, or commission that uses motor
4 vehicles from the transportation services bureau of the Department
5 of Administrative Services shall notify the bureau immediately
6 after undercover license plates have been assigned to the motor
7 vehicle and shall provide the equipment and license number and the
8 undercover license plates' numbers to the bureau. The
9 transportation services bureau shall maintain a list of state-owned
10 motor vehicles which have been assigned undercover license plates.
11 The list shall be confidential and not be subject to public
12 disclosure. Any person who receives information pertaining to
13 undercover license plates in the course of his or her employment
14 and who discloses any such information to any unauthorized
15 individual shall be guilty of a Class III misdemeanor.

16 (7) The contact person shall be held accountable to keep
17 proper records of the number of undercover plates possessed by the
18 agency, the particular license plate numbers for each vehicle, and
19 the person who is assigned to the vehicle. This record shall be
20 confidential and not be subject to public disclosure.

21 Sec. 2. Section 60-480.01, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 60-480.01. (1)(a) Undercover drivers' licenses may be
24 issued to federal, state, county, city, or village law enforcement
25 agencies and shall be used only for legitimate criminal
26 investigatory purposes. Undercover drivers' licenses may also be
27 issued to the Nebraska State Patrol, the Game and Parks Commission,
28 deputy state sheriffs employed by the Nebraska Brand Committee and

1 State Fire Marshal for state law enforcement purposes, persons
2 employed by the Tax Commissioner for state revenue enforcement
3 purposes, the Department of Health and Human Services for the
4 purposes of communicable disease control or for the prevention and
5 control of those communicable diseases which endanger the public
6 health, the Department of Health and Human Services Regulation and
7 Licensure in the enforcement of drug control laws or for other
8 investigation purposes, and the Department of Agriculture for
9 special investigative purposes. Undercover drivers' licenses are
10 not for personal use.

11 (b) The director shall prescribe a form for agencies to
12 apply for undercover drivers' licenses. The form shall include a
13 space for the name and signature of the contact person for the
14 requesting agency, a statement that the undercover drivers'
15 licenses are to be used only for legitimate criminal investigatory
16 purposes, and a statement that undercover drivers' licenses are not
17 for personal use.

18 (2) The agency shall include the name and signature of
19 the contact person for the agency on the form and pay the fees
20 prescribed in section 60-4,115. If the undercover drivers'
21 licenses will be used for the investigation of a specific event
22 rather than for ongoing investigations, the agency shall designate
23 on the form an estimate of the length of time the undercover
24 drivers' licenses will be needed. The contact person in the agency
25 shall sign the form and verify the information contained in the
26 form.

27 (3) Upon receipt of a completed form, the director shall
28 determine whether the undercover drivers' licenses will be used by

1 an approved agency for a legitimate purpose pursuant to subsection
2 (1) of this section. If the director determines that the
3 undercover drivers' licenses will be used for such a purpose, he or
4 she may issue the undercover drivers' licenses in the form and
5 under the conditions he or she determines to be necessary. The
6 decision of the director regarding issuance of undercover drivers'
7 licenses is final.

8 (4) The Department of Motor Vehicles shall keep records
9 pertaining to undercover drivers' licenses confidential, and such
10 records shall not be subject to public disclosure. Any person who
11 receives information pertaining to undercover drivers' licenses in
12 the course of his or her employment and who discloses any such
13 information to any unauthorized individual shall be guilty of a
14 Class III misdemeanor.

15 (5) The contact person shall return the undercover
16 drivers' licenses to the Department of Motor Vehicles if:

17 (a) The undercover drivers' licenses expire and are not
18 renewed;

19 (b) The purpose for which the undercover drivers'
20 licenses were issued has been completed or terminated;

21 (c) The persons for whom the undercover drivers' licenses
22 were issued cease to be employees of the agency; or

23 (d) The director requests their return.

24 Sec. 3. Original sections 60-304 and 60-480.01, Reissue
25 Revised Statutes of Nebraska, are repealed.