



Ninety-Ninth Legislature - First Session - 2005  
**Introducer's Statement of Intent**  
**LB 597**

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**Chairperson:** Tom Baker  
**Committee:** Transportation and Telecommunications  
**Date of Hearing:** January 31, 2005

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

The bill changes provisions regarding the Motor Vehicle Operator's License Act and implements the provisions of the USA PATRIOT ACT for commercial drivers with a hazardous material endorsement. The bill adopts the federal requirements for interstate shipment of etiologic agents, 42 C.F.R. part 72 and the parts, subparts and sections of 49 C.F.R. as referenced in the Motor Vehicle Operator's License Act as they existed on January 1, 2005, as Nebraska law. Section 4 strikes obsolete language regarding paper application forms in subsection (2). Language in subsection (5) allows the department to furnish the social security number of an applicant for or holder of a commercial driver's license with a hazardous material endorsement to the Transportation Security Administration or its agent.

Obsolete language regarding operator's licenses and state identification cards and implementation of the digital system is stricken.

Section 9 of the bill prohibits a person holding an LPC-learner's permit from operating a commercial motor vehicle transporting hazardous materials. References to several federal acts and the federal code are added.

New language in section 10 prohibits the Department of Motor Vehicles from endorsing a driver to operate a commercial motor vehicle transporting hazardous materials unless the endorsement is issued, renewed, transferred, or reissued in conformance with the USA PATRIOT Act.

Section 11 provides that beginning on the implementation date designated by the director, an applicant for a new or renewal hazardous materials endorsement shall complete an application process including threat assessment, background check, fingerprints and payment of fees as prescribed by the federal regulations. Upon

receipt of a determination of threat assessment from the Transportation Security Administration, the department shall retain the application for at least one year.

New language in section 12 prohibits the issuance, renewal, transfer or reissue of a hazardous materials endorsement before the department receives a determination from the TSA that the applicant does not pose a security threat warranting denial of such endorsement. The department shall cancel any existing CDL with a hazardous materials endorsement if it has received a determination that the holder of such endorsement does not meet the standards for security threat assessment by the TSA.

The department may refuse to process an application for a new or renewal CDL with a haz mat endorsement if (1), the applicant fails to submit to fingerprinting; (2) the applicant fails to submit to required information and documentations; (3) the applicant fails to pay the required fees; (4) the applicant fails to pass any element of the haz mat portion of the CDL examination; (5) the department receives a final determination threat assessment from the TSA; or (6) the department has not received from the TSA an advisement regarding the applicant's security threat status.

New language in section 13 provides that a CDL with a haz mat endorsement expires 5 years after the date of issuance. Subsection (2) adds provisions for prorated fees and expiration dates when adding a haz mat endorsement to an existing Nebraska CDL. Subsection (3) includes provisions for renewal notices and extension of the expiration date in limited circumstances.

New language in section 14 includes provisions for applicants who transfer from another state and the effect on the renewal period, fees and the determination of threat assessment.

**Principal Introducer:**

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**Senator Tom Baker**