

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 623

Introduced by Nordquist, 7; Baker, 30; Campbell, 25; Howard, 9; Mello, 5;
Schumacher, 22.

Read first time January 21, 2015

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act;
- 2 to amend section 60-484.04, Revised Statutes Cumulative Supplement,
- 3 2014; to state findings and intent; to change provisions relating to
- 4 evidence of lawful status; to repeal the original section; and to
- 5 declare an emergency.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-484.04, Revised Statutes Cumulative
2 Supplement, 2014, is amended to read:

3 60-484.04 (1) The Legislature finds and declares that section 202(c)
4 (2)(B)(i) through (ix) of the federal REAL ID Act of 2005, Public Law
5 109-13, enumerated categories of individuals who may demonstrate lawful
6 status for the purpose of eligibility for a federally secure motor
7 vehicle operator's license or state identification card. The Legislature
8 further finds and declares that it was the intent of the Legislature in
9 2011 to adopt the enumerated categories by the passage of Laws 2011, LB
10 215. The Legislature declares that the passage of this legislative bill
11 is for the limited purpose of reaffirming the original legislative intent
12 of Laws 2011, LB 215. Except as provided in section 60-4,144 with respect
13 to operators of commercial motor vehicles, before being issued any other
14 type of operator's license or a state identification card under the Motor
15 Vehicle Operator's License Act, the department shall require an applicant
16 to present valid documentary evidence that he or she has lawful status in
17 the United States as enumerated in section 202(c)(2)(B)(i) through (ix)
18 of the federal REAL ID Act of 2005, Public Law 109-13. Lawful status may
19 be shown by:

20 (a) A valid, unexpired United States passport;

21 (b) A certified copy of a birth certificate filed with a state
22 office of vital statistics or equivalent agency in the individual's state
23 of birth;

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

26 (d) A valid, unexpired Permanent Resident Card (Form I-551) issued
27 by the United States Department of Homeland Security or United States
28 Citizenship and Immigration Services;

29 (e) An unexpired employment authorization document (EAD) issued by
30 the United States Department of Homeland Security, Form I-766 or Form
31 I-688B;

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

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

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

8 (i) A driver's license or identification card issued in compliance
9 with the standards established by the REAL ID Act of 2005, Public Law
10 109-13, division B, section 1, 119 Stat. 302; or

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

12 (2)(a) If an applicant presents one of the documents listed under
13 subdivision (1)(a), (b), (c), (d), (g), or (h) of this section, the
14 verification of the applicant's identity in the manner prescribed in
15 section 60-484 will also provide satisfactory evidence of lawful status.

16 (b) If the applicant presents one of the identity documents listed
17 under subdivision (1)(e), (f), or (i) of this section, the verification
18 of the identity documents does not provide satisfactory evidence of
19 lawful status. The applicant must also present a second document from
20 subsection (1) of this section or documentation issued by the United
21 States Department of Homeland Security or other federal agencies
22 demonstrating that lawful status as determined by the United States
23 Citizenship and Immigration Services has granted the applicant lawful
24 status as enumerated in section 202(c)(2)(B)(i) through (ix) of the
25 federal REAL ID Act of 2005, Public Law 109-13.

26 (3) An applicant may present other documents as designated by the
27 director as proof of lawful status as enumerated in section 202(c)(2)(B)
28 (i) through (ix) of the federal REAL ID Act of 2005, Public Law 109-13.
29 Any documents accepted shall be recorded according to a written
30 exceptions process established by the director.

31 Sec. 2. Original section 60-484.04, Revised Statutes Cumulative

1 Supplement, 2014, is repealed.

2 Sec. 3. Since an emergency exists, this act takes effect when
3 passed and approved according to law.