

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 266 CORRECTED

Introduced by Aguilar, 35; Chambers, 11; Kruse, 13

Read first time January 10, 2007

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicle operators; to amend
2 sections 60-474 and 60-4,112, Reissue Revised Statutes of
3 Nebraska, and sections 60-462, 60-480, 60-484, 60-490,
4 60-4,115, and 60-4,119, Revised Statutes Cumulative
5 Supplement, 2006; to provide for a driving privilege
6 card; to harmonize provisions; and to repeal the original
7 sections.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-462, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 60-462 Sections 60-462 to 60-4,188 and sections 9 and 10
4 of this act shall be known and may be cited as the Motor Vehicle
5 Operator's License Act.

6 Sec. 2. Section 60-474, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 60-474 Operator's or driver's license shall mean any
9 license, ~~or permit,~~ or card to operate a motor vehicle issued under
10 the laws of this state, including:

11 (1) Any replacement or duplicate license or instruction
12 permit;

13 (2) The privilege of any person to drive a motor vehicle
14 whether such person holds a valid license;

15 (3) Any nonresident's operating privilege which shall
16 mean the privilege conferred upon a nonresident by the laws of this
17 state pertaining to the operation of a motor vehicle in this state
18 by such person or the use in this state of a vehicle owned by such
19 person;

20 (4) An employment driving permit issued as provided by
21 sections 60-4,129 and 60-4,130; ~~and~~

22 (5) A medical hardship driving permit issued as provided
23 by sections 60-4,130.01 and 60-4,130.02; ~~and -~~

24 (6) A driving privilege card.

25 Sec. 3. Section 60-480, Revised Statutes Cumulative

1 Supplement, 2006, is amended to read:

2 60-480 Operators' licenses issued by the Department of
3 Motor Vehicles pursuant to the Motor Vehicle Operator's License Act
4 shall be classified as follows:

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

8 (2) Class M license. The operator's license or
9 endorsement on a Class O license, provisional operator's permit,
10 learner's permit, school permit, or commercial driver's license
11 which authorizes the person to whom it is issued to operate a
12 motorcycle on highways;

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

17 (4) RCDL-restricted commercial driver's license. The
18 class of commercial driver's license which, when held with an
19 annual seasonal permit, authorizes a seasonal commercial motor
20 vehicle operator as defined in section 60-4,146.01 to operate any
21 Class B Heavy Straight Vehicle or Class C Small Vehicle commercial
22 motor vehicle for purposes of a farm-related or ranch-related
23 service industry as defined in such section within one hundred
24 fifty miles of the employer's place of business or the farm or
25 ranch currently being served as provided in such section or any

1 other motor vehicle, except a motorcycle, on highways;

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

8 (6) SCP-school permit. A permit issued to a student
9 between fourteen years and two months of age and sixteen years of
10 age for the purpose of driving in accordance with the requirements
11 of section 60-4,124;

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

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

21 (9) LPD-learner's permit. A permit issued in accordance
22 with the requirements of section 60-4,123 to a person at least
23 fifteen years of age which authorizes the person to operate a motor
24 vehicle, except a commercial motor vehicle, for learning purposes
25 when accompanied by a licensed operator who is at least twenty-one

1 years of age and who possesses a valid operator's license issued by
2 this state or another state;

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

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

11 (12) SEP-seasonal permit. A permit issued to a person
12 who holds a restricted commercial driver's license authorizing
13 the person to operate a commercial motor vehicle, as prescribed
14 by section 60-4,146.01, for no more than one hundred eighty
15 consecutive days in any twelve-month period. The seasonal permit
16 shall be valid and run from the date of original issuance of the
17 permit for one hundred eighty days and from the date of annual
18 revalidation of the permit; and

19 (13) MHP-medical hardship driving permit. A permit issued
20 to a person which authorizes the person to operate a motor vehicle,
21 except a commercial motor vehicle, pursuant to the requirements of
22 sections 60-4,130.01 and 60-4,130.02; and -

23 (14) DPC-driving privilege card. A card issued to a
24 person who does not have a social security number which authorizes
25 the person to operate a motor vehicle, other than a commercial

1 motor vehicle, and which is limited in its use for identification
2 purposes as provided in sections 9 and 10 of this act.

3 Sec. 4. Section 60-484, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

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

10 (2) Application for an operator's license may be made
11 in a manner prescribed by the Department of Motor Vehicles. Such
12 application may be made to an examiner in any county. The examiner
13 shall personally conduct the examination of the applicant and
14 deliver to each successful applicant an examiner's certificate
15 containing the statements made pursuant to subsection (3) of this
16 section.

17 (3) In addition to any other information and questions
18 necessary to comply with the requirements and purposes of the act,
19 the applicant (a) shall provide his or her name, age, post office
20 address, place of residence unless the applicant is a program
21 participant under the Address Confidentiality Act, date of birth,
22 sex, social security number unless the applicant is applying for
23 a driving privilege card, and brief description of himself or
24 herself, (b) may complete the voter registration portion pursuant
25 to section 32-308 if otherwise eligible to vote in Nebraska, (c)

1 shall be provided the advisement language required by subsection
2 (5) of section 60-6,197, (d) shall answer the following:

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

6 (A) lost voluntary control or consciousness ... yes ...
7 no

8 (B) experienced vertigo or multiple episodes of dizziness
9 or fainting ... yes ... no

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

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

12 (E) experienced impairment of memory, memory loss ... yes
13 ... no

14 Please explain:

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

19 Please explain:

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

23 Please explain, including how the above affects your
24 ability to drive:, and (e) may answer the
25 following:

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

3 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE
4 FOLLOWING QUESTIONS:

5 (ii) Do you wish to be an organ and tissue donor?

6 (iii) Do you wish to receive any additional specific
7 information regarding organ and tissue donation and the Donor
8 Registry of Nebraska?

9 (iv) Do you wish to donate \$1 to promote the Organ and
10 Tissue Donor Awareness and Education Fund?

11 (4) Application for an operator's license shall be made
12 under oath or affirmation of the applicant.

13 (5) The social security number shall not be printed on
14 the operator's license and shall be used only (a) to furnish driver
15 record information to the United States Selective Service System
16 under section 60-483, (b) with the permission of the director in
17 connection with the verification of the status of an individual's
18 driving record in this state or any other state, (c) for purposes
19 of child support enforcement pursuant to section 42-358.08 or
20 43-512.06, or (d) beginning on an implementation date designated by
21 the director, to furnish information regarding an applicant for or
22 holder of a commercial driver's license with a hazardous materials
23 endorsement to the Transportation Security Administration of the
24 United States Department of Homeland Security or its agent.

25 (6) (a) Except for an individual under the age of

1 eighteen years or an individual applying for a driving privilege
2 card, each individual applying for an operator's license or a
3 state identification card shall furnish proof of date of birth
4 and identity by a valid Nebraska operator's license, a valid
5 Nebraska learner's permit, a valid Nebraska school permit, a
6 valid operator's license from another state or jurisdiction of the
7 United States, a certified birth certificate, a certified birth
8 registration, a valid United States passport, a valid United States
9 military identification card, United States military discharge
10 papers, other United States-based identification as approved by
11 the director, or information preserved in the digital system
12 implemented under section 60-484.01.

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

22 (c)(i) An individual applying for a driving privilege
23 card shall provide reliable proof of his or her identity and age,
24 proof of residency in Nebraska, or other proof or documentation
25 satisfactory to the director as prescribed by the rules and

1 regulations adopted and promulgated pursuant to the Motor Vehicle
2 Operator's License Act which may include:

3 (A) An original or certified copy of a birth certificate
4 which was issued by the United States, a state or territory of the
5 United States, or a foreign government;

6 (B) A document listed in subdivision (ii) of this
7 subdivision; or

8 (C) Any other proof of age and identity that is
9 satisfactory to the director.

10 (ii) The rules and regulations shall provide that the
11 following documents are acceptable as proof of age and identity:

12 (A) A social security card or a letter from the Internal
13 Revenue Service stating that an individual taxpayer number has been
14 issued to the applicant;

15 (B) A current or expired passport issued by the United
16 States, a territory of the United States, or a foreign government;

17 (C) A valid military identification card issued by the
18 United States, a territory of the United States, or a foreign
19 government;

20 (D) A certificate of naming issued by a religious
21 institution during the first year of the applicant's life;

22 (E) A national identification card issued by a foreign
23 government; and

24 (F) A consular identification card issued by a foreign
25 government.

1 (iii) Any document from a foreign government used as
2 proof of age, identification, or citizenship shall be:

3 (A) The original or a certified copy; and

4 (B) Accompanied by a notarized translation into English.

5 Sec. 5. Section 60-490, Revised Statutes Cumulative
6 Supplement, 2006, is amended to read:

7 60-490 (1) Operators' licenses issued to persons required
8 to use bioptic or telescopic lenses as provided in section 60-4,118
9 shall expire annually on the licensee's birthday for all such
10 licenses issued prior to January 1, 2007, and on the licensee's
11 birthday in the second year after issuance, unless specifically
12 restricted to a shorter renewal period as determined under section
13 60-4,118, for all such licenses issued on or after January 1, 2007.

14 (2) Except for state identification cards issued to
15 persons less than twenty-one years of age, all state identification
16 cards expire on the cardholder's birthday in the fifth year
17 after issuance. A state identification card issued to a person
18 who is less than twenty-one years of age expires on his or her
19 twenty-first birthday or on his or her birthday in the fifth year
20 after issuance, whichever comes first.

21 (3) Except as otherwise provided in subsection (1) of
22 this section and section 60-4,147.05 and except for operators'
23 licenses issued to persons less than twenty-one years of age,
24 operators' licenses issued pursuant to the Motor Vehicle Operator's
25 License Act expire on the licensee's birthday in the fifth year

1 after issuance. An operator's license issued to a person less
2 than twenty-one years of age expires on his or her twenty-first
3 birthday. Except as otherwise provided in section 60-4,147.05, the
4 Department of Motor Vehicles shall mail out a renewal notice for
5 each operator's license at least thirty days before the expiration
6 of the operator's license.

7 (4) (a) The expiration date shall be stated on each
8 operator's license or state identification card.

9 (b) Except as otherwise provided in section 60-4,147.05,
10 operators' licenses and state identification cards issued to
11 persons who are twenty-one years of age or older which expire
12 under this section may be renewed within a ninety-day period before
13 the expiration date. Any person who is twenty-one years of age or
14 older and who is the holder of a valid operator's license or state
15 identification card may renew his or her license or card prior to
16 the ninety-day period before the expiration date on such license
17 or card if such applicant furnishes proof that he or she will be
18 absent from the state during the ninety-day period prior to such
19 expiration date.

20 (c) A person who is twenty years of age may apply for an
21 operator's license or a state identification card within sixty days
22 prior to his or her twenty-first birthday. The operator's license
23 or state identification card may be issued within ten days prior to
24 such birthday.

25 (d) A person who is under twenty years of age and who

1 holds a state identification card may apply for renewal within a
2 ninety-day period prior to the expiration date.

3 Sec. 6. Section 60-4,112, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 60-4,112 Sections 60-4,113 to 60-4,130.05 and sections
6 9 and 10 of this act shall apply to the operation of any motor
7 vehicle except a commercial motor vehicle.

8 Sec. 7. Section 60-4,115, Revised Statutes Cumulative
9 Supplement, 2006, is amended to read:

10 60-4,115 (1) Fees for operators' licenses and state
11 identification cards shall be collected and distributed according
12 to the table in subsection (2) of this section. The director shall
13 set an additional fee for initial issuance of driving privilege
14 cards in an amount not to exceed the additional cost of issuing
15 such cards to be credited to the Department of Motor Vehicles
16 Cash Fund. County officials shall remit the county portion of
17 the fees collected to the county treasurer for placement in the
18 county general fund. All other fees collected shall be remitted to
19 the State Treasurer for credit to the appropriate fund. The State
20 Treasurer shall transfer an amount equal to three dollars and fifty
21 cents times the number of original or renewal Class M licenses
22 issued pursuant to section 60-4,127 during the previous year from
23 the Department of Motor Vehicles Cash Fund to the Motorcycle Safety
24 Education Fund.

25 (2) The fees provided in this subsection in the

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1 following dollar amounts apply for operators' licenses and state
2 identification cards.

		Department			
		County	of Motor	State	
	Document	Total	General	Vehicles	General
		Fee	Fund	Cash Fund	Fund
3					
4					
5					
6					
7	State identification card:				
8	Valid for 1 year or less	4.75	2.75	1.00	1.00
9	Valid for more than 1 year				
10	but not more than 2 years	9.50	2.75	3.50	3.25
11	Valid for more than 2 years				
12	but not more than 3 years	14.25	2.75	5.50	6.00
13	Valid for more than 3 years				
14	but not more than 4 years	19.00	2.75	8.00	8.25
15	Valid for more than 4 years				
16	for person under 21	23.75	2.75	10.00	11.00
17	Valid for 5 years	23.75	3.50	10.00	10.25
18	Duplicate or replacement	11.25	2.75	6.25	2.25
19	Class O or M operator's license:				
20	Valid for 1 year or less	4.75	2.75	1.00	1.00
21	Valid for more than 1 year				
22	but not more than 2 years	9.50	2.75	3.50	3.25
23	Valid for more than 2 years				
24	but not more than 3 years	14.25	2.75	5.50	6.00
25	Valid for more than 3 years				
26	but not more than 4 years	19.00	2.75	8.00	8.25

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1	Valid for 5 years	23.75	3.50	10.00	10.25
2	Bioptic or telescopic lens restriction:				
3	Valid for 1 year or less	4.75	0	4.75	0
4	Valid for more than 1 year				
5	but not more than 2 years	9.50	2.75	3.50	3.25
6	Duplicate or replacement	11.25	2.75	6.25	2.25
7	Change of class or restriction	5.00	0	5.00	0
8	Provisional operator's permit:				
9	Original	15.00	2.75	12.25	0
10	Bioptic or telescopic lens restriction:				
11	Valid for 1 year or less	4.75	0	4.75	0
12	Valid for more than 1 year				
13	but not more than 2 years	15.00	2.75	12.25	0
14	Duplicate or replacement	11.25	2.75	6.25	2.25
15	LPD-learner's permit:				
16	Original	8.00	.25	5.00	2.75
17	Duplicate or replacement	11.25	2.75	6.25	2.25
18	LPE-learner's permit:				
19	Original	8.00	.25	5.00	2.75
20	Duplicate or replacement	11.25	2.75	6.25	2.25
21	School permit:				
22	Original	8.00	.25	5.00	2.75
23	Duplicate	11.25	2.75	6.25	2.25
24	Farm permit:				
25	Original or renewal	5.00	.25	0	4.75
26	Duplicate	5.00	.25	0	4.75
27	Temporary	5.00	.25	0	4.75

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1	Driving permits:				
2	Employment	45.00	0	5.00	40.00
3	Medical hardship	45.00	0	5.00	40.00
4	Commercial driver's license:				
5	Valid for 1 year or less	11.00	1.75	5.00	4.25
6	Valid for more than 1 year				
7	but not more than 2 years	22.00	1.75	5.00	15.25
8	Valid for more than 2 years				
9	but not more than 3 years	33.00	1.75	5.00	26.25
10	Valid for more than 3 years				
11	but not more than 4 years	44.00	1.75	5.00	37.25
12	Valid for 5 years	55.00	1.75	5.00	48.25
13	Bioptic or telescopic lens restriction:				
14	Valid for one year or less	11.00	1.75	5.00	4.25
15	Valid for more than 1 year				
16	but not more than 2 years	22.00	1.75	5.00	15.25
17	Duplicate or replacement	11.25	2.75	6.25	2.25
18	Change of class, endorsement,				
19	or restriction	10.00	1.75	5.00	3.25
20	LPC-learner's permit:				
21	Original or renewal	10.00	.25	5.00	4.75
22	Duplicate or replacement	10.00	.25	5.00	4.75
23	Change of class, endorsement,				
24	or restriction	10.00	.25	5.00	4.75
25	Seasonal permit:				
26	Original or renewal	10.00	.25	5.00	4.75
27	Duplicate or replacement	10.00	.25	5.00	4.75

1	Change of class, endorsement,				
2	or restriction	10.00	.25	5.00	4.75

3 (3) If the Department of Motor Vehicles issues an
 4 operator's license or a state identification card, the department
 5 shall remit the county portion of the fees to the State Treasurer
 6 for credit to the Department of Motor Vehicles Cash Fund.

7 Sec. 8. Section 60-4,119, Revised Statutes Cumulative
 8 Supplement, 2006, is amended to read:

9 60-4,119 (1) All state identification cards and
 10 operators' licenses, except farm permits and except as otherwise
 11 provided in subsection (2) of this section and section 60-4,120,
 12 shall include a color photograph or a digital image of the
 13 cardholder or licensee as provided in section 60-484.02. State
 14 identification cards and operators' licenses shall be issued by the
 15 county treasurer or the Department of Motor Vehicles. The director
 16 shall negotiate and enter into a contract to provide the necessary
 17 equipment, supplies, and forms for the issuance of the licenses and
 18 cards. All costs incurred by the Department of Motor Vehicles under
 19 this section shall be paid by the state out of appropriations made
 20 to the department. All costs of taking the photographs or digital
 21 images shall be paid by the issuer from the fees provided to the
 22 issuer pursuant to section 60-4,115.

23 (2) A person who is out of the state at the time of
 24 renewal of his or her operator's license may apply for a license
 25 without a photograph upon payment of a fee as provided in section

1 60-4,115. The license may be issued at any time within one year
2 after the expiration of the original license. Such application
3 shall be made to the department, and the department shall issue the
4 license.

5 (3) Any operator's license and any state identification
6 card issued to a minor as defined in section 53-103, as such
7 definition may be amended from time to time by the Legislature,
8 shall be of a distinct designation, of a type prescribed by the
9 director, from the operator's license or state identification card
10 of a person who is not a minor.

11 (4) A driving privilege card shall be of a distinct
12 designation, of a type prescribed by the director, from
13 other operators' licenses. The card shall clearly display the
14 phrase, "For driving privileges only, not for other government
15 identification purposes."

16 Sec. 9. A driving privilege card shall be issued with
17 a classification authorized in subdivision (1), (5), or (9) of
18 section 60-480 and shall be subject to the same issuance and
19 renewal requirements and fees as the operator's license of the same
20 classification except as otherwise provided in section 60-4,115.

21 Sec. 10. (1) A driving privilege card may only be used
22 for verifying that the person is licensed to operate a motor
23 vehicle and checking his or her driving record. The requirements,
24 endorsements, fees, restrictions, sanctions, and other provisions
25 of the Motor Vehicle Operator's License Act, the Nebraska Rules of

1 the Road, and sections 28-306 and 28-394 apply to driving privilege
2 cards in the same manner as they apply to other operators'
3 licenses.

4 (2) A holder of a driving privilege card shall not be
5 discriminated against or have any adverse action taken against him
6 or her while operating a motor vehicle.

7 Sec. 11. Original sections 60-474 and 60-4,112, Reissue
8 Revised Statutes of Nebraska, and sections 60-462, 60-480, 60-484,
9 60-490, 60-4,115, and 60-4,119, Revised Statutes Cumulative
10 Supplement, 2006, are repealed.