

AMENDMENTS TO LB575

(Amendments to Standing Committee amendments, AM1276)

Introduced by Murante, 49.

1 1. Insert the following new section:

2 Sec. 29. Section 60-4,144, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 60-4,144 (1) An applicant for issuance of any original or renewal
5 commercial driver's license or an applicant for a change of class of
6 commercial motor vehicle, endorsement, or restriction shall demonstrate
7 his or her knowledge and skills for operating a commercial motor vehicle
8 as prescribed in the Motor Vehicle Operator's License Act. An applicant
9 for a commercial driver's license shall provide the information and
10 documentation required by this section and section 60-4,144.01. Such
11 information and documentation shall include any additional information
12 required by 49 C.F.R. parts 383 and 391 and also include:

13 (a) Certification that the commercial motor vehicle in which the
14 applicant takes any driving skills examination is representative of the
15 class of commercial motor vehicle that the applicant operates or expects
16 to operate; and

17 (b) The names of all states where the applicant has been licensed to
18 operate any type of motor vehicle in the ten years prior to the date of
19 application.

20 (2)(a) Before being issued a CLP-commercial learner's permit or
21 commercial driver's license, the applicant shall provide (i) his or her
22 full legal name, date of birth, mailing address, gender, race or
23 ethnicity, and social security number, (ii) two forms of proof of address
24 of his or her principal residence unless the applicant is a program
25 participant under the Address Confidentiality Act, except that a
26 nondomiciled applicant for a CLP-commercial learner's permit or

1 nondomiciled commercial driver's license holder does not have to provide
2 proof of residence in Nebraska, (iii) evidence of identity as required by
3 this section, and (iv) a brief physical description of himself or
4 herself.

5 (b) The applicant's social security number shall not be printed on
6 the CLP-commercial learner's permit or commercial driver's license and
7 shall be used only (i) to furnish information to the United States
8 Selective Service System under section 60-483, (ii) with the permission
9 of the director in connection with the certification of the status of an
10 individual's driving record in this state or any other state, (iii) for
11 purposes of child support enforcement pursuant to section 42-358.08 or
12 43-512.06, (iv) to furnish information regarding an applicant for or
13 holder of a commercial driver's license with a hazardous materials
14 endorsement to the Transportation Security Administration of the United
15 States Department of Homeland Security or its agent, ~~or~~ (v) to furnish
16 information to the Department of Revenue under section 77-362.02, or (vi)
17 to furnish information to the Secretary of State for purposes of the
18 Election Act.

19 (c) No person shall be a holder of a CLP-commercial learner's permit
20 or commercial driver's license and a state identification card at the
21 same time.

22 (3) Before being issued a CLP-commercial learner's permit or
23 commercial driver's license, an applicant, except a nondomiciled
24 applicant, shall provide proof that this state is his or her state of
25 residence. Acceptable proof of residence is a document with the person's
26 name and residential address within this state.

27 (4)(a) Before being issued a CLP-commercial learner's permit or
28 commercial driver's license, an applicant shall provide proof of
29 identity.

30 (b) The following are acceptable as proof of identity:

31 (i) A valid, unexpired United States passport;

1 (ii) A certified copy of a birth certificate filed with a state
2 office of vital statistics or equivalent agency in the individual's state
3 of birth;

4 (iii) A Consular Report of Birth Abroad issued by the United States
5 Department of State;

6 (iv) A valid, unexpired permanent resident card issued by the United
7 States Department of Homeland Security or United States Citizenship and
8 Immigration Services;

9 (v) An unexpired employment authorization document issued by the
10 United States Department of Homeland Security;

11 (vi) An unexpired foreign passport with a valid, unexpired United
12 States visa affixed accompanied by the approved form documenting the
13 applicant's most recent admittance into the United States;

14 (vii) A Certificate of Naturalization issued by the United States
15 Department of Homeland Security;

16 (viii) A Certificate of Citizenship issued by the United States
17 Department of Homeland Security;

18 (ix) A driver's license or identification card issued in compliance
19 with the standards established by the REAL ID Act of 2005, Public Law
20 109-13, division B, section 1, 119 Stat. 302; or

21 (x) Such other documents as the director may approve.

22 (c) If an applicant presents one of the documents listed under
23 subdivision (b)(i), (ii), (iii), (iv), (vii), or (viii) of this
24 subsection, the verification of the applicant's identity will also
25 provide satisfactory evidence of lawful status.

26 (d) If the applicant presents one of the identity documents listed
27 under subdivision (b)(v), (vi), or (ix) of this subsection, the
28 verification of the identity documents does not provide satisfactory
29 evidence of lawful status. The applicant must also present a second
30 document from subdivision (4)(b) of this section, a document from
31 subsection (5) of this section, or documentation issued by the United

1 States Department of Homeland Security or other federal agencies
2 demonstrating lawful status as determined by the United States
3 Citizenship and Immigration Services.

4 (e) An applicant may present other documents as designated by the
5 director as proof of identity. Any documents accepted shall be recorded
6 according to a written exceptions process established by the director.

7 (5)(a) Whenever a person is renewing, replacing, upgrading,
8 transferring, or applying as a nondomiciled individual to this state for
9 a CLP-commercial learner's permit or commercial driver's license, the
10 Department of Motor Vehicles shall verify the citizenship in the United
11 States of the person or the lawful status in the United States of the
12 person.

13 (b) The following are acceptable as proof of citizenship or lawful
14 status:

15 (i) A valid, unexpired United States passport;

16 (ii) A certified copy of a birth certificate filed with a state
17 office of vital statistics or equivalent agency in the individual's state
18 of birth, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the
19 Commonwealth of the Northern Mariana Islands;

20 (iii) A Consular Report of Birth Abroad issued by the United States
21 Department of State;

22 (iv) A Certificate of Naturalization issued by the United States
23 Department of Homeland Security;

24 (v) A Certificate of Citizenship issued by the United States
25 Department of Homeland Security; or

26 (vi) A valid, unexpired Permanent Resident Card issued by the United
27 States Department of Homeland Security or United States Citizenship and
28 Immigration Services.

29 (6) An applicant may present other documents as designated by the
30 director as proof of lawful status. Any documents accepted shall be
31 recorded according to a written exceptions process established by the

1 director.

2 (7)(a) An applicant shall obtain a nondomiciled CLP-commercial
3 driver's license or nondomiciled CLP-commercial learner's permit:

4 (i) If the applicant is domiciled in a foreign jurisdiction and the
5 Federal Motor Carrier Safety Administrator has not determined that the
6 commercial motor vehicle operator testing and licensing standards of that
7 jurisdiction meet the standards contained in subparts G and H of 49
8 C.F.R. part 383; or

9 (ii) If the applicant is domiciled in a state that is prohibited
10 from issuing commercial learners' permits and commercial drivers'
11 licenses in accordance with 49 C.F.R. 384.405. Such person is eligible to
12 obtain a nondomiciled CLP-commercial learner's permit or nondomiciled
13 commercial driver's license from Nebraska that complies with the testing
14 and licensing standards contained in subparts F, G, and H of 49 C.F.R.
15 part 383.

16 (b) An applicant for a nondomiciled CLP-commercial learner's permit
17 and nondomiciled commercial driver's license must do the following:

18 (i) Complete the requirements to obtain a CLP-commercial learner's
19 permit or a commercial driver's license under the Motor Vehicle
20 Operator's License Act, except that an applicant domiciled in a foreign
21 jurisdiction must provide an unexpired employment authorization document
22 issued by the United States Citizenship and Immigration Services or an
23 unexpired foreign passport accompanied by an approved I-94 form
24 documenting the applicant's most recent admittance into the United
25 States. No proof of domicile is required;

26 (ii) After receipt of the nondomiciled CLP-commercial learner's
27 permit or nondomiciled commercial driver's license and, for as long as
28 the permit or license is valid, notify the Department of Motor Vehicles
29 of any adverse action taken by any jurisdiction or governmental agency,
30 foreign or domestic, against his or her driving privileges. Such adverse
31 actions include, but are not limited to, license disqualification or

1 disqualification from operating a commercial motor vehicle for the
2 convictions described in 49 C.F.R. 383.51. Notifications must be made
3 within the time periods specified in 49 C.F.R. 383.33; and

4 (iii) Provide a mailing address to the Department of Motor Vehicles.
5 If the applicant is applying for a foreign nondomiciled CLP-commercial
6 learner's permit or foreign nondomiciled commercial driver's license, he
7 or she must provide a Nebraska mailing address and his or her employer's
8 mailing address to the Department of Motor Vehicles.

9 (c) An applicant for a nondomiciled CLP-commercial learner's permit
10 or nondomiciled commercial driver's license is not required to surrender
11 his or her foreign license.

12 (8) Any person applying for a CLP-commercial learner's permit or
13 commercial driver's license may answer the following:

14 (a) Do you wish to register to vote as part of this application
15 process?

16 (b) Do you wish to have the word "veteran" displayed on the front of
17 your operator's license to show that you served in the armed forces of
18 the United States? (To be eligible you must register with the Nebraska
19 Department of Veterans' Affairs registry.)

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

22 (c) Do you wish to be an organ and tissue donor?

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

25 (e) Do you wish to donate \$1 to promote the Organ and Tissue Donor
26 Awareness and Education Fund?

27 (9) Any person applying for a CLP-commercial learner's permit or
28 commercial driver's license must make one of the certifications in
29 section 60-4,144.01 and any certification required under section 60-4,146
30 and must provide such certifications to the Department of Motor Vehicles
31 in order to be issued a CLP-commercial learner's permit or a commercial

1 driver's license.

2 (10) Every person who holds any commercial driver's license must
3 provide to the department medical certification as required by section
4 60-4,144.01. The department may provide notice and prescribe medical
5 certification compliance requirements for all holders of commercial
6 drivers' licenses. Holders of commercial drivers' licenses who fail to
7 meet the prescribed medical certification compliance requirements may be
8 subject to downgrade.

9 2. On page 5, line 18, reinstate the stricken "or within", before
10 the stricken "six" insert "thirty days", and reinstate the stricken
11 "after leaving office".

12 3. On page 6, line 11, after the period insert "To be eligible to
13 enter into such a contract, the organization shall be exempt for federal
14 tax purposes under section 501(c)(3) of the Internal Revenue Code, as
15 defined in section 49-801.01.".

16 4. Renumber the remaining sections and correct the operative date
17 section and the repealer so that the section added by this amendment
18 becomes operative on its effective date with the emergency clause.