

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 229

Introduced by Fischer, 43.

Read first time January 13, 2009

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Motor Vehicle Operator's License
2 Act; to amend sections 60-487, 60-4,114, and 60-4,121,
3 Reissue Revised Statutes of Nebraska, and sections
4 60-462, 60-479, 60-479.01, 60-484, 60-4,120, 60-4,122,
5 60-4,144, and 60-4,181, Revised Statutes Cumulative
6 Supplement, 2008; to adopt certain federal regulations;
7 to provide powers and duties for the Department of Motor
8 Vehicles regarding the design, production, issuance, and
9 renewal of and payment for operators' licenses and state
10 identification cards; to harmonize provisions; and to
11 repeal the original sections.

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

1 Section 1. Section 60-462, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 60-462 Sections 60-462 to 60-4,188 and sections 5 to 8
4 of this act shall be known and may be cited as the Motor Vehicle
5 Operator's License Act.

6 Sec. 2. Section 60-479, Revised Statutes Cumulative
7 Supplement, 2008, is amended to read:

8 60-479 Sections 60-479.01 to 60-4,111.01 and 60-4,182 to
9 60-4,188 and sections 5 to 8 of this act shall apply to any
10 operator's license subject to the Motor Vehicle Operator's License
11 Act.

12 Sec. 3. Section 60-479.01, Revised Statutes Cumulative
13 Supplement, 2008, is amended to read:

14 60-479.01 (1) This section applies beginning on an
15 implementation date designated by the director pursuant to section
16 60-462.02.

17 (2) All persons handling source documents or engaged in
18 the issuance of new, renewed, or reissued operators' licenses or
19 state identification cards shall have periodic fraudulent document
20 recognition training.

21 (3) This subsection applies beginning on an
22 implementation date designated by the director on or before
23 January 1, 2010. All persons and agents of the department involved
24 in the recording of verified application information or verified
25 operator's license and state identification card information,

1 involved in the manufacture or production of licenses or cards,
2 or who have the ability to affect information on such licenses or
3 cards shall be subject to a criminal history record information
4 check, including a check of prior employment references, and a
5 lawful status check. The cost of any background check shall be
6 borne by the employer of the person or agent. Any person convicted
7 of any disqualifying offense as provided in 6 C.F.R. part 37,
8 as such part existed on January 1, 2009, shall not be involved
9 in the recording of verified application information or verified
10 operator's license and state identification card information,
11 involved in the manufacture or production of licenses or cards,
12 or involved in any capacity in which such person would have
13 the ability to affect information on such licenses or cards.
14 Any employee or prospective employee of the department shall be
15 provided notice that he or she will undergo such criminal history
16 record information check prior to employment or prior to any
17 involvement with the issuance of operators' licenses or state
18 identification cards.

19 Sec. 4. Section 60-484, Revised Statutes Cumulative
20 Supplement, 2008, is amended to read:

21 60-484 (1)(a) This subsection applies until the
22 implementation date designated by the director pursuant to section
23 60-462.02. Except as otherwise provided in the Motor Vehicle
24 Operator's License Act, no resident of the State of Nebraska shall
25 operate a motor vehicle upon the alleys or highways of the State

1 of Nebraska until the person has obtained an operator's license
2 for that purpose.

3 (b) Application for an operator's license may be made in
4 a manner prescribed by the department. Such application may be made
5 to an examiner in any county. The examiner shall personally conduct
6 the examination of the applicant and deliver to each successful
7 applicant an examiner's certificate containing the statements made
8 pursuant to subdivision (c) of this subsection.

9 (c) In addition to any other information and questions
10 necessary to comply with the requirements and purposes of the act,
11 the applicant (i) shall provide his or her name, age, post office
12 address, place of residence unless the applicant is a program
13 participant under the Address Confidentiality Act, date of birth,
14 gender, social security number, and brief description of himself or
15 herself, (ii) may complete the voter registration portion pursuant
16 to section 32-308, (iii) shall be provided the advisement language
17 required by subsection (5) of section 60-6,197, (iv) shall answer
18 the following:

19 (A) Have you within the last three months (e.g. due
20 to diabetes, epilepsy, mental illness, head injury, stroke, heart
21 condition, neurological disease, etc.):

22 (I) lost voluntary control or consciousness ... yes ...
23 no

24 (II) experienced vertigo or multiple episodes of
25 dizziness or fainting ... yes ... no

1 (III) experienced disorientation ... yes ... no

2 (IV) experienced seizures ... yes ... no

3 (V) experienced impairment of memory, memory loss ... yes
4 ... no

5 Please explain:

6 (B) Do you experience any condition which affects your
7 ability to operate a motor vehicle? (e.g. due to loss of, or
8 impairment of, foot, leg, hand, arm; neurological or neuromuscular
9 disease, etc.) ... yes ... no

10 Please explain:

11 (C) Since the issuance of your last driver's
12 license/permit has your health or medical condition changed or
13 worsened? ... yes ... no

14 Please explain, including how the above affects your
15 ability to drive:, and (v) may answer the
16 following:

17 (A) Do you wish to register to vote as part of this
18 application process?

19 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE
20 FOLLOWING QUESTIONS:

21 (B) Do you wish to be an organ and tissue donor?

22 (C) Do you wish to receive any additional specific
23 information regarding organ and tissue donation and the Donor
24 Registry of Nebraska?

25 (D) Do you wish to donate \$1 to promote the Organ and

1 Tissue Donor Awareness and Education Fund?

2 (d) Application for an operator's license shall be made
3 under oath or affirmation of the applicant.

4 (e) The social security number shall not be printed on
5 the operator's license and shall be used only (i) to furnish driver
6 record information to the United States Selective Service System
7 under section 60-483, (ii) with the permission of the director in
8 connection with the verification of the status of an individual's
9 driving record in this state or any other state, (iii) for purposes
10 of child support enforcement pursuant to section 42-358.08 or
11 43-512.06, or (iv) to furnish information regarding an applicant
12 for or holder of a commercial driver's license with a hazardous
13 materials endorsement to the Transportation Security Administration
14 of the United States Department of Homeland Security or its agent.

15 (f) (i) Except for an individual under the age of eighteen
16 years, each individual applying for an operator's license or a
17 state identification card shall furnish proof of date of birth
18 and identity by a valid Nebraska operator's license, a valid
19 Nebraska learner's permit, a valid Nebraska school permit, a
20 valid operator's license from another state or jurisdiction of the
21 United States, a certified birth certificate, a certified birth
22 registration, a valid United States passport, a valid United States
23 military identification card, United States military discharge
24 papers, other United States-based identification as approved by
25 the director, or information preserved in the digital system

1 implemented under section 60-484.01.

2 (ii) Any individual under the age of eighteen years
3 applying for an operator's license or a state identification card
4 shall provide a certified copy of his or her birth certificate,
5 a certified birth registration, or other reliable proof of his or
6 her identity and age accompanied by a certification signed by a
7 parent or guardian explaining the inability to produce a copy of
8 such birth certificate. The applicant may be required to furnish
9 proof to the examiner that the parent or guardian signing the
10 certification is in fact the parent or guardian of such applicant.

11 (2)(a) This subsection applies beginning on ~~the~~ an
12 implementation date designated by the director ~~pursuant to section~~
13 ~~60-462.02.~~ on or before May 11, 2011. Except as otherwise provided
14 in the Motor Vehicle Operator's License Act, no resident of the
15 State of Nebraska shall operate a motor vehicle upon the alleys or
16 highways of this state until the person has obtained an operator's
17 license for that purpose.

18 (b) Application for an operator's license or a state
19 identification card shall be made in a manner prescribed by the
20 department. Such application may be made to department personnel in
21 any county. Department personnel shall conduct the examination of
22 the applicant and deliver to each successful applicant an issuance
23 certificate containing the statements made pursuant to subdivision
24 (c) of this subsection.

25 (c) The applicant ~~(i)~~ shall provide his or her full legal

1 name, date of birth, mailing address, gender, race or ethnicity,
 2 and social security number, two forms of proof of address of
 3 his or her principal residence unless the applicant is a program
 4 participant under the Address Confidentiality Act, evidence of
 5 identity as required by subdivision (2)(f) of this subsection, and
 6 a brief physical description of himself or herself. The applicant's
 7 social security number must be shown with an individual's Social
 8 Security Administration account card, a W-2 form, an SSA-1099 form,
 9 or a pay stub showing the applicant's name and social security
 10 number. ~~(ii)~~ The applicant (i) may also complete the voter
 11 registration portion pursuant to section 32-308, ~~(iii)~~ (ii) shall
 12 be provided the advisement language required by subsection (5) of
 13 section 60-6,197, ~~(iv)~~ (iii) shall answer the following:

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

17 (I) lost voluntary control or consciousness ... yes ...
 18 no

19 (II) experienced vertigo or multiple episodes of
 20 dizziness or fainting ... yes ... no

21 (III) experienced disorientation ... yes ... no

22 (IV) experienced seizures ... yes ... no

23 (V) experienced impairment of memory, memory loss ... yes
 24 ... no

25 Please explain:

1 (B) Do you experience any condition which affects your
 2 ability to operate a motor vehicle? (e.g. due to loss of, or
 3 impairment of, foot, leg, hand, arm; neurological or neuromuscular
 4 disease, etc.) ... yes ... no

5 Please explain:

6 (C) Since the issuance of your last driver's
 7 license/permit, has your health or medical condition changed or
 8 worsened? ... yes ... no

9 Please explain, including how the above affects your
 10 ability to drive:, and ~~(v)~~ (iv) may answer the
 11 following:

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

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

16 (B) Do you wish to be an organ and tissue donor?

17 (C) Do you wish to receive any additional specific
 18 information regarding organ and tissue donation and the Donor
 19 Registry of Nebraska?

20 (D) Do you wish to donate \$1 to promote the Organ and
 21 Tissue Donor Awareness and Education Fund?

22 (d) Application for an operator's license or state
 23 identification card shall include a signed oath, affirmation,
 24 or declaration of the applicant that the information provided on
 25 the application for the license or card is true and correct.

1 (e) The social security number shall not be printed on
2 the operator's license or state identification card and shall be
3 used only (i) to furnish information to the United States Selective
4 Service System under section 60-483, (ii) with the permission of
5 the director in connection with the verification of the status of
6 an individual's driving record in this state or any other state,
7 (iii) for purposes of child support enforcement pursuant to section
8 42-358.08 or 43-512.06, or (iv) to furnish information regarding
9 an applicant for or holder of a commercial driver's license with
10 a hazardous materials endorsement to the Transportation Security
11 Administration of the United States Department of Homeland Security
12 or its agent.

13 (f) (i) Each individual applying for an operator's license
14 or a state identification card shall furnish proof of date of
15 birth and identity with documents containing a photograph or with
16 nonphoto identity documents which include his or her full legal
17 name and date of birth. Such documents shall ~~include, but not be~~
18 ~~limited to, any valid Nebraska operator's license or Nebraska state~~
19 ~~identification card, a valid operator's license or identification~~
20 ~~card from another state or jurisdiction of the United States, a~~
21 ~~certified birth certificate, a valid United States passport, or~~
22 ~~any other United States-based identification as approved by the~~
23 ~~director. be those provided in subsection (2) of section 6 of this~~
24 ~~act.~~

25 (ii) Any individual under the age of eighteen years

1 applying for an operator's license or a state identification card
2 shall provide a certified copy of his or her birth certificate
3 or, if such individual is unable to provide a certified copy of
4 his or her birth certificate, other reliable proof of his or her
5 identity and age, as required in subdivision (2)(f)(i) of this
6 section, accompanied by a certification signed by a parent or
7 guardian explaining the inability to produce a copy of such birth
8 certificate. The applicant also may be required to furnish proof
9 to department personnel that the parent or guardian signing the
10 certification is in fact the parent or guardian of such applicant.

11 (iii) An applicant may present other documents as proof
12 of identification and age designated by the director. Any documents
13 accepted shall be recorded according to a written exceptions
14 process established by the director.

15 (g) No person shall be a holder of an operator's license
16 and a state identification card at the same time.

17 Sec. 5. This section applies beginning on the
18 implementation date designated by the director on or before May
19 11, 2011. The department shall retain copies of source documents
20 presented by all individuals applying for or holding operators'
21 licenses or state identification cards.

22 Sec. 6. (1) This section applies beginning on the
23 implementation date designated by the director on or before May 11,
24 2011.

25 (2) Before being issued any type of operator's license

1 or a state identification card under the Motor Vehicle Operator's
2 License Act, the department shall require an applicant to present
3 valid documentary evidence that he or she has lawful status in the
4 United States. Lawful status may be shown by:

5 (a) A valid, unexpired U.S. passport;

6 (b) A certified copy of a birth certificate filed with
7 a State Office of Vital Statistics or equivalent agency in the
8 individual's state of birth;

9 (c) A Consular Report of Birth Abroad (CRBA) issued by
10 the United States Department of State, Form FS-240, DS-1350, or
11 FS-545;

12 (d) A valid, unexpired Permanent Resident Card (Form
13 1-551) issued by the United States Department of Homeland Security
14 or Bureau of United States Citizenship and Immigration Services;

15 (e) An unexpired employment authorization document (EAD)
16 issued by the United States Department of Homeland Security, Form
17 1-766 or Form I-688B;

18 (f) An unexpired foreign passport with a valid, unexpired
19 United States visa affixed accompanied by the approved 1-94 form
20 documenting the applicant's most recent admittance into the United
21 States;

22 (g) A Certificate of Naturalization issued by the United
23 States Department of Homeland Security, Form N-550 or Form N-570;

24 (h) A Certificate of Citizenship, Form N-560 or Form
25 N-561, issued by the United States Department of Homeland Security;

1 (i) A driver's license or identification card issued in
2 compliance with the standards established by the REAL ID Act of
3 2005, Public Law 109-13, division B, section 1, 119 Stat. 302; or

4 (j) Such other documents as the director may approve.

5 (3)(a) If an applicant presents one of the documents
6 listed under subdivision (2)(a), (b), (c), (d), (g), or (h) of
7 this section, the verification of the applicant's identify in the
8 manner prescribed in section 60-484 will also provide satisfactory
9 evidence of lawful status.

10 (b) If the applicant presents one of the identity
11 documents listed under subdivision (2)(e), (f), or (i) of this
12 section, the verification of the identity documents does not
13 provide satisfactory evidence of lawful status. The applicant
14 must also present a second document from subsection (2) above or
15 documentation issued by the United States Department of Homeland
16 Security or other federal agencies demonstrating lawful status
17 as determined by the Bureau of United States Citizenship and
18 Immigration Services.

19 (4) An applicant may present other documents as
20 designated by the director as proof of lawful status. Any documents
21 accepted shall be recorded according to a written exceptions
22 process established by the director.

23 Sec. 7. (1) The department shall only issue an operator's
24 license or a state identification card that is temporary to any
25 applicant who presents documentation under section 60-484 and

1 subsection (2) of section 6 of this act that shows his or her
2 lawful presence in the United States is temporary. An operator's
3 license or a state identification card that is temporary shall be
4 valid only during the period of time of the applicant's authorized
5 stay in the United States or, if there is no definite end to the
6 period of authorized stay, a period of one year.

7 (2) An operator's license or state identification card
8 that is temporary shall clearly indicate that it is temporary with
9 a special notation on the front of the license or card and shall
10 state the date on which it expires.

11 (3) An operator's license or state identification card
12 that is temporary may be renewed only upon presentation of
13 valid documentary evidence that the status by which the applicant
14 qualified for the operator's license or state identification card
15 that is temporary has been extended by the United States Department
16 of Homeland Security.

17 Sec. 8. This section applies beginning on an
18 implementation date designated by the director on or before May 11,
19 2011. Before issuing any operator's license or state identification
20 card under the Motor Vehicle Operator's License Act, the department
21 may verify, with the issuing agency, the issuance, validity, and
22 completeness of each document required to be presented by a person
23 pursuant to section 60-484 and section 6 of this act.

24 Sec. 9. Section 60-487, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 60-487 (1) If any magistrate or judge finds in his or her
2 judgment of conviction that the application or ~~examiner's~~ issuance
3 certificate pursuant to which the director has issued an operator's
4 license under the Motor Vehicle Operator's License Act contains
5 any false or fraudulent statement deliberately and knowingly made
6 to any officer as to any matter material to the issuance of such
7 license or does not contain required or correct information or
8 that the person to whom the license was issued was not eligible
9 to receive such license, then the license shall be absolutely void
10 from the date of issue and such motor vehicle operator shall be
11 deemed to be not licensed to operate a motor vehicle. Such license
12 shall be at once canceled of record in his or her office by the
13 director upon receipt of a copy of such judgment of conviction.
14 The director may, upon his or her own motion, summarily cancel
15 any license for any of the reasons set forth in this section if
16 such reason or reasons affirmatively appear on his or her official
17 records.

18 (2) If the director determines, in a check of an
19 applicant's license status and record prior to issuing a commercial
20 driver's license, or at any time after the commercial driver's
21 license is issued, that the applicant falsified information
22 contained in the application, the director may summarily cancel
23 the person's commercial driver's license or his or her pending
24 application as provided in subsection (1) of this section and
25 disqualify the person from operating a commercial motor vehicle for

1 sixty days.

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

4 60-4,114 (1) The county treasurer may employ such
5 additional clerical help as may be necessary to assist him or her
6 in the performance of the ministerial duties required of him or
7 her under the Motor Vehicle Operator's License Act and, for such
8 additional expense, shall be reimbursed as set out in section
9 60-4,115.

10 (2) The director may, in his or her discretion, appoint
11 ~~one or more examining officers who shall personally~~ department
12 personnel to examine all applicants who apply for an initial
13 license or whose licenses have been revoked or canceled to
14 ascertain such person's ability to operate a motor vehicle properly
15 and safely.

16 (3) Except as otherwise provided in section 60-4,122, the
17 application process, in addition to the other requisites of the
18 act, shall include the following:

19 (a) An inquiry into the medical condition and visual
20 ability of the applicant to operate a motor vehicle;

21 (b) An inquiry into the applicant's ability to drive and
22 maneuver a motor vehicle; and

23 (c) An inquiry touching upon the applicant's knowledge
24 of the motor vehicle laws of this state, which shall include
25 sufficient questions to indicate familiarity with the provisions

1 thereof, ~~and~~

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

4 (4) If an applicant is denied or refused a certificate
5 for license, ~~by the examiners,~~ such applicant shall have the right
6 to an immediate appeal to the director from the decision ~~of such~~
7 ~~examiners.~~ It shall be the duty of the director to review the
8 appeal and issue a final order, to be made not later than ten days
9 after the receipt of the appeal by the director, except that if the
10 director requests the advice of the Health Advisory Board on the
11 matter, the director shall have up to forty-five days after the day
12 a medical or vision problem is referred to him or her to consult
13 with members of the board to obtain the medical opinion necessary
14 to make a decision and shall issue a final order not later than ten
15 days following receipt of the medical opinion. After consideration
16 of the advice of the board, the director shall make a determination
17 of the applicant's physical or mental ability to operate a motor
18 vehicle and shall issue a final order. The order shall be in
19 writing, shall be accompanied by findings of fact and conclusions
20 of law, and shall be sent by registered or certified mail to
21 the applicant's last-known address. The order may be appealed as
22 provided in section 60-4,105.

23 Sec. 11. Section 60-4,120, Revised Statutes Cumulative
24 Supplement, 2008, is amended to read:

25 60-4,120 (1) Except as provided in subsection (4) of

1 this section for persons temporarily out of the state, any person
2 duly licensed or holding a valid state identification card issued
3 under the Motor Vehicle Operator's License Act who loses his or
4 her operator's license or card may obtain a duplicate upon filing
5 with the county treasurer or the ~~Department of Motor Vehicles~~
6 department an application showing such loss and furnishing proof
7 of identification in accordance with section 60-484. If satisfied
8 that the loss is genuine, the issuer shall cause to be issued, upon
9 the payment of the fee prescribed in section 60-4,115, a duplicate
10 license or card. ~~No more than two duplicates of a license or card~~
11 ~~may be issued in this manner.~~ Upon the issuance of any duplicate
12 or replacement license or card, the license or card from which the
13 duplicate or replacement is issued shall be void.

14 (2) If any person changes his or her name because
15 of marriage or divorce or by court order or a common-law name
16 change, he or she shall apply to the county treasurer for a
17 replacement operator's license or state identification card and
18 furnish proof of identification in accordance with section 60-484.
19 If any person changes his or her address, the person shall apply
20 to the county treasurer for a replacement operator's license or
21 state identification card and furnish satisfactory evidence of such
22 change. The application shall be made within sixty days after the
23 change of name or address. The license or card shall be issued upon
24 payment of the fee prescribed in section 60-4,115.

25 (3) In the event a mutilated and unreadable operator's

1 license is held by any person duly licensed under the act or a
2 mutilated and unreadable state identification card which was issued
3 under the act is held by a person, such person may obtain a
4 replacement license or card upon showing the original mutilated or
5 unreadable license or card to the county treasurer. A replacement
6 license or card may be issued, without a photograph, to any
7 person who is out of the state at the time of application for
8 the replacement license or card. Such license or card shall state
9 on its face that it shall become invalid thirty days after such
10 person resumes residence in the state. If the county treasurer is
11 satisfied that the license or card is mutilated or unreadable, the
12 county treasurer shall cause to be issued, upon the payment of the
13 fee prescribed in section 60-4,115, a replacement license or card.

14 (4) If any person duly licensed under the act loses
15 his or her operator's license or if any holder of a state
16 identification card loses his or her card while temporarily out of
17 the state, he or she may apply for a duplicate operator's license
18 or card without a photograph by filing with the county treasurer an
19 application and affidavit showing such loss. Upon the officer being
20 satisfied that the loss is genuine, the officer shall cause to be
21 issued, upon the payment of the fee prescribed in section 60-4,115,
22 a duplicate operator's license or card without a photograph. Upon
23 the issuance of the duplicate, the original license or card shall
24 be void.

25 (5) Any person holding a valid operator's license or

1 state identification card without a photograph shall surrender
2 such license or card to the treasurer of his or her county of
3 residence within thirty days after resuming residency in this
4 state. After the thirty-day period, such license or card shall be
5 considered invalid. Upon the timely surrender of the license or
6 card and payment of the fee prescribed in section 60-4,115, such
7 person shall be issued an operator's license or card with a color
8 photograph or digital image of the licensee included.

9 (6) An application form for a replacement or duplicate
10 operator's license or state identification card shall include a
11 voter registration portion pursuant to section 32-308 and the
12 following specific question: Do you wish to register to vote as
13 part of this application process?

14 (7) An applicant may obtain a replacement or duplicate
15 operator's license or state identification card pursuant to
16 subsection (1), (3), or (4) of this section by electronic means
17 in a manner prescribed by the department. If the applicant has
18 a digital image and digital signature preserved in the digital
19 system, the replacement or duplicate shall be issued with the
20 preserved digital image and digital signature.

21 Sec. 12. Section 60-4,121, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 60-4,121 (1) The operator's license of any person serving
24 on active duty, other than members of the National Guard or
25 reserves activated for training purposes only, outside the State

1 of Nebraska as a member of the United States Armed Forces, or
2 the spouse of any such person or a dependent of such member of
3 the armed forces, shall be valid during such person's period of
4 active duty and for not more than sixty days immediately following
5 such person's date of separation from service, and shall be
6 renewed after the expiration date without examination upon written
7 application to the county treasurer who issued the license. No
8 person shall be permitted to renew a license in such manner more
9 than twice.

10 ~~(2)~~ The county treasurer also shall issue a renewal
11 license, without examination, to any person who is serving in the
12 armed forces of the United States, or the spouse of any such person
13 or a dependent of such member of the armed forces, and who makes
14 application for renewal within ninety days prior to the expiration
15 date of his or her license while the member is still on active duty
16 upon proof that such member is still on active duty. If such person
17 is twenty years of age, he or she may be issued a renewal license
18 in such manner within ten days prior to his or her twenty-first
19 birthday.

20 ~~(3)~~ The county treasurer also shall issue a renewal
21 license, without examination, to any person whose license expired
22 while serving in the armed forces of the United States, or the
23 spouse of any such person or a dependent of such member of the
24 armed forces, and who makes application for renewal within sixty
25 days after his or her ~~(a)~~ discharge or return to the State of

1 Nebraska to reside, whichever is later, or (b) return to the State
2 of Nebraska while the member is still on active duty upon proof
3 that such member is still on active duty.

4 ~~(4)~~ (2) Each individual who is applying for renewal
5 of his or her operator's license shall submit his or her
6 previous license to the examiner or, when the previous license
7 is unavailable, furnish proof of identification in accordance with
8 section 60-484.

9 Sec. 13. Section 60-4,122, Revised Statutes Cumulative
10 Supplement, 2008, is amended to read:

11 60-4,122 (1) Except as otherwise provided in subsections
12 (2), (3), and (8) of this section, no original or renewal
13 operator's license shall be issued to any person until such
14 person has demonstrated his or her ability to operate a motor
15 vehicle safely as provided in section 60-4,114.

16 (2) Except as otherwise provided in this section and
17 section 60-4,127, any person who renews his or her Class O or
18 Class M license shall demonstrate his or her ability to drive and
19 maneuver a motor vehicle safely as provided in subdivision (3)(b)
20 of section 60-4,114 only at the discretion of department personnel,
21 except that a person required to use bioptic or telescopic lenses
22 shall be required to demonstrate his or her ability to drive and
23 maneuver a motor vehicle safely each time he or she renews his or
24 her license.

25 (3) Any person who renews his or her Class O or Class M

1 license prior to or within one year after its expiration may not be
2 required to demonstrate his or her knowledge of the motor vehicle
3 laws of this state as provided in subdivision (3)(c) of section
4 60-4,114 if his or her driving record abstract maintained in the
5 computerized records of the department shows that such person's
6 license is not suspended, revoked, or canceled.

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

12 (5) Any person who renews a state identification card
13 shall appear before department personnel and present his or her
14 current state identification card or shall follow the procedure
15 for electronic renewal in subsection (9) of this section. Proof of
16 identification shall be required as prescribed in sections 60-484
17 and 60-4,181 and section 6 of this act.

18 (6) A nonresident who applies for an initial operator's
19 license in this state and who holds a valid operator's license
20 from another state which is his or her state of residence may
21 not be required to demonstrate his or her knowledge of the motor
22 vehicle laws of this state if he or she surrenders to the ~~examiner~~
23 department his or her valid out-of-state operator's license.

24 (7) An applicant for an original operator's license may
25 not be required to demonstrate his or her knowledge of the motor

1 vehicle laws of this state if he or she has been issued a Nebraska
2 LPD-learner's permit that is valid or has been expired for no more
3 than one year. The written examination shall not be waived if the
4 original operator's license being applied for contains a class or
5 endorsement which is different from the class or endorsement of the
6 Nebraska LPD-learner's permit.

7 (8) A qualified licensee as determined by the department
8 who is twenty-one years of age or older and less than sixty-five
9 years of age and who has a digital image and digital signature
10 preserved in the digital system may renew his or her Class O or
11 Class M license once by electronic means in a manner prescribed
12 by the department using the preserved digital image and digital
13 signature without taking any examination required under section
14 60-4,114 if such renewal is prior to or within one year after
15 the expiration of the license and if his or her driving record
16 abstract maintained in the records of the department shows that
17 such person's license is not suspended, revoked, or canceled. Every
18 licensee must apply for renewal in person at least once every ten
19 years and have a new digital image and digital signature taken.

20 (9) Any person who is twenty-one years of age or older
21 and who has been issued a state identification card with a digital
22 image and digital signature may electronically renew his or her
23 state identification card once by electronic means in a manner
24 prescribed by the department using the preserved digital image
25 and digital signature. Every holder of a state identification card

1 shall apply for renewal in person at least once every ten years and
2 have a new digital image and digital signature taken.

3 Sec. 14. Section 60-4,144, Revised Statutes Cumulative
4 Supplement, 2008, is amended to read:

5 60-4,144 (1)(a) This subsection applies until the
6 implementation date designated by the director pursuant to section
7 60-462.02. Application for any original or renewal commercial
8 driver's license or application for any change of class of
9 commercial motor vehicle, endorsement, or restriction may be made
10 in a manner prescribed by the department. Such application may be
11 made to an examiner in any county. The examiner shall personally
12 conduct the examination of the applicant and deliver to each
13 successful applicant an examiner's certificate containing the
14 statements made pursuant to subdivision (b) of this subsection.

15 (b) The application or examiner's certificate shall
16 include the voter registration portion pursuant to section 32-308,
17 the advisement language required by subsection (5) of section
18 60-6,197, and the following:

19 (i) The full name, the current mailing address, and the
20 residential address of the applicant, except that if the applicant
21 is a program participant under the Address Confidentiality Act, he
22 or she need not supply his or her residential address;

23 (ii) A physical description of the applicant, including
24 sex, height, weight, and eye and hair colors;

25 (iii) The applicant's date of birth;

1 (iv) The applicant's social security number;

2 (v) The applicant's signature;

3 (vi) Certification that the commercial motor vehicle
4 in which the applicant takes any driving skills examination is
5 representative of the class of commercial motor vehicle that the
6 applicant operates or expects to operate;

7 (vii) The certification required pursuant to section
8 60-4,145 or 60-4,146;

9 (viii) Beginning September 30, 2005, the names of all
10 states where the applicant has been licensed to operate any type of
11 motor vehicle in the ten years prior to the date of application;

12 (ix) The following specific questions:

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

16 (I) lost voluntary control or consciousness ... yes ...
17 no

18 (II) experienced vertigo or multiple episodes of
19 dizziness or fainting ... yes ... no

20 (III) experienced disorientation ... yes ... no

21 (IV) experienced seizures ... yes ... no

22 (V) experienced impairment of memory, memory loss ... yes
23 ... no

24 Please explain:

25 (B) Do you experience any condition which affects your

1 ability to operate a motor vehicle? (e.g. due to loss of
2 or impairment of foot, leg, hand, or arm; neurological or
3 neuromuscular disease, etc.) ... yes ... no

4 Please explain:

5 (C) Since the issuance of your last driver's
6 license/permit has your health or medical condition changed or
7 worsened? ... yes ... no

8 Please explain, including how the above affects your
9 ability to drive:

10 (x) Do you wish to register to vote as part of this
11 application process?

12 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE
13 FOLLOWING QUESTIONS:

14 (xi) Do you wish to be an organ and tissue donor?

15 (xii) Do you wish to receive any additional specific
16 information regarding organ and tissue donation and the Donor
17 Registry of Nebraska?

18 (xiii) Do you wish to donate \$1 to promote the Organ and
19 Tissue Donor Awareness and Education Fund?

20 (c) Application shall be made under oath or affirmation
21 of the applicant.

22 (2) This subsection applies beginning on the
23 implementation date designated by the director pursuant to
24 section 60-462.02. An applicant for any original or renewal
25 commercial driver's license or an applicant for a change of

1 class of commercial motor vehicle, endorsement, or restriction
2 shall demonstrate his or her knowledge and skills for operating
3 a commercial motor vehicle as prescribed in the Motor Vehicle
4 Operator's License Act. An applicant for a commercial driver's
5 license shall provide the information and documentation required by
6 this section and section 60-484 and section 6 of this act. Such
7 information and documentation shall include:

8 (a) Certification that the commercial motor vehicle
9 in which the applicant takes any driving skills examination is
10 representative of the class of commercial motor vehicle that the
11 applicant operates or expects to operate;

12 (b) The certification required pursuant to section
13 60-4,145 or 60-4,146; and

14 (c) The names of all states where the applicant has been
15 licensed to operate any type of motor vehicle in the ten years
16 prior to the date of application.

17 Sec. 15. Section 60-4,181, Revised Statutes Cumulative
18 Supplement, 2008, is amended to read:

19 60-4,181 (1)(a) This subsection applies until the
20 implementation date designated by the director pursuant to section
21 60-462.02. A state identification card shall be issued by the
22 county treasurer after the person requesting the card (i) files an
23 application or examiner's certificate with an examining officer,
24 (ii) furnishes two forms of proof of identification described
25 in section 60-484, and (iii) pays the fee prescribed in section

1 60-4,115 to the county treasurer. The state identification card
2 shall contain the organ and tissue donor information specified in
3 section 60-494.

4 (b) The application or examiner's certificate shall
5 include the name, age, post office address, place of residence
6 unless the applicant is a program participant under the Address
7 Confidentiality Act, date of birth, sex, social security number,
8 and physical description of the applicant, the voter registration
9 portion pursuant to section 32-308, and the following:

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

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

13 (iii) Do you wish to receive any additional specific
14 information regarding organ and tissue donation and the Donor
15 Registry of Nebraska?

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

18 (c) Each state identification card shall contain the
19 following encoded, machine-readable information: The holder's full
20 legal name; date of birth; gender; document issue date; document
21 expiration date; principal residence address; unique identification
22 number; revision date; inventory control number; and state of
23 issuance.

24 (2) This subsection applies beginning on the
25 implementation date designated by the director pursuant to

1 section 60-462.02. Each applicant for a state identification
2 card shall provide the information and documentation required
3 by section 60-484 and section 6 of this act. The form of the
4 state identification card shall comply with section 60-4,117. Upon
5 presentation of an applicant's issuance certificate, the county
6 treasurer shall collect the fee and surcharge as prescribed in
7 section 60-4,115 and issue a receipt to the applicant which is
8 valid up to thirty days. The state identification card shall be
9 delivered to the applicant as provided in section 60-4,113.

10 (3) The director may summarily cancel any state
11 identification card, and any judge or magistrate may order a
12 state identification card canceled in a judgment of conviction, if
13 the application or ~~examiner's~~ issuance certificate for the card
14 contains any false or fraudulent statements which were deliberately
15 and knowingly made as to any matter material to the issuance of the
16 card or if the application ~~or examiner's certificate~~ or issuance
17 certificate does not contain required or correct information. Any
18 state identification card so obtained shall be void from the date
19 of issuance. Any judgment of conviction ordering cancellation of a
20 state identification card shall be transmitted to the director who
21 shall cancel the card.

22 (4) This subsection applies beginning on an
23 implementation date designated by the director on or before
24 May 11, 2011. No person shall be a holder of an operator's license
25 and a state identification card at the same time.

1 Sec. 16. Original sections 60-487, 60-4,114, and
2 60-4,121, Reissue Revised Statutes of Nebraska, and sections
3 60-462, 60-479, 60-479.01, 60-484, 60-4,120, 60-4,122, 60-4,144,
4 and 60-4,181, Revised Statutes Cumulative Supplement, 2008, are
5 repealed.