

LEGISLATIVE BILL 285

Approved by the Governor May 22, 1989

Introduced by Transportation Committee, Lamb, 43,
 Chairperson; Rogers, 41; Beyer, 3;
 Schellpeper, 18; Byars, 30; Goodrich, 20;
 Peterson, 21; Robak, 22

AN ACT relating to motor vehicles; to amend sections 39-602, 39-668, 39-669.27, 39-669.28, 39-669.30, 39-669.34, 39-669.35, 39-669.37, 39-6,106.01, 39-6,122, 39-6,192, 60-305.09, 60-402, 60-403, 60-403.01, 60-403.03 to 60-403.05, 60-404, 60-405, 60-406, 60-406.01, 60-406.03, 60-406.04, 60-406.06, 60-406.08, 60-407, 60-408, 60-409, 60-409.05 to 60-409.11, 60-409.13 to 60-411, 60-412 to 60-427.01, 60-429, 60-430, 60-430.01, 60-430.05, 60-430.06, 60-557, 60-2101.01, 60-2104, 60-2105, 60-2108, 60-2131, 60-2132, 71-4804, 79-328, and 79-488.06, Reissue Revised Statutes of Nebraska, 1943, section 75-363, Revised Statutes Supplement, 1988, section 60-411.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 8, Legislative Bill 284, Ninety-first Legislature, First Session, 1989, section 60-2802, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 114, Ninety-first Legislature, First Session, 1989, section 3, Legislative Bill 25, Ninety-first Legislature, First Session, 1989, and section 6, Legislative Bill 284, Ninety-first Legislature, First Session, 1989; to reorganize the Motor Vehicle Operator's License Act; to define and redefine terms; to change the names of certain licenses and permits; to change, eliminate, and provide penalties; to change provisions relating to employment driving permits and proof of identification; to harmonize provisions with changes relating to state identification cards; to provide licensure, examination, and discipline of operators of commercial motor vehicles as prescribed; to adopt updated federal motor carrier safety regulations; to change provisions relating to licensure of

operators of school vehicles; to provide fees; to provide notification requirements; to provide duties; to harmonize provisions; to eliminate existing definitions and licensure of operators of commercial motor vehicles; to provide operative dates; and to repeal the original sections, and also sections 39-6,113, 60-401, and 60-403.06 to 60-403.10, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 39-602, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-602. As used in Chapter 39, unless the context otherwise requires:

(1) Acceleration or deceleration lane shall mean a supplementary lane of a highway lane for traffic, which adjoins the traveled lanes of a highway and connects an approach or exit road with such highway;

(2) Alley shall mean a highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic;

(3) Approach or exit road shall mean any highway or ramp designed and used solely for the purpose of providing ingress or egress to or from an interchange or rest area of a highway. An approach road shall begin at the point where it intersects with any highway not a part of the highway for which such approach road provides access and shall terminate at the point where it merges with an acceleration lane of a highway. An exit road shall begin at the point where it intersects with a deceleration lane of a highway and shall terminate at the point where it intersects any highway not a part of a highway from which the exit road provides egress;

(4) Arterial street shall mean any United States or state-numbered route, controlled access highway, or other major radial or circumferential highway designated by local authorities within their respective jurisdictions as part of a major arterial system of highways;

(5) Authorized emergency vehicle shall mean such fire department vehicles, police vehicles, and ambulances as are publicly owned and such other publicly or privately owned vehicles as are designated by the director;

(6) Bicycle shall mean every device propelled

solely by human power, upon which any person may ride, and having two tandem wheels either of which is more than fourteen inches in diameter;

(7) Bus shall mean every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation;

(8) Business district shall mean the territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks, office buildings, railroad stations, or public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of a highway;

(9) Cabin trailer shall mean a trailer or semitrailer which is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place, whether used for such purposes or instead permanently or temporarily for the advertising, sale, display, or promotion of merchandise or services, or for any other commercial purpose except transportation of property for hire or transportation of property for distribution by a private carrier. Cabin trailer shall not mean a trailer or semitrailer which is permanently attached to real estate. There shall be three classes of cabin trailers:

(a) Travel trailer which shall include cabin trailers not more than eight feet in width nor more than forty feet in length from front hitch to rear bumper;

(b) Mobile home which shall include cabin trailers more than eight feet in width or more than forty feet in length; and

(c) Camping trailer which shall include cabin trailers eight feet or less in width and forty feet or less in length and adjusted mechanically smaller for towing;

(10) Cancellation of operator's license shall mean the annulment or termination by formal action of the department of a person's license because of some error or defect in such license or because the licensee is no longer entitled to such license, and without prejudice to application for a new license which may be made at any time after such cancellation;

(11) Compressed gas shall mean any gaseous or vaporous material or mixture confined in a container under either an absolute pressure exceeding forty pounds per square inch at seventy degrees Fahrenheit or an

absolute pressure exceeding one hundred four pounds per square inch at one hundred thirty degrees Fahrenheit, or both, or any liquid flammable material having a Reid Vapor Pressure exceeding forty pounds per square inch absolute at one hundred degrees Fahrenheit;

(12) Controlled access highway shall mean every highway or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or egress from except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway;

(13) Crosswalk shall mean:

(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of such roadway measured from the curbs or, in the absence of curbs, from the edge of the roadway; or

(b) Any portion of a roadway at an intersection or elsewhere distinctly designated by competent authority and marked for pedestrian crossing by lines, signs, or other devices;

(14) Corrosive liquid shall mean an acid, alkaline caustic liquid, or other liquid which, when in contact with living tissue, will cause severe damage to such tissue by chemical action or will materially damage or destroy other materials by chemical action; or which is liable to cause fire when in contact with organic matter or with certain chemicals;

(15) Daytime shall mean that period of time between sunrise and sunset;

(16) Dealer shall mean any person engaged in the business of buying, selling, or exchanging vehicles who has an established place of business for such purpose in this state and to whom current dealer registration license plates have been issued by the department;

(17) Department shall mean the Department of Motor Vehicles;

(18) Director shall mean the Director of Motor Vehicles;

(19) Divided highway shall mean a highway with separated roadways for traffic in opposite directions;

(20) Drag race shall mean the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other or the operation of one or more vehicles over a common selected course, each starting at the same point and proceeding to the same point, for the

purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit;

(21) Driver's or operator's license shall have the meaning found in section 24 of this act; mean any operator's or chauffeur's license or any other license or permit to operate a motor vehicle issued under the laws of this state, including:

(a) Any temporary license or instruction permit;

(b) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license;

(c) Any nonresident's operating privilege as defined in the Nebraska Rules of the Road; and

(d) An employment driving permit issued as provided by sections 39-669-34 and 39-669-35;

(22) Essential parts shall mean all integral and body parts of a vehicle of a type required to be registered for operation on the highways of this state, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation;

(23) Established place of business shall mean the place actually occupied either continuously or at regular periods by a dealer or manufacturer where his or her books and records are kept and a large share of his or her business is transacted;

(24) Explosives shall mean any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, that is, with substantially instantaneous release of gas and heat, including, but not limited to, gunpowder, blasting powder, high explosives, and blasting caps, but shall not include liquid petroleum or organic products, chemical or mineral solvents, or other substances commonly classified as flammable liquids or solids;

(25) Farm tractor shall mean every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry;

(26) Final conviction shall mean the final determination of all questions of fact and of law;

(27) Flammable liquid shall mean any liquid which gives off flammable vapors at or below a temperature of eighty degrees Fahrenheit as determined by flash point from Tagliabue's Open Cup Tester as used for test of burning oils;

(28) Flammable solid shall mean any solid substance other than an explosive which is liable, under conditions incident to transportation, to ignite through friction, absorption, or moisture, spontaneous chemical changes, or as a result of retained heat from manufacturing or processing;

(29) Freeway shall mean a divided arterial highway designed primarily for through traffic with full control of access and with grade separations at all intersecting road crossings, including all interchanges and approach and exit roads thereto;

(30) Full control of access shall mean that the right of owners or occupants of abutting land or other persons to access or view is fully controlled by public authority having jurisdiction and that such control is exercised to give preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings or intersections at grade or direct private driveway connections;

(31) Grade separation shall mean a crossing of two highways at different levels;

(32) Highway shall mean the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;

(33) Home state shall mean the state which has issued and has the power to grant, suspend, or revoke the privilege to operate a motor vehicle on the public way;

(34) Identifying number shall mean the numbers, and letters if any, on a vehicle designated by the department for the purpose of identifying such vehicle;

(35) Implement of husbandry shall mean every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case usually primarily used off of any highway;

(36) Interchange shall mean a grade-separated intersection with one or more turning roadways for travel between any of the highways radiating from and forming part of such intersection;

(37) Intersection shall mean the area embraced within the prolongation or connection of the lateral curb lines or, if there are no lateral curb lines, then the lateral boundary lines of the roadways of two or

more highways which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. ~~Where~~ When a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection. The junction of an alley with a highway shall not constitute an intersection;

(38) Laned roadway shall mean a roadway which is divided into two or more clearly marked lanes for vehicular traffic;

(39) License or license to operate a motor vehicle shall mean the privilege granted by this state to operate a motor vehicle;

(40) Licensing authority shall mean the Department of Motor Vehicles;

(41) Lienholder shall mean a person holding a security interest in a vehicle;

(42) Local authority shall mean every county, municipal, and other local board or body having power to enact laws, rules, or regulations relating to traffic under the Constitution and laws of this state and generally including the directors of state institutions, the Game and Parks Commission, and all natural resources districts with regard to roads not a part of the state highway system and within the limits of such institution, of an area under Game and Parks Commission control, or of an area owned or leased by a natural resources district, but outside the limits of any incorporated city or village;

(43) Mail shall mean to deposit in the United States mail properly addressed and with postage prepaid;

(44) Maintenance shall mean the act, operation, or continuous process of repair, reconstruction, or preservation of the whole or any part of any highway, including surface, shoulders, roadsides, traffic-control devices, structures, waterways, and drainage facilities, for the purpose of keeping it at or near or improving upon its original standard of usefulness and safety;

(45) Manual shall mean the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways;

(46) Manufacturer shall mean any person who

engages in the business of constructing or assembling vehicles of a type required to be registered for operation on the highways of this state at an established place of business in this state;

(47) Median shall mean that part of a divided highway, such as a physical barrier or clearly indicated dividing section or space, so constructed as to impede vehicular traffic across or within such barrier, section, or space or to divide such highway into two roadways for vehicular travel in opposite directions;

(48) Median crossover shall mean a connection between roadways of a divided highway the use of which may permit a vehicle to reverse its direction by continuously moving forward;

(49) Median opening shall mean a gap in a median provided for crossing and turning traffic;

(50) Metal tire shall mean every tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material;

(51) Minibike shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than fourteen inches or an engine-rated capacity of less than forty-five cubic centimeters displacement or any other two-wheel motor vehicle primarily designed by the manufacturer thereof for off-road use only. Minibikes, their owners, and their operators shall be exempt from the requirements of Chapter 60, articles 1, 3, 4, and 5;

(52) Moped shall mean a bicycle with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty cubic centimeters which produces no more than two brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than thirty miles per hour on level ground. mopeds, their owners, and their operators shall be subject to Chapter 60, article 4, but shall be exempt from the requirements of Chapter 60, articles 1, 3, and 5;

(53) Motor vehicle shall mean every self-propelled land vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs;

(54) Motorcycle shall mean every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground; but excluding a tractor;

(55) Motor-driven cycle shall mean every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower as

measured at the drive shaft, mopeds, and every bicycle with motor attached;

(56) Nighttime shall mean that period of time between sunset and sunrise;

(57) Nonresident shall mean every person who is not a resident of this state;

(58) Nonresident's operating privilege shall mean the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state;

(59) Operator or driver shall mean any person who drives or is in actual physical control of a vehicle;

~~(60) Operator's license shall mean any license to operate a motor vehicle issued under the laws of this state;~~

~~(61) (60) Owner shall mean a person, other than a lienholder, having the property in or title to a vehicle, including a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excluding a lessee under a lease not intended as security;~~

(62) (61) Oxidizing material shall mean any substance such as chlorate, permanganate, peroxide, or a nitrate that yields oxygen readily to stimulate the combustion of organic matter;

(63) (62) Park or parking shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

(64) (63) Passenger car shall mean any motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten passengers or less and used primarily for the transportation of persons;

(65) (64) Pedestrian shall mean any person afoot;

(66) (65) Period of insufficient light shall mean nighttime and all other times when atmospheric conditions are such that there is insufficient light to reveal a person or an object of comparable size or larger at a distance of one thousand feet;

(67) (66) Person shall mean every natural person, firm, partnership, association, or corporation;

(68) (67) Pneumatic tire shall mean any tire designed so that compressed air supports the load of the wheel;

(69) (68) Poisonous substance shall mean any

liquid or gas of such nature that a very small amount of the gas, or vapor of the liquid, mixed with air is dangerous to life or any liquid or solid substance that upon contact with fire or when exposed to air gives off dangerous or intensely irritating fumes or substances which are chiefly dangerous by external or internal contact with the body;

{70} {69} Police officer shall mean any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations;

{71} {70} Private road or driveway shall mean every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons;

{72} {71} Radioactive material shall mean any substance which spontaneously emits radiation capable of penetrating and severely damaging living tissue and undeveloped photographic film. Fissile radioactive materials shall mean those which are classified according to controls needed for nuclear criticality safety;

{73} {72} Racing shall mean the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long-distance driving routes;

{74} {73} Railroad shall mean a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;

{75} {74} Railroad sign or signal shall mean any sign, signal, or device erected by authority of a public body or official or by a railroad intended to give notice of the presence of railroad tracks or the approach of a railroad train;

{76} {75} Railroad train shall mean a steam engine or an engine with an electric or other motor, with or without cars coupled thereto, operated upon rails;

{77} {76} Reconstructed vehicle shall mean any vehicle of a type required to be registered for operation on the highways of this state materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used;

{78} {77} Registration shall mean the registration certificate or certificates and registration plates issued under the laws of this state

pertaining to the registration of vehicles;

{79} (78) Residential district shall mean the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business;

{80} (79) Revocation of operator's license shall mean the termination by a court of competent jurisdiction or by formal action of the department of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration, except that an employment driving permit may be issued as provided by sections 39-669-34 and 39-669-35 79 and 80 of this act. Application for a new license may be presented and acted upon by the department after the expiration of the applicable period of time prescribed in the statute providing for revocation;

{81} (80) Right-of-way shall mean the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other;

{82} (81) Road tractor shall mean any motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or as any part of the weight of a vehicle or load so drawn;

{83} (82) Roadway shall mean that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways, the term roadway shall refer to any such roadway separately but not to all such roadways collectively;

{84} (83) Safety glass shall mean any product which is composed of glass or similar material which will withstand discoloration caused by exposure to sunlight or abnormal temperature over an extended period of time and which is so manufactured, fabricated, or treated as substantially to prevent or reduce, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons when the glass is struck or broken;

{85} (84) Safety zone shall mean an area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be

plainly visible at all times while set apart as such area;

{86} (85) School bus shall mean any motor vehicle that complies with the color and identification requirements as provided in the laws of this state or set forth in the most recent edition of Minimum Standards for School Buses, produced and sponsored by the National Commission on Safety Education of the National Education Association, and is used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children;

{87} (86) Security agreement shall mean a written agreement which reserves or creates a security interest;

{88} (87) Security interest shall mean an equitable title or property right in a vehicle reserved or created by agreement and which secures payment or performance of an obligation, including the interest of a lessor under a lease intended as security, and which is perfected when it is valid against third parties generally, subject only to specific statutory exceptions;

{89} (88) Semitrailer shall mean any vehicle, with or without motive power, designed to carry persons or property and to be drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle;

{90} (89) Separation structure shall mean that part of any bridge or road which is directly overhead of the roadway of any part of a highway;

{91} (90) Shoulder shall mean that part of the highway contiguous to the roadway and designed for the accommodation of stopped vehicles, for emergency use, and for lateral support of the base and surface courses of the roadway;

{92} (91) Sidewalk shall mean that portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians;

{93} (92) Sidewalk space shall mean that portion of a street between the curb line and the adjacent property line;

{94} (93) Snowmobile shall mean a self-propelled motor vehicle designed to travel on snow or ice or a natural terrain steered by wheels, skis, or runners and propelled by a belt-driven track with or without steel cleats;

{95} (94) Solid tire shall mean every tire of

rubber or other resilient material which does not depend upon compressed air or metal for the support of the load of the wheel to which it attaches;

{96} (95) Special mobile equipment shall mean any vehicle not designed or used primarily for transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to, ditchdigging - Ditchdigging apparatus, well-boring apparatus, and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck-tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earthmoving carryalls and scrapers, power shovels and drag lines, self-propelled cranes, and earthmoving equipment, but not including cabin trailers, dump trucks, truck-mounted transit mixers, cranes, or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached;

{97} (96) Specially constructed vehicle shall mean any vehicle of a type required to be registered for operation on the highways of this state and not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction;

{98} (97) Stand or standing shall mean the halting of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in receiving or discharging passengers;

{99} (98) State shall mean a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of Canada;

{100} (99) Stop, when required, shall mean a complete cessation of movement;

{101} (100) Stop or stopping, when prohibited, shall mean any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device;

{102} (101) Suspension of operator's license shall mean the temporary withdrawal by a court of competent jurisdiction or by formal action of the department of a person's license or privilege to operate a motor vehicle on the public highways for a period specifically designated by the court or department. An

employment driving permit shall be issued following suspension as provided in sections 39-669-34 and 39-669-35 79 and 80 of this act;

~~{103}~~ (102) Through highway shall mean every highway or portion thereof on which vehicular traffic is given preferential right-of-way and at the entrances to which vehicular traffic from intersecting highways is required by law to yield such right-of-way to vehicles on such highway in obedience to a stop sign, yield sign, or other traffic-control device, when such sign or device is erected as provided by law;

~~{104}~~ (103) Traffic shall mean pedestrians, ridden or herded animals, and vehicles and other conveyances either singly or together while using any highway for purposes of travel;

~~{105}~~ (104) Traffic-control device shall mean any sign, signal, marking, or other device not inconsistent with the Nebraska Rules of the Road placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic;

~~{106}~~ (105) Traffic-control signal shall mean any signal, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed;

~~{107}~~ (106) Traffic infraction shall mean the violation of any provision of the Nebraska Rules of the Road or of any law, ordinance, order, rule, or regulation regulating traffic which is not otherwise declared to be a misdemeanor or a felony and which shall be a civil offense;

~~{108}~~ (107) Trailer shall mean any vehicle, with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle;

~~{109}~~ (108) Transporter shall mean any person who engages in the business of delivering vehicles of a type required to be registered for operation on the highways of this state from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer;

~~{110}~~ (109) Truck shall mean any motor vehicle designed, used, or maintained primarily for the transportation of property;

~~{111}~~ (110) Truck-tractor shall mean any motor vehicle designed and primarily used for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so

drawn;

~~(112)~~ (111) Urban district shall mean the territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred feet for a distance of a quarter of a mile or more;

~~(113)~~ (112) Vehicle shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, ~~excepting~~ except devices moved solely by human power or used exclusively upon stationary rails or tracks; and

~~(114)~~ (113) Visible, as used in reference to advertising signs, displays, or devices, shall mean the message or advertising content of such sign, display, or device is capable of being seen without visual aid by a person of normal visual acuity. A sign shall be considered visible even though the message or advertising content may be seen but not read.

Sec. 2. That section 39-668, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-668. (1) No person shall drive any vehicle on any highway in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test, or exhibition.

(2) Any person convicted of violating this section shall be guilty of a Class II misdemeanor.

Sec. 3. That section 39-669.27, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-669.27. Whenever it shall ~~come~~ comes to the attention of the ~~Director of Motor Vehicles~~ director that any person has, as disclosed by the records of ~~such~~ the director, accumulated a total of twelve or more points within any period of two years, as set out in section 39-669.26, the director shall (1) summarily revoke (a) the license and privilege of such person to operate a motor vehicle in this state or (b) the privilege, if such operator is a nonresident, of operating a motor vehicle within this state; and (2) require such person to attend and successfully complete a driver's education and training course consisting of at least eight hours of instruction approved by the ~~Department of Motor Vehicles~~ department. Such

instruction ~~must~~ shall be successfully completed before the license and privilege or privilege to operate a motor vehicle may be reinstated. Each person who attends such instruction shall pay the cost of such course. Such revocation shall be for a period of six months from the date of the signing of the order of revocation or six months from the date of the release of such person from the jail or the Department of Correctional Services adult correctional facility, whichever is the later, unless a longer period of revocation was directed by the terms of the certified abstract of the judgment of conviction forwarded to the director by the trial court. Any motor vehicle, except a commercial motor vehicle as defined in section 15 of this act, may be operated under an employment driving permit as provided by section 39-669-34 79 of this act. ~~The reduction of the period to six months shall be applicable to revocations ordered prior to May 22, 1975.~~

Sec. 4. That section 39-669.28, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-669.28. Within ten days after the revocation provided for by section 39-669.27, the ~~Director of Motor Vehicles~~ director shall notify in writing the person whose license or privilege has been revoked that such license or privilege has been revoked. Such notice shall (1) contain a list of the convictions for violations upon which the director relies as his or her authority for the revocation, with the dates of such violations upon which convictions were had and the dates of such convictions, the trial courts in which such judgments of conviction were rendered, and the points charged for each conviction, (2) state the term of such revocation, (3) include a demand that the license be returned to the director immediately, and (4) be served by mailing it to such person by either registered or certified mail to the last-known residence of such person or, if such address is unknown, to the last-known business address of such person. If any person ~~shall~~ fails to return his or her license to the director as demanded, the director shall ~~forthwith~~ immediately direct any peace officer or authorized representative of the director to secure possession of such license and return the same license to the director. ~~A ; PROVIDED,~~ that a refusal to surrender an operator's license on demand shall be unlawful, and any person failing to surrender his or her license as required by the provisions of this section shall, upon conviction thereof, be fined in a sum not to exceed five hundred

dollars or imprisoned in the county jail not to exceed thirty days; or both such a fine and imprisonment be quilty of a Class III misdemeanor. Any person; who feels himself aggrieved because of such revocation; may appeal therefrom from such revocation to the district court of the county wherein such person resides or, in the case of a nonresident, to the district court of Lancaster County; in the manner prescribed in section 60-420 set forth in section 55 of this act. Such appeal shall not suspend the order of revocation of such license unless a stay thereof shall be of such order is allowed by a judge of said such court pending a final determination of the review. The ; PROVIDED; the license of any person claiming to be aggrieved shall not be restored to such person, in the event the final judgment of a court finds against such person, until the full time of revocation, as fixed by the department, shall have has elapsed.

Sec. 5. That section 39-669.30, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-669.30. It shall be unlawful to operate a motor vehicle on the public highways after revocation of an operator's license or privilege revoked under the provisions of sections 39-669.26 to 39-669.30, except that a motor vehicle, other than a commercial motor vehicle as defined in section 15 of this act, may be operated under an employment driving permit as provided by section 39-669-34 79 of this act. Any person who violates the provisions of this section shall be guilty of a Class III misdemeanor. Any license or privilege; revoked under the provisions of sections 39-669.26 to 39-669.30; shall remain revoked for one year, and at the expiration thereof of the one-year period, such person shall give and maintain for three years proof of financial responsibility; as required by section 60-525 60-524. Any ; PROVIDED; that any person whose license or privilege has been revoked pursuant to sections 39-669.26 to 39-669.30 a second time within five years shall have his or her license or privilege revoked for three years, and at the expiration thereof of the three-year period, such person shall give and maintain for three years proof of financial responsibility; as required by section 60-524.

Sec. 6. That section 39-669.37, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-669.37. Any person who has less than twelve points assessed against his or her driving record

under section 39-669.26 may voluntarily enroll in a driver improvement course approved by the Department of Motor Vehicles department. Upon notification of successful completion of such a course by the conducting organization, the department shall reduce by two the number of points assessed against such person's driving record within the previous two years. The provisions of this This section shall only apply to persons who have successfully completed such driver improvement course prior to committing any traffic offense for which a conviction and point assessment against their driving record would otherwise result in a total of twelve or more points assessed against their record. No person required to enroll in a driver improvement course pursuant to section 39-669.27 or 39-669.35 section 80 of this act shall be eligible for a reduction in points assessed against his or her driving record upon the successful completion of such course. If a person has only one point assessed against his or her record within the previous two years, upon notification of successful completion of such a course by the conducting organization, the department shall reduce one point from such person's driving record. Such reduction shall be allowed only once within a five-year period. Notification of completion of an approved course shall be sent to the department, upon successful completion thereof, by the conducting organization. An approved course shall consist of at least eight hours of instruction and shall follow such other guidelines as are established by the department.

Sec. 7. That section 60-427.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-427.01-~~ When a person has been convicted in any court in this state of any moving traffic offense, the court may, in addition to the penalty provided by law for such offense and as a part of the judgment of conviction, or as a condition of probation, require such person, at his or her expense, if any, to attend and satisfactorily complete a course of instruction at a driver improvement school, if such school exists, located and operating within the county of such person's residence, or within the jurisdiction of such court. Such school shall be designated by the court in its order and shall provide instruction in the recognition of hazardous traffic situations and prevention of traffic accidents.

Sec. 8. That section 39-6,106.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

39-6,106.01. It shall be unlawful for any person under sixteen years of age, unless such person is over fourteen years of age and shall have has procured the limited school permit provided for in section 60-407 74 of this act, to operate a motor vehicle. Any ~~;~~ and any owner, dealer, or manufacturer of motor vehicles who permits a person under sixteen years of age, except as ~~hereinafter~~ provided in this section, to operate a motor vehicle shall: (1) For a first such offense, be guilty of a Class IV misdemeanor; and (2) for each subsequent offense, be guilty of a Class III misdemeanor. ~~;~~ PROVIDED, that minors under the age of sixteen years and over the age of fourteen years who shall have complied with section 60-407, and who shall have received said limited permit, shall be punished as ~~hereinafter~~ provided for violations of the terms and conditions of such limited permit.

Sec. 9. That section 39-6,122, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,122. Sections 39-601 to 39-6,122 and section 7 of this act shall be known and may be cited as the Nebraska Rules of the Road.

Sec. 10. That section 39-6,192, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,192. The superintendent as defined in ~~section 60-401~~, Superintendent of Law Enforcement and Public Safety and his or her subordinate officers or employees, including all officers and ~~patrolmen~~ of the Nebraska State Patrol, all sheriffs and all deputy sheriffs of the several counties, all chiefs of police and all ~~police~~ police officers in all cities, and all village marshals in all villages, throughout the State of Nebraska, are hereby specifically directed and authorized and it shall be deemed and considered a part of the official duties of each of such officers respectively to enforce the provisions of sections 39-669-21, 39-6,127, 39-6,133, 39-6,138, and 39-6,140. ~~;~~ 39-6,192 and 81-2005. To perform the official duties hereby imposed by this section, the superintendent, his subordinate such officers or employees, are each of them specifically directed, if necessary, to exercise all powers recited and granted in section 81-2005.

Sec. 11. That section 60-305.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-305.09. (1) Any owner engaged in operating

a fleet of apportionable vehicles in this state in interstate commerce may, in lieu of registration of such vehicles under the general provisions of sections 60-301 to 60-344, register and license such fleet for operation in this state by filing a sworn statement with the Department of Motor Vehicles. The statement shall be in such form and contain such information as the department shall require, declaring the total mileage operated by such vehicles in all states and in this state during the preceding year and describing and identifying each such vehicle to be operated in this state during the ensuing license year. The application shall be accompanied by payment of the registration fee determined as provided in this section. Upon receipt of such statement, the department shall determine the total fee payment which shall be equal to the amount obtained by applying the proportion of in-state fleet miles to total fleet miles, as reported in such states, to a fee of thirty-two dollars per ton based upon gross vehicle weight of the empty weights of a truck or truck-tractor and the empty weights of any trailer, semitrailer, or combination thereof with which it is to be operated in combination at any one time, plus the weight of the maximum load to be carried thereon at any one time, and shall notify the applicant of the amount of any additional payment required to be made. Mileage operated in noncontracting reciprocity states by vehicles based in Nebraska shall be applied to the portion of the formula for determining the Nebraska in-state fleet miles.

Temporary authority which shall permit the operation of a fleet or an addition to a fleet in this state while the application is being processed may be issued upon application to the department if necessary to complete processing of the application.

Upon completion of such processing and receipt of the appropriate fees, the department shall issue to the applicant a sufficient number of distinctive registration certificates and such other evidence of registration for display on the vehicle as the department determines appropriate for each of the vehicles of his or her fleet, identifying it as a part of an interstate fleet proportionately registered. All fees received as provided in this section shall be credited to the International Registration Plan Distributive Fund, which fund is hereby created. Such fund shall be disbursed to carry out the provisions of the International Registration Plan. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to

72-1269 72-1276.

The vehicles so registered shall be exempt from all further registration and license fees under sections 60-301 to 60-344 for movement or operation in the State of Nebraska. The proportional registration and licensing provision of this section shall apply to vehicles added to such fleets and operated in this state during the license year.

The right of applicants to proportional registration under this section shall be subject to the terms and conditions of any reciprocity agreement, contract, or consent made by the Department of Motor Vehicles.

When a nonresident fleet owner has registered his or her vehicles on an apportionment basis, his or her vehicles shall be considered as fully registered for both interstate and intrastate commerce when the state of base registration for such fleet accords the same consideration for fleets with a base registration in Nebraska. Each vehicle of a fleet registered by a resident of Nebraska on an apportionment basis shall be considered as fully registered for both interstate and intrastate commerce.

(2) Mileage proportions for interstate fleets not operated in this state during the preceding year shall be determined by the department upon the sworn application of the applicant on forms to be supplied by the department which shall show the operations of the preceding year in other states and estimated operations in Nebraska or, if no operations were conducted the previous year, a full statement of the proposed method of operation.

(3) Any owner complying with and being granted proportional registration shall preserve the records on which the application is made for a period of three years following the current registration year. Upon request of the department, the owner shall make such records available to the department at its office for audit as to accuracy of computation and payments or pay the costs of an audit at the home office of the owner by a duly appointed representative of the department if the office where the records are maintained is not within the State of Nebraska. The department may enter into agreements with agencies of other states administering motor vehicle registration laws for joint audits of any such owner. All payments received to cover the costs of an audit shall be paid by the department into the state treasury, and the State Treasurer shall credit such payments to the General Fund. No deficiency shall be

assessed nor any claim for credit allowed for any license registration year for which records on which the application was made are no longer required to be maintained.

(4) If it is claimed by the Department of Motor Vehicles that the owner should have paid a greater amount of fee under sections 60-301, 60-305-03, 60-305-09, and 60-305-10 this section than was paid, the department shall notify the owner of the additional amount claimed to be due. The owner may accept such claim and pay the amount due, or he or she may dispute the claim and submit to the department any information which he or she may have in support of his or her position. If the dispute cannot otherwise be resolved within the department, the entire matter shall be submitted to the director for his or her final departmental determination thereof. The director shall incorporate his or her determination into a written order. Such order may be appealed to the district court in the manner provided in section 60-420 section 55 of this act, except that the bond shall be filed with the clerk of the district court and shall be a surety bond or a cash bond equal to the amount claimed to be due plus two hundred dollars as security for costs that might be assessed against the owner. A certified copy of the director's order shall be filed in lieu of a transcript. Upon expiration of the time for perfecting an appeal, if no appeal is taken, or upon final judicial determination, if an appeal is taken, the department shall deny the owner the right to further registration for a fleet license until the amount finally determined to be due, together with any costs assessed against the owner, has been paid. This subsection shall apply to all disputes which have not been processed to final determination as of September 2, 1977.

(5) Every applicant who shall license licenses any vehicles under this section sections 60-301, 60-305-03, 60-305-09, and 60-305-10 shall have his or her registration certificates issued only after all fees are paid and, if applicable, proof has been furnished of payment, in the form prescribed by the Director of Motor Vehicles as directed by the United States Secretary of the Treasury, of the federal heavy vehicle use tax imposed by the Internal Revenue Code, 26 U.S.C. 4481.

(6) In the event of the transfer of ownership of any registered motor vehicle or in the case of loss of possession because of fire or theft or because the motor vehicle was wrecked, junked, or dismantled, its registration shall expire, except that the registered

owner, if he or she applies to the department after such transfer or loss of possession and accompanies the application with the fee of one dollar and fifty cents, may have assigned to another motor vehicle the registration identification of the motor vehicle so transferred or lost. If the assigned motor vehicle has a greater gross weight than the transferred or lost motor vehicle, the owner of the assigned motor vehicle shall additionally pay only the registration fee for the increased gross weight for the remaining months of the registration year based on the factors determined by the department in the original fleet application.

(7) Whenever a Nebraska-based fleet owner files an application with the department to delete a registered motor vehicle from a fleet of registered motor vehicles because of (a) the transfer of ownership or (b) the loss of possession due to fire or theft or because the motor vehicle was wrecked, junked, or dismantled, the registered owner may, by returning the registration certificate or certificates and such other evidence of registration used by the department or, if such certificate or certificates or such other evidence of registration is unavailable, then by making an affidavit to the department of such transfer or loss, receive a refund of the registration fee based upon the number of unexpired months remaining in the registration year. When such motor vehicle is transferred or lost within the same month as acquired, no refund shall be allowed for such month. Such refund may be in the form of a credit against any registration fees that have been incurred or are, at the time of the refund, being incurred by the registered motor vehicle owner.

(8) Whenever a Nebraska-based fleet owner files an application with the department to delete a registered motor vehicle from a fleet of registered motor vehicles because the vehicle is disabled and has been removed from service, the registered owner may, by returning the registration certificate or certificates and such other evidence of registration used by the department or, in the case of the unavailability of such certificate or certificates or such other evidence of registration, then by making an affidavit to the department of such disablement and removal from service, receive a credit for that portion of the registration fee deposited in the Highway Trust Fund based upon the number of unexpired months remaining in the registration year. When such motor vehicle is removed from service within the same month in which it was registered, no credit shall be allowed for such month. Such credit may

be applied against registration fees for new or replacement vehicles incurred within one year after cancellation of registration of the motor vehicle for which the credit was allowed. When any such vehicle is reregistered within the same registration year in which its registration has been canceled, the fee shall be that portion of the registration fee provided to be deposited in the Highway Trust Fund for the remainder of the registration year.

(9) In case of addition to the registered fleet during the registration year, the owner engaged in operating the fleet shall pay the proportionate registration fee from the date of the application for the remaining balance of the registration year.

(10) In lieu of registration under subsections (1) to (9) of this section, the title holder of record may apply to the department for special registration, to be known as an unladen-weight registration, for any commercial vehicle or combination of vehicles. Such registration shall be valid only for a period of thirty days and shall give no authority to operate the vehicle except when empty. The fee for such registration shall be twenty dollars for each vehicle, which fee shall be remitted to the State Treasurer for deposit in the Highway Trust Fund. The issuance of such permits shall be governed by subsection (1) of section 60-305.03.

(11) In lieu of registration under subsections (1) to (9) of this section, a trip permit for any nonresident truck, truck-tractor, bus, or truck or truck-tractor combination shall be purchased. Such permit shall be valid for (a) a single trip across or through Nebraska and (b) not longer than seventy-two hours. The fee for such permit shall be twenty-five dollars for each vehicle or combination of vehicles. Such permit shall be available at weighing stations operated by the carrier enforcement division and at various vendor stations as determined appropriate by the carrier enforcement division. The carrier enforcement division shall act as an agent for the Department of Motor Vehicles in collecting such fees and shall remit all such fees collected to the State Treasurer who shall place such money in the Highway Cash Fund. Trip permits shall be obtained at the first available location whether that is a weighing station or a vendor station. The vendor stations shall be entitled to collect and retain an additional fee of ten percent of the fee collected pursuant to this subsection as reimbursement for the clerical work of issuing the permits.

Sec. 12. That section 60-402, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

~~60-402-~~ This act Sections 12 to 130 of this act shall be known and may be cited as the Motor Vehicle Operator's License Act.

Sec. 13. For purposes of the Motor Vehicle Operator's License Act, the definitions found in sections 14 to 28 of this act shall be used.

Sec. 14. Commercial driver's license shall mean an operator's license issued in accordance with the requirements of the Motor Vehicle Operator's License Act to an individual which authorizes such individual to drive a class of commercial motor vehicle.

Sec. 15. (1) Commercial motor vehicle shall mean a motor vehicle used or designed to transport passengers or property (a) if the motor vehicle has a gross vehicle weight rating of more than twenty-six thousand pounds, (b) if the motor vehicle is designed to transport sixteen or more passengers, including the driver, or (c) if the motor vehicle is transporting hazardous materials and is required to be placarded pursuant to section 75-364.

(2) Commercial motor vehicle shall not include (a) a farm truck as defined in section 60-301 other than a combination of truck-tractors and semitrailers when such farm truck is operated within one hundred fifty miles of the registered owner's farm or ranch, (b) any self-propelled mobile home or motor vehicle drawing a cabin trailer as such terms are defined in section 60-301, (c) any emergency vehicle operated by a public or volunteer fire department, or (d) any motor vehicle owned or operated by the United States Department of Defense or Nebraska National Guard when such motor vehicle is driven by uniformed, military operators performing duty in the active service of the United States or this state.

Sec. 16. Director shall mean the Director of Motor Vehicles.

Sec. 17. Disqualification shall mean a withdrawal or revocation of the privilege to operate a commercial motor vehicle.

Sec. 18. Drive shall mean to operate or be in the actual physical control of a motor vehicle.

Sec. 19. Gross vehicle weight rating shall mean the value specified by the manufacturer as the maximum loaded weight of a single or a combination or articulated vehicle. The gross vehicle weight rating of a combination or articulated vehicle shall be the gross vehicle weight rating of the power unit plus the gross

vehicle weight rating of the towed unit or units. In the absence of a value specified for the towed unit or units by the manufacturer, the gross vehicle weight rating of a combination or articulated vehicle shall be the gross vehicle weight rating of the power unit plus the total weight of the towed unit or units and the loads on such towed unit or units.

Sec. 20. Highway shall mean the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of motor vehicle travel.

Sec. 21. Motor vehicle shall mean all vehicles propelled by any power other than muscular power except (1) self-propelled invalid chairs, (2) farm tractors, (3) farm tractors used occasionally outside general farm usage, (4) road rollers, (5) vehicles which run only on rails or tracks, and (6) off-road vehicles, including, but not limited to, golf carts, go-carts, riding lawn mowers, garden tractors, all-terrain vehicles as defined in section 60-2801, and snowmobiles.

Sec. 22. Nonresident shall mean every person who is not a resident of this state.

Sec. 23. Operator or driver shall mean any person who drives a motor vehicle.

Sec. 24. Operator's or driver's license shall mean any license or permit to operate a motor vehicle issued under the laws of this state, including:

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

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

(3) Any nonresident's operating privilege as defined in section 39-602; and

(4) An employment driving permit issued as provided by sections 79 and 80 of this act.

Sec. 25. Owner shall mean a person who holds legal title to a motor vehicle, a mortgagor entitled to the possession of a motor vehicle, or the conditional vendee or lessee of a motor vehicle which is the subject of an agreement for the conditional sale or lease of the motor vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee.

Sec. 26. Person shall mean every natural person, firm, partnership, association, or corporation.

Sec. 27. Tank vehicle shall mean any motor vehicle or vehicle designed or used to transport any

liquid or gaseous material within a tank. Tank vehicle shall not include a vehicle with a tank having a rated capacity under one thousand gallons.

Sec. 28. Vehicle shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway except devices moved solely by human power or used exclusively upon stationary rails or tracks.

Sec. 29. Sections 30 to 61 of this act shall apply to any operator's license issued pursuant to the Motor Vehicle Operator's License Act.

Sec. 30. Operators' licenses issued by the Department of Motor Vehicles pursuant to the Motor Vehicle Operator's License Act shall be classified as follows:

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

(2) Class M license. The operator's license or endorsement on a Class O license or commercial driver's license which authorizes the person to whom it is issued to operate a motorcycle on highways;

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

(4) SCP-school permit. A permit issued to a student between fourteen and sixteen years of age for the purpose of driving to and from school in accordance with the requirements of section 74 of this act;

(5) FMP-farm permit. A permit issued to a person for purposes of operating farm tractors and other motorized implements of farm husbandry on highways in accordance with the requirements of section 76 of this act;

(6) LPC-learner's permit. A permit issued to a person at least sixteen years of age which authorizes the person to operate a commercial motor vehicle for learning purposes when accompanied by a person who is at least twenty-one years of age;

(7) LPD-learner's permit. A permit issued to a person at least fifteen years of age which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, for learning purposes when accompanied by a Nebraska-licensed operator who is at least nineteen years of age;

(8) LPE-learner's permit. A permit issued to

a person at least fourteen years of age which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, while learning to drive in preparation for application for a school permit; and

(9) EDP-employment driving permit. A permit issued to a person which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, pursuant to the requirements of sections 79 and 80 of this act.

Sec. 31. That section 60-406.08, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-406-08-~~ The director pursuant to law shall publish a synopsis or summary of the statutory driving rules of this state, together with such cautionary and advisory comments as may to him or her seem fit, and shall deliver a copy thereof of such synopsis or summary without charge with each operator's license. ~~Commencing with the first republication of the rules scheduled after August 30, 1981, such~~ Such rules shall contain a summary of the state's laws for operating a motor vehicle to avoid arrest.

Sec. 32. That section 60-406.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-406-06-~~ The ~~Director of Motor Vehicles~~ director shall adopt and promulgate such rules and regulations as may be necessary to carry out the provisions of sections ~~60-403-01, 60-404, 60-406, 60-406-04, 60-406-06, 60-409, and 60-415~~ Motor Vehicle Operator's License Act. The director shall establish an advisory committee consisting of three county treasurers and two lay members holding no public office in this state. The three county treasurers shall be elected by mail vote of the county treasurers of the state, and the two lay members shall be appointed by the ~~Director of Motor Vehicles~~ director. It shall be the duty of such committee to make an annual review of the rules and regulations adopted and promulgated under this section and to report its findings and recommendations to the director no later than December 31 of each year. ~~The committee shall be appointed and furnished copies of the initial rules and regulations on or before October 1, 1977, and shall report its findings and recommendations thereon no later than December 1, 1977.~~ The chairperson of the committee shall be named by the director at the time of selection. The committee shall meet upon call of the chairperson. Members of the committee shall serve at the pleasure of the director. Members of the

committee shall receive no compensation for their services but shall be reimbursed for their actual and necessary expenses while engaged in the performance of their duties as provided in sections 81-1174 to 81-1177. for state employees-

Sec. 33. That section 60-412, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-412-~~ The director shall assign a distinguishing number to each operator's license issued and shall keep a record of the same which shall be open to public inspection. Any person requesting such driver record information shall furnish to the department the name of the person whose record is being requested, and, when the name alone is insufficient to identify the correct record, the department may request additional identifying information. The department shall, upon request of any applicant, furnish a certified abstract of the operating record of any person and shall charge such applicant a fee of one dollar and seventy-five cents per abstract. The fee on abstracts shall be deposited in the General Fund.

The Department of Motor Vehicles Computerization and Operations Fund is hereby created. Such fund shall be used to carry out the duties of the department as deemed necessary by the director. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to ~~72-1269~~ 72-1276.

The director shall, upon receiving a request and an agreement from the United States Selective Service System to comply with requirements of this section and the rules and regulations adopted and promulgated to carry out this section, furnish driver record information to the United States Selective Service System to include the name, post office address, date of birth, sex, and social security number of licensees. The United States Selective Service System shall pay all costs incurred by the department in providing such information but shall not be required to pay any other fee required by law for such information. No driver record information shall be furnished regarding any female, nor regarding any male other than those between the ages of seventeen years and twenty-six years. Such information shall only be used in the fulfillment of the required duties of the United States Selective Service System and shall not be furnished to any other person. The director may adopt and promulgate rules and regulations concerning the preparation,

transmittal, safeguarding, and disposition of such information.

The director shall also keep a record of all applications for operators' licenses that are disapproved with a brief statement of the reason for disapproval of the application. The motor vehicle operator's license shall be in the form of a card of a size that may be conveniently carried on the person. Each license card shall carry the following statements: Name; age; place of residence; post office address; a brief personal description of the licensee sufficient for identification; the anatomical gift information specified in section 60-412-01; and such other facts and information; not inconsistent with this act; as the director may determine.

Sec. 34. Except as provided in section 85 of this act, all operators' licenses contemplated by the Motor Vehicle Operator's License Act shall expire on the licensee's birthday in the first year after issuance in which his or her age is divisible by four. All state identification cards issued on or after January 1, 1990, shall expire on the cardholder's birthday in the first year after issuance in which his or her age is divisible by four. The expiration date shall be stated on each license or card. All licenses and cards which expire under this section may be renewed within a ninety-day period before the expiration date. The holder of a valid operator's license or state identification card may renew his or her license or card prior to the ninety-day period before the expiration date on such license or card if such applicant furnishes positive proof that he or she will be absent from the state during the ninety-day period prior to such expiration date.

Sec. 35. That section 60-403, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-403- (1) Except as herein otherwise provided in the Motor Vehicle Operator's License Act, no resident of the State of Nebraska shall operate a motor vehicle upon the streets, alleys, or public highways of the State of Nebraska until the person has obtained an operator's a license for that purpose. Application for such an operator's license shall be made under oath or affirmation on uniform blanks prepared and furnished by the director to the county treasurers, examiners of the Department of Motor Vehicles, and any local examiners, by the director. The standard application blanks shall be sufficient in form and content to substantially carry

out the purposes of this the act. They shall contain, in addition to any other information and questions necessary to comply with the requirements and purposes of this the act, the application shall include the name, age, post office address, place of residence, date of birth, sex, social security number, except that such social security number shall not be printed on the operator's license and shall be used only to furnish driver record information to the United States Selective Service System under section 60-412 or with the permission of the director in connection with the verification of the status of an individual's driving record in this state or any other state, and a brief description of the applicant and the following specific questions: {1} (a) Do you suffer from any physical defects that would detract from normal ability to safely operate a motor vehicle? {2} (b) Have you suffered dismemberment of foot, leg, hand, or arm? {3} (c) Are you subject to vertigo or fainting spells? {4} (d) Has your operator's license ever been revoked or suspended in Nebraska or in any other state or jurisdiction in the United States and, if so, give date and period of and reason for each such occurrence.

The social security number shall not be printed on the operator's license and shall be used only to furnish driver record information to the United States Selective Service System under section 33 of this act or with the permission of the director in connection with the verification of the status of an individual's driving record in this state or any other state.

(2) Each individual who is making an application for an operator's license or a state identification card shall furnish proof of date of birth and identity by a valid Nebraska operator's license, a valid Nebraska learner's permit, a valid Nebraska school permit, a valid operator's license from another state or jurisdiction of the United States, a certified birth certificate, a valid United States passport, a valid United States military identification card, United States military discharge papers, or other United States-based identification as approved by the director. A parent or legal guardian of any applicant under the age of eighteen years may sign an affidavit located on the application for an operator's license affirming such applicant's date of birth and identity. The applicant may be required to furnish proof to the examiner that the parent or guardian signing any written information is in fact the parent or guardian of such applicant.

Sec. 36. That section 60-403.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-403-03-~~ No person may be licensed to operate a motor vehicle by the State of Nebraska when there is an outstanding warrant for the arrest of such person issued out of any court located within this state and such warrant arises out of an alleged violation of a state statute or municipal ordinance involving the use of a motor vehicle. Each court in the state shall, on or before the fifth day of each month, submit to the Department of Motor Vehicles an alphabetized list of all persons against whom such warrants exist for the preceding month.

Sec. 37. That section 60-403.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-403-05-~~ No person shall be licensed to operate a motor vehicle by the State of Nebraska if such person has an operator's license currently under suspension or revocation ~~for an alcohol-related violation~~ in any other state or jurisdiction in the United States.

When such a person presents to the Department of Motor Vehicles an official notice from the state or jurisdiction that suspended or revoked his or her motor vehicle operator's license that such suspension or revocation has been terminated, he or she may then be licensed to operate a motor vehicle by the State of Nebraska.

Sec. 38. That section 60-416, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-416-~~ If any magistrate or judge shall ~~find~~ finds in his or her judgment of conviction; that the application pursuant to which the director has issued an operator's a license under the provisions of this act, Motor Vehicle Operator's License Act contains any false or fraudulent statement deliberately and knowingly made to any officer; as to any matter material to the issuance of such license ~~thereof~~ or does not contain required or correct information or that the person to whom the license was issued was not eligible to receive such license, then the license ~~is~~ shall be absolutely void from the date of issue; and such motor vehicle operator shall be deemed to be not licensed to operate a motor vehicle. Such and such license shall be at once canceled of record in his or her office by the director upon receipt of a certified copy of such judgment of

conviction. The ; PROVIDED; that the director may, upon his or her own motion, summarily revoke any license for any of the reasons hereinbefore set forth; in this section if such reason or reasons affirmatively appear on his or her official records.

Sec. 39. That section 60-410, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-410. (1) Nothing herein contained shall prevent a A nonresident shall not be prevented of this state from operating a motor vehicle upon the public highways of this state during the period within which he or she may lawfully operate such motor vehicle in the state under the provisions of the general motor vehicle laws of this state, but in no event shall such immunity extend beyond a period of thirty days continuous residence in the State of Nebraska.

(2) The provisions of subsection Subsection (1) of this section shall be subject to the following limitations:

(a) Such nonresident motor vehicle operator shall be duly licensed under the motor vehicle laws of the state of his or her residence; or have complied with the laws of the state of his or her residence relating to the registration or licensing of motor vehicles and conformed to the laws of such state of residence in relation to the operators of motor vehicles;

(b) A nonresident individual who is serving in this state on active duty as a member of the United States Armed Forces, or the spouse of any such person or a person who has been with such member of the armed forces, shall be exempt from the licensing requirements of this state if he or she is duly licensed under the laws of the state of his or her residence;

(c) A nonresident individual who is considered to be a full-time student in any institution of postsecondary education in this state shall be exempt from the licensing requirements of this state if such person is duly licensed under the laws of the state of his or her residence; and

(d) An individual who is a A nonresident of the State of Nebraska certified by the Department of Labor, Division of Employment, as engaged in temporary agricultural employment in Nebraska for a period of not to exceed sixty days may be granted an additional thirty days' immunity if a similar immunity is granted by the state of his or her permanent residence to residents of Nebraska while temporarily employed in agricultural employment in such state. ; and

(e) if any nonresident, his chauffeur or employee, shall be convicted by any court within the state of violating any of the laws of this state relating to motor vehicles or the operation thereof, he shall immediately thereafter be subject to and required to comply with all the provisions of this act relating to the registration of motor vehicles owned by residents of this state and the licensing of operators of motor vehicles.

Sec. 40. That section 60-413, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-413- Every person licensed to operate motor vehicles under the provisions of this act Motor Vehicle Operator's License Act shall, upon receipt of such the operator's license, eard, endorse his or her signature thereon in a space provided for such purpose, and no license shall be valid until the license eard it is so endorsed. Except for a special farm permit issued under the provisions of subsection (5) of section 60-407 section 76 of this act, the license eard shall at all times be carried by the licensee when operating a motor vehicle on the public highways of this state and shall be presented by the licensee for examination, or he or she shall present proof of ownership of the same, upon demand by any officer, employee, or agent of the Nebraska State Patrol, or police or peace officer recognized as such by the laws of this state. Such officer, employee, or agent must shall, in every case of making demand on the motor vehicle operator to show a motor vehicle an operator's license, first display proper evidence of his or her lawful authority to act as an officer of the law. Outside incorporated villages and cities, no officer, except an officer, agent, or employee of the Nebraska State Patrol, the Superintendent of Law Enforcement and Public Safety, the county sheriff, or their authorized deputies or subordinates, shall exercise the authority to demand presentation of a motor vehicle an operator's license. A special farm permit issued under the provisions of subsection (5) of section 60-407 section 76 of this act need not be carried on the person but must shall be produced for examination within twenty-four hours after a lawful demand therefor has been made under the provisions of this section.

Sec. 41. That section 60-417, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-417- It is hereby declared to shall be

unlawful for any person:

(1) ~~to~~ To display or cause or permit to be displayed or have in his or her possession any canceled, revoked, suspended, fictitious, or fraudulently altered operator's license;

(2) ~~to~~ To lend his or her operator's license to any person or knowingly permit the use thereof by another;

(3) ~~to~~ To display or represent as one's own any operator's license not issued to him or her;

(4) ~~to~~ To fail or refuse to surrender to the director upon his or her lawful demand any operator's license which has been suspended, revoked, or canceled;

(5) ~~to~~ To use a false or fictitious name in any application for an operator's license or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in any such application;

(6) ~~to~~ To permit any unlawful use of an operator's license issued to him or her;

(7) ~~to~~ To do any act forbidden or fail to perform any act required by this act the Motor Vehicle Operator's License Act;

(8) ~~to~~ To make any false affidavit, or knowingly to swear or affirm falsely to any matter or thing required by the terms of this the act to be sworn to or affirmed. Such , and such person is shall be guilty of perjury; and, upon conviction thereof, shall be punished as other persons committing perjury are punishable;

(9) ~~to~~ To cause or knowingly permit his or her child or ward under the age of sixteen years to drive a motor vehicle upon any highway when such minor is not authorized hereunder, under the act or is in violation of any of the provisions of this the act; or

(10) ~~to~~ To authorize or knowingly permit a motor vehicle owned by him or her or under his or her control to be driven upon any highway by any person who is not authorized hereunder, under the act or is in violation of any of the provisions of this the act.

Sec. 42. That section 60-414, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-414. Any unauthorized person impersonating an officer under color of the provisions of this act Motor Vehicle Operator's License Act shall be deemed guilty of a Class IV felony.

Sec. 43. That section 60-406.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

60-406-01- Each county treasurer or the Department of Motor Vehicles, when issuing a license to operate a motor vehicle an operator's license, shall include with such license a document containing a summary description and explanation of the Uniform Anatomical Gift Act and a donor card suitable for use by a person wishing to donate all or part of his or her body pursuant to such act. Such donor card shall state which individuals would be qualified donees. The donor card shall be signed by the person licensed to operate a motor vehicle in the presence of two witnesses; who shall sign the card in the presence of the donor. Delivery of the donor card during the donor's lifetime is shall not be necessary to make the gift valid.

Sec. 44. That section 60-412.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-412-01- (1) Each motor vehicle operator's license shall provide anatomical gift information of the licensee on the back side of such license. The information shall include the following items to be completed by the licensee in the event that the licensee desires to make an anatomical gift:

(a) A suitable notation indicating that the licensee is a donor;

(b) A designation as to which body organs or parts are being donated;

(c) A dated signature of the licensee;

(d) The signatures of two witnesses who witnessed the licensee's signature; and

(e) Such other information as the Director of Motor Vehicles director may determine.

(2) The anatomical gift information and signature shall constitute sufficient legal authority for the removal of a body organ or part upon the licensee's death.

(3) No such authorization of an anatomical gift may be noted upon the license of any person under the age of nineteen years.

(4) The gift shall be renewed upon renewal of each license only if the licensee, at the time of renewal, complies with the requirements of subsection (1) of this section.

(5) Each motor vehicle operator's license shall have a suitable notation that a licensee may mark indicating that he or she does not desire to be an anatomical gift donor.

(6) No licensee shall be deemed to have

authorized an anatomical gift if neither notation authorized in subsection (1) or (5) of this section has been marked.

(7) Any person whose motor vehicle operator's license indicates that he or she desires to make an anatomical gift may obtain a replacement license changing his or her status to that of a nondonor. The fee for such replacement license shall be the fee charged for obtaining a duplicate license as provided in section 60-415 70 of this act.

Sec. 45. That section 60-406.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-406-03- The Director of Motor Vehicles director shall adopt and promulgate such rules and regulations and prepare and furnish all forms and information necessary to carry out sections 43 and 44 of this act and sections 60-406-01 to 60-406-03, 71-4802 and 71-4804.

Sec. 46. That section 60-427, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-427- Upon conviction of any person in any court within this state of any violation of (1) any law of this state pertaining to the operation of motor vehicles or (2) any city or village ordinance pertaining to the operation of a motor vehicle in such a manner as to endanger life, limb, or property, except for operating a motor vehicle while under the influence of alcoholic liquor or any drug, the judge of such court may, in his or her discretion, suspend the operator's license of such convicted person to operate a motor vehicle for any purpose for a period of time not less than ten days nor more than one year, unless a greater period of suspension or revocation be made mandatory by other provisions of law, or may impound the license for a period of not more than ninety days and order that such person not operate a motor vehicle during the period such license is impounded. Such judge shall forthwith immediately notify in detail the Director of Motor Vehicles director of the action and findings of the court as provided for in sections 39-669.22 to 39-669.25. If the judgment of conviction contains an order that the defendant shall not drive a motor vehicle for any period of time and also suspends or revokes defendant's license, then the director shall forthwith immediately revoke or suspend the same license and notify the Superintendent of Law Enforcement and Public Safety of such revocation or suspension. It shall then

be the duty of the Nebraska State Patrol to enforce the conditions of such revocation or suspension recited in any judgment of conviction.

Sec. 47. That section 60-421, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-421- Whenever any person is convicted of any offense for which ~~this act~~ the Motor Vehicle Operator's License Act or Chapter 39, article 7 ~~6~~, authorizes the revocation or suspension of the ~~motor vehicle~~ operator's license, the court in which such conviction is had, shall, if revocation or suspension is adjudged, require the surrender to it of all ~~operator's~~ operators' licenses then held by the person so convicted. The court shall thereupon forward the ~~same operators' licenses~~ together with the action and findings of the court, as provided for in sections 39-669.22 to 39-669.25, to the director. Every court having jurisdiction over offenses committed under ~~this the act~~, or any other law of this state regulating the operation of motor vehicles on highways or streets, shall forward, in the manner and form ~~required by law~~ as provided for in sections 39-669.22 to 39-669.25, the action and findings of the court to the director upon the conviction of any person in such court for a violation of any of such laws. The director shall, upon receipt of such abstract of the judgment of conviction, ~~forthwith~~ immediately revoke or suspend, as the case may be, the operator's license of the person so convicted, as provided in the abstract of the judgment of conviction. For ~~the purpose~~ purposes of ~~this the~~ act and of Chapter 39, article 7 ~~6~~, the term conviction shall mean a final conviction, ~~and~~ - For the purposes of ~~this act and of Chapter 39, article 7~~, a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

Sec. 48. That section 60-424, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-424- The director shall ~~forthwith~~ immediately revoke the operator's license of any ~~operator person~~ upon receiving a certified copy of judgment of such ~~operator's person's~~ conviction of any of the following offenses, when such conviction becomes final: (1) Manslaughter resulting from the operation of a motor vehicle; (2) driving a motor vehicle while under the influence of alcoholic liquor or any drug, as provided in city or village ordinances, or in section

39-669.07. The , PROVIDED, the period of revocation shall, in each case except for those offenses specified in section 118 of this act, correspond with the period that is determined by the court; (3) any felony in the commission of which a motor vehicle is used; (4) failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another; (5) perjury or making of a false affidavit or statement under oath to the director, examining officer, or other officer under this act; the Motor Vehicle Operator's License Act or under any law relating to the ownership or operation of motor vehicles; (6) conviction, or forfeiture of bail, not vacated, upon three charges of reckless driving committed within a period of twelve months; or (7) willful reckless driving as provided in city or village ordinances or as defined described in section 39-669.03.

Sec. 49. That section 60-425, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-425- The director is hereby authorized to may revoke the operator's license of an operator a person upon receipt of a certified copy of a judgment of conviction from the trial magistrate or judge, which states that the licensee; (1) has Has committed an offense for which mandatory revocation is required upon conviction; as set forth in section 60-424 48 of this act; (2) has been involved as a driver in an accident resulting in the death or personal injury of another; or in serious property damage; (3) is an habitually reckless or negligent driver of a motor vehicle; (4) is an habitual violator of the traffic laws; (5) is incompetent to drive a motor vehicle; (6) has permitted an unlawful or fraudulent use of such license; (7) was not entitled to the issuance of the license; (8) failed to give the required or correct information in his or her application; (9) committed fraud in making such application; or (10) has, as a nonresident, suffered revocation or suspension of his or her operator's license or of his or her driving privilege by the trial court and the director; and, who has, during the period of revocation or suspension, violates violated the terms of that revocation or suspension by exercising the driving privilege under a new operator's license fraudulently obtained or otherwise.

Sec. 50. That section 60-426, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-426- The director ~~is authorized to~~ may suspend or revoke the operator's license of any resident of this state: (1) Upon receiving a certified copy of the judgment of the conviction of such person in another state of an offense therein which, if committed in this state, would be grounds for the suspension or revocation of the license of such operator by any trial judge or magistrate in this state; (2) who has violated a promise to comply with the terms of a traffic citation issued by a law enforcement officer for a moving violation in any jurisdiction outside this state pursuant to the Nonresident Violator Compact until satisfactory evidence of compliance with the terms of the citation has been furnished to the director; or (3) who has violated a promise to comply with the terms of a traffic citation issued on or after July 1, 1986, by a law enforcement officer for a moving violation in any jurisdiction inside this state until satisfactory evidence of compliance with the terms of the citation has been furnished to the director. The court having jurisdiction over the offense for which the citation has been issued shall notify the director of a violation of a promise to comply with the terms of the citation only after twenty working days have elapsed from the date of the failure to comply.

Upon notice to the director that a resident has violated a promise to comply with the terms of a traffic citation as provided in this section, the director shall not suspend or revoke such resident's license until he or she has sent written notice to such resident by registered or certified mail to the resident's last-known address. Such notice shall state that such resident has twenty working days from the date of the notice to show the director that the resident has complied with the terms of such traffic citation. No suspension or revocation shall be entered by the director if the resident complies with the terms of a citation during such twenty working days.

Upon the expiration of any license revocation ordered pursuant to this section, a resident may have his or her license reinstated upon payment of a fee of fifty dollars. The fees paid pursuant to this section shall be deposited in the Department of Motor Vehicles Cash Fund.

Sec. 51. That section 60-419, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-419- (1) The director shall ~~forthwith~~ immediately revoke, without receipt of a certified copy

of a judgment of conviction from a judge, the ~~license to operate a motor vehicle~~ operator's license issued to any person committed to or incarcerated in any state institution except any offender sentenced to the custody of the Department of Correctional Services. Any person committed to or incarcerated in any state institution for mentally ill, under the terms and provisions of section 83-324, shall not suffer revocation of his or her license as provided in this section unless the superintendent of such institution shall affirmatively ~~certify~~ certifies that said such person is not competent to operate a motor vehicle.

(2) No record shall be kept of such revocation after a person has been released from incarceration and has obtained reinstatement of his or her license. ~~to operate a motor vehicle.~~ Any such record which may now be maintained by any body of state government shall be expunged immediately upon July 10, 1976.

(3) The Director of Correctional Services shall confiscate the operator's license ~~to operate a motor vehicle~~ of any person who shall be is placed under the jurisdiction of the Department of Correctional Services. The director shall return the license when such person shall be is released from the jurisdiction of the department. No records of the confiscation or return shall be made by or distributed to any representative of state or local government, or be released to any person or corporation for any purpose.

(4) A person, committed or incarcerated as set forth in subsection (1) of this section, shall stand examination the same as any new applicant if he or she ~~desires~~ shall desire to have his or her operator's license ~~to operate a motor vehicle~~ reinstated after he or she has been granted his or her release from said such institution by parole or otherwise. Any ; ~~PROVIDED, that any person committed to or incarcerated in any state institution for mentally ill shall furnish a certificate of competence to operate a motor vehicle, to be issued by and at the discretion of the superintendent or titular head of such institution, in addition to the examination heretofore provided in this section.~~

Sec. 52. That section 60-422, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-422- The privilege of driving a motor vehicle on the highways of this state given to a nonresident shall be subject to suspension or revocation by the trial magistrate or judge in like manner and for

like cause as an operator's license may be suspended or revoked. The director is authorized may, upon receiving a certified copy of a judgment of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward a certified copy of such judgment of conviction to the motor vehicle administrator in the state wherein the person so convicted is a resident.

Sec. 53. That section 60-423, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-423.~~ Any nonresident who violates the terms of the order by which his or her operator's license or driving privilege was revoked or suspended, shall be deemed guilty of a Class ~~II~~ III misdemeanor.

Sec. 54. That section 60-418.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-418-01.~~ A copy of the order of the ~~Director of Motor Vehicles~~ director suspending or revoking any ~~motor vehicle~~ operator's license or the privilege of operating a motor vehicle, duly certified by the director and bearing the seal of the Department of Motor Vehicles, shall be admissible in evidence without further proof, and shall be prima facie evidence of the facts therein stated, in any proceeding, civil or criminal, in which such suspension or revocation is an issuable fact.

Sec. 55. That section 60-420, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-420.~~ Any person who feels aggrieved because of any order of the director on account of a refusal to issue any operator's license contemplated under sections ~~60-418 and 60-419~~ 51 and 57 of this act may appeal to the district court of the county in which the application for the license was originally made or to the district court of the county in which such person resides in the manner otherwise set forth in the Administrative Procedure Act.

Sec. 56. That section 60-429, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-429.~~ Appeal from the sentence of conviction shall constitute an appeal from the suspension or revocation of the operator's license of the person so convicted.

Sec. 57. That section 60-418, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

~~60-418-~~ Any resident or nonresident whose operator's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this act, the Motor Vehicle Operator's License Act shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and if permitted under this the act. Such ~~7~~ except that such persons shall be eligible to operate a motor vehicle, except a commercial motor vehicle, under an employment driving permit as provided by section 39-669-34 79 of this act.

Sec. 58. That section 60-430.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-430-01-~~ It shall be unlawful for any person to operate a motor vehicle during any period that his or her ~~motor vehicle~~ operator's license has been suspended, revoked, or impounded pursuant to conviction or convictions for violation of any law or laws of this state or by an order of any court or by an administrative order of the ~~Director of Motor Vehicles~~ director or after such suspension, revocation, or impoundment but before reinstatement of his or her license or issuance of a new license. Except as otherwise provided by law, any person so offending shall: (1) For a first such offense, be guilty of a Class III misdemeanor, and the court shall, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of one year from (a) the date of final discharge from the county jail or other correctional facility, (b) the date of payment or satisfaction of any fine imposed, or (c) the date of judgment, whichever is the latest; and (2) for each subsequent such offense, be guilty of a Class III misdemeanor, and the court shall, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of two years from (a) the date of final discharge from the county jail or other correctional facility, (b) the date of payment or satisfaction of any fine imposed, or (c) the date of judgment, whichever is the latest.

Sec. 59. That section 60-430.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-430-05-~~ Upon conviction of any person in

any court within this state of a violation of any city or village ordinance pertaining to the operation of a motor vehicle by such person during any period that his or her motor vehicle operator's license has been revoked or suspended pursuant to any law of this state, or after such suspension or revocation but before reinstatement of his or her license or issuance of a new license, the penalty shall be as follows: (1) For a first such offense, such person shall be imprisoned in jail for thirty days guilty of a Class III misdemeanor, and the court shall, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of one year from the date of his or her final discharge from the jail; and (2) for each subsequent such offense, such person shall be imprisoned in jail for six months guilty of a Class III misdemeanor, and the court shall, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of two years from the date of his or her final discharge from the jail.

Sec. 60. That section 60-430.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-430-06- Every motor vehicle, regardless of the registered owner thereof of the motor vehicle, being operated by a person whose motor vehicle operator's license has been suspended or revoked, is hereby declared a public nuisance, and such the motor vehicle may be seized upon the arrest of the operator thereof, of the motor vehicle and impounded in a reputable garage, at the expense of the owner thereof, of the motor vehicle until the complaint against the operator is finally determined except as otherwise provided in this section. The ; PROVIDED, that the motor vehicle shall not be impounded for a period to exceed thirty days. Any ; PROVIDED FURTHER, any motor vehicle so impounded shall be released to the holder of a bona fide lien thereon on the motor vehicle, executed prior to such impounding, when possession of such the motor vehicle is requested as provided by law by such lienholder for the purpose of foreclosing and satisfying his or her lien thereon; AND PROVIDED FURTHER, any on the motor vehicle. Any motor vehicle so impounded may be released to the registered owner thereof of the motor vehicle at any time by the impounding agency or by the court in which the complaint against the operator is pending, without expense to the owner thereof of the motor vehicle, upon satisfactory showing to the court by

affidavit or otherwise either that (1) such owner had not given actual or implied consent to such operator; or (2) that such owner, having made a reasonable effort to determine the facts, had nevertheless been misled into believing that such operator's license had not been suspended or revoked.

Sec. 61. That section 60-430, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-430- Whoever violates any provision of the provisions of sections 60-401 to 60-430 Motor Vehicle Operator's License Act for which no specific penalty is provided shall be deemed guilty of a Class III misdemeanor, unless the act committed is by law declared to be a felony. Any person convicted of operating a motor vehicle in violation of any order of suspension or revocation of his license or privilege to operate a motor vehicle by either any court or the Director of Motor Vehicles, or after such suspension or revocation and before reinstatement of the license or issuance of a new one, shall be guilty of a Class III misdemeanor.

Sec. 62. Sections 63 to 80 of this act shall apply to the operation of any motor vehicle except a commercial motor vehicle.

Sec. 63. That section 60-408, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-408- The county treasurer is hereby authorized to may employ such additional clerical help as may be necessary to assist him or her in the performance of the ministerial duties required of him or her under this act the Motor Vehicle Operator's License Act and, for such additional expense, shall be reimbursed as is hereinafter set out in section 60-409 65 of this act. All of such fees so collected shall be allocated and credited to the several funds as provided in section 60-409. The director may, in his or her discretion, appoint one or more examining officers who shall personally examine all applicants who do not possess and who cannot present an operator's license and whose licenses have been revoked, canceled, or suspended in accordance with rules and regulations of the director to ascertain such person's ability to operate a motor vehicle properly and safely. Such examination shall, in addition to the other requisites of this the act, include (1) an inquiry into the physical fitness of the applicant to operate a motor vehicle, (2) an inquiry into the applicant's ability to drive and maneuver a

motor vehicle, (3) an inquiry touching upon the applicant's knowledge of the motor vehicle laws of this state, which shall include sufficient questions to indicate familiarity with the provisions thereof, and (4) an inquiry into the applicant's knowledge of the laws for operating a motor vehicle to avoid arrest. If commencing with the first regularly scheduled revision of the examination after August 30, 1981, PROVIDED, if an applicant is denied or refused a certificate for license by the examiners, such applicant shall have the right to an immediate appeal to the director from the decision of such examiners, ; and it shall be the duty of the director forthwith to pass upon the appeal and to render a prompt finding, to be made in any event not later than ten days from the receipt of the appeal by the director.

Sec. 64. That section 60-404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-404- In and for each county in the State of Nebraska, the Director of Motor Vehicles director shall appoint as his or her agents one or more examiners who shall examine all applicants for an operator's license to operate motor vehicles as provided in section 60-408, 63 of this act and may, in his or her discretion, also appoint one or more examining officers with similar powers as is are set forth in such section. The 60-408, PROVIDED, the same examiner may be assigned to one or more counties by the director. Each county shall furnish office space for the administration of the operator's license examination. The examiner shall actually conduct the examination of applicants and deliver to each successful applicant a certificate entitling such applicant to secure an operator's license, as hereinafter set forth. If the examiner shall refuse refuses to issue such certificate for cause, he or she shall state such cause in writing and deliver the same to the applicant. The successful applicant shall, within ninety days, present his or her certificate to the county treasurer of his or her county, who shall forthwith immediately issue the operator's license or a temporary license to operate a motor vehicle and collect the fee therefor. The county treasurer shall report the issuance of such licenses to the Department of Motor Vehicles within five days after issuance. The director shall furnish to the examiner in every county in this state the blank applications provided for in section 60-403, 35 of this act and a sufficient supply of blank certificates for successful

applicants to cover all probable requirements.

Sec. 65. That section 60-409, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-409- The applications for operators' licenses, school permits, ~~or learners' permits farm permits, LPD-learners' permits, or LPE-learners' permits~~ shall be filed with the county treasurer who is required to transmit the same weekly to the ~~Director of Motor Vehicles~~ director. The application shall be accompanied by a fee of ten dollars from each successful applicant for an original or renewal Class O or M operator's license issued under this act the Motor Vehicle Operator's License Act, except that the fee for licenses which will be valid for one year or less shall be three dollars and fifty cents, the fee for licenses which will be valid for more than one year but less than two years shall be five dollars and fifty cents, and the fee for licenses which will be valid for more than two years but less than three years shall be eight dollars. One dollar and seventy-five cents of each of the original and renewal fees for operators' licenses, and twenty-five cents of each of the fees for school permits, and ~~twenty-five cents of each of the fees for learners' permits farm permits, LPD-learners' permits, or LPE-learners' permits~~ shall be credited ~~forthwith~~ immediately to the general fund of the county and shall be included by the county treasurer in his or her report of fees as provided by law. An amount equal to two dollars and fifty cents times the number of original or renewal motorcycle-only ~~operator's operators' licenses or permits~~ issued pursuant to section ~~60-403-01~~ 77 of this act during the previous year shall be transferred to the Motorcycle Safety Education Fund. The balance of the original and renewal operator's license, school permit, farm permit, LPD-learner's permit, or LPE-learner's permit fees and school or learner's permit fees shall be remitted by the county treasurer to the State Treasurer and shall be credited to the General Fund.

Sec. 66. That section 60-405, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-405- All applications for an operator's license to operate a motor vehicle shall be presented to the examiner of any county by the applicant in person. The examiner shall promptly transmit each and every application, where the applicant for license after September 17, 1945, is not successful in passing the

examination and receiving a certificate, or where a successful applicant's certificate, for cause, has been refused to any person who shall have possessed a motor vehicle operator's license prior to said date, to the director with his recommendations; PROVIDED, upon a review of the recommendations of the examiner, the director, in his discretion, may order the examiner to issue a certificate for a license if it appears that the recommendation of the examiner is clearly wrong.

Sec. 67. That section 60-406, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-406- The director shall provide each county treasurer with a sufficient number of official motor vehicle operator's license blanks to supply the needs of his or her county, and immediately on the presentation to the county treasurer of the certificate for license issued by the examining officer of his or her county to the applicant for such license, the county treasurer shall forthwith issue such license or a temporary license to the applicant. The license and the same shall be in full force and effect until the expiration date thereon, or until officially revoked or canceled by the director, or until suspended or revoked by a court of competent jurisdiction as set forth in section 60-427 46 of this act. The operator's license shall be in the form of a card of a size that may be conveniently carried on the person. Each license shall contain the following information: Name, age, place of residence, post office address, and brief personal description sufficient for identification of the licensee; the anatomical gift information specified in section 44 of this act; and such other facts and information, not inconsistent with the Motor Vehicle Operator's License Act, as the director may determine.

Sec. 68. That section 60-407, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-407- ~~(1)~~ No license or permit to operate a motor vehicle No operator's license shall be granted to any applicant until such applicant satisfies the examiner that he or she possesses, with or without the aid of glasses, sufficient powers of eyesight to enable him or her to operate a motor vehicle on the highways of this state with a reasonable degree of safety. If, from the examination given any applicant, it appears that the applicant's powers of eyesight are such that he or she cannot operate a motor vehicle on the highways of this state with a reasonable degree of safety, the examiner

shall require the applicant to present a doctor's or optometrist's certificate to the effect that the applicant has sufficient powers of eyesight for such purpose before issuing a license to the applicant. If it is indicated by the examination by the examiner or by the doctor's or optometrist's certificate that the applicant must wear glasses to meet the minimum visual standards set by the department, then the applicant shall have the use of any license issued to him or her restricted to wearing glasses while operating a motor vehicle.

If the application for an operator's license to operate a motor vehicle required by the Motor Vehicle Operator's License Act discloses that the applicant for such license suffers from any other physical defect or defects of a character which may affect the safety of operation by such applicant of a motor vehicle, the examiner shall require the applicant to show cause why such license should be granted and, through such personal examination and demonstration as may be prescribed by the director, to show the necessary ability to safely operate a motor vehicle on the public highways. If the examiner is satisfied, after the demonstration, that such applicant has the ability to safely operate a motor vehicle, an operator's license may be issued to the applicant subject, at the discretion of the director, to a limitation to operate only such motor vehicles at such time, for such purpose, and within such area as the license shall designate.

The director may, at the request of a law enforcement officer or when he or she has reason to believe that a person may be physically or mentally incompetent to operate a motor vehicle or a person's driving record appears to the department to justify an examination, give notice to the holder of an operator's license to appear before an examiner for examination to operate a motor vehicle safely. A refusal to appear before an examiner for an examination shall be unlawful and shall result in the immediate cancellation of the person's operator's license by the director. If the license holder cannot qualify at the examination, his or her operator's license shall be immediately surrendered to the examiner and forwarded to the director who shall cancel his or her license and privilege to operate a motor vehicle. Refusal to appear before an examiner for examination after notice to do so or to surrender an operator's license on demand shall be unlawful, and any person failing to surrender his or her operator's license as required by this section shall be guilty of a

Class III misdemeanor.

No operator's license referred to in this subsection section shall, under any circumstances, be issued to any person who has not attained the age of sixteen years, but, upon application therefor and proof of age in the manner provided in subsection (3) of this section 35 of this act, any such person may take the examination required by this subsection section at any time within sixty days prior to his or her sixteenth birthday.

(2) A person who has not attained the age set forth in subsection (1) of this section but is over the age of fourteen years may be issued, by the county treasurer, a limited permit to drive a motor vehicle, moped, or motorcycle to and from where he or she attends school, by the nearest highway or street from his or her place of residence, if such child lives a distance of one and one-half miles or more from such school and either resides outside a metropolitan, primary, or first-class city or attends a school which is outside a metropolitan, primary, or first-class city. Such limited permit shall be used for the sole purpose of transporting such person or any family member who resides with such person to attend school, except that the holder of the permit may drive under the personal supervision of his or her parents or guardian. A permit shall not be issued until such person has appeared before an examiner to demonstrate that he or she is capable of successfully operating a motor vehicle or motorcycle and has in his or her possession an examiner's certificate authorizing the county treasurer to issue a school permit. Any such person desiring such limited permit may first obtain a learner's permit from the county treasurer, which permit shall be valid for a period of two months. While holding the permit, the person may operate a motor vehicle on the highways of this state if he or she has seated next to him or her a person who is a licensed operator or, in the case of a motorcycle or moped, if he or she is within visual contact with and is under the supervision of a person who, in the case of a motorcycle, is a licensed motorcycle operator or, in the case of a moped, is a licensed motor vehicle operator. Such licensed motor vehicle or motorcycle operator shall either be a parent or guardian of the child or a person over the age of nineteen years who is authorized in writing by the child's parent or guardian to supervise the actions of the child in operating the vehicle. Prior to issuance of a learner's permit it shall be required that such

person demonstrate that he or she has sufficient powers of eyesight to safely operate a motor vehicle or motoreycle-

(3) Each individual who is making an application for his or her first operator's license or a limited or learner's permit shall furnish proof of age and name by a legal document, a learner's permit, a school permit, a birth certificate, a valid operator's license from another state, military papers, passport papers, immigration papers, alien registration papers, an affidavit, or written information signed by a parent or guardian of the applicant. The applicant may be required to furnish proof to the examiner that the parent or guardian signing any written information is in fact the parent or guardian of such applicant. All licenses, and limited permits issued pursuant to subsection (2) of this section, shall be subject to revocation under the terms of section 60-427, and any person who violates the terms of such license or limited permit shall be deemed guilty of a Class III misdemeanor.

(4) Any person who has attained the age of fifteen years or more may obtain a learner's permit from the county treasurer which shall be valid for a period of twelve months, and he or she may operate a motor vehicle on the highways of this state if he or she is accompanied at all times by a licensed operator who is at least nineteen years of age and who is actually occupying the seat beside the driver or, in the case of a motoreycle or moped, if he or she is within visual contact with and under the supervision of, in the case of a motoreycle, a licensed motoreycle operator or, in the case of a moped, a licensed motor vehicle operator. Any person who has attained the age of fourteen years may operate a motor vehicle over the highways of the state if he or she is accompanied or, in the case of a motoreycle or moped, supervised at all times by a licensed operator who shall be a high school driver training instructor certified by the Commissioner of Education.

(5) Any person who is thirteen years of age or older and resides upon a farm in this state or who is fourteen years of age or older and who is employed for compensation upon a farm in this state may obtain a special permit authorizing the operation of farm tractors and other motorized implements of farm husbandry upon the public highways and roads of this state if the applicant for such a restricted permit furnishes to a license examiner satisfactory proof of

age and satisfactorily demonstrates to the examiner that he or she has knowledge of the operation of such equipment and of the rules of the road and laws respecting the operation of motor vehicles upon the highways and public roads of this state. Any person under sixteen years of age but not less than thirteen years of age may obtain a temporary permit to operate such equipment for a six-month period after presentation to the Department of Motor Vehicles of a request for the temporary permit signed by the person's parent or guardian and payment of five dollars. After the expiration of the six-month period it shall be unlawful for any person under sixteen years of age to operate such equipment upon the public highways and roads of this state unless he or she has been issued a special permit under the provisions of this subsection. The fee for such special permit shall be five dollars, and the special permit shall be subject to revocation for cause.

(6) The county treasurer shall collect a fee of three dollars from each successful applicant for a school or learner's permit.

Sec. 69. That section 60-406.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-406-04- (1) All motor vehicle A color photograph of the licensee shall be affixed to all operators' licenses, except limited, special, and learners' permits farm permits, temporary replacement and duplicate licenses and permits as provided by subsections (3) and (4) of section 60-415 70 of this act, and licenses issued pursuant to subsection (2) of this section. 7 shall have a color photograph of the licensee affixed thereto. Such license shall be issued by the county treasurer. The Director of Motor Vehicles director shall negotiate and enter into a contract to provide the necessary equipment, supplies, and forms for the photographs. All costs incurred by the department Department of Motor Vehicles under this section shall be paid by the state out of appropriations made to the Department of Motor Vehicles department. All costs of taking and affixing the photographs shall be paid by the county from the fees provided pursuant to section 60-409 65 of this act.

(2) Any person who, at the time of renewal of his or her motor vehicle operator's license, is out of the state may be issued, after proper application, a license without an affixed photograph upon payment of a fee as provided in section 60-409 65 of this act. Such application shall be made to the county treasurer of the

county in which the applicant resides.

(3) Any ~~motor vehicle~~ operator's license requiring an affixed color photograph of the licensee issued after July 17, 1986, to a minor as defined in section 53-103, as such definition may be amended from time to time by the Legislature, shall have a different background color in such photograph than the background color used in the photograph affixed to the ~~motor vehicle~~ operator's license of a person who is not a minor. When a person is no longer a minor, he or she may apply for a replacement license with a photograph having the background color used for persons who are not minors. The fee for such replacement license shall be the same as the fee for a replacement license issued for a change of address pursuant to subsection (2) of section 60-415 70 of this act.

Sec. 70. That section 60-415, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-415- (1) Except as provided in subsection (4) of this section for persons temporarily out of the state, any person duly licensed under this act the Motor Vehicle Operator's License Act who loses his or her operator's license ~~or permit~~ may obtain a duplicate upon filing with the county treasurer an application and affidavit showing such loss and furnishing proof of identification in accordance with ~~subsection (3) of~~ section 60-407 35 of this act. Upon the officer being satisfied that the loss is genuine, the officer shall cause to be issued, upon the payment of a fee of five dollars, a duplicate license, ~~or permit.~~ No more than two duplicates of a license may be issued in this manner. Upon the issuance of any duplicate or replacement license, ~~or permit,~~ the license ~~or permit~~ from which the duplicate or replacement ~~license or permit~~ is issued shall be void. The five-dollar fee shall be handled by the treasurers in the same manner as original or renewal license fees, except that such ~~duplicate license or permit~~ fee in each instance shall be credited, allocated, and accounted for by the county treasurer as in the cases of original and renewal ~~motor vehicle operators' operator's~~ license fees as provided in section 60-409 65 of this act.

(2) If any person changes his or her name because of marriage or divorce or by court order or a common law name change, he or she shall apply to the county treasurer for a replacement ~~motor vehicle~~ operator's license and furnish proof of identification in accordance with ~~subsection (3) of~~ section 60-407 35

of this act. Such license shall be issued upon payment of a fee of five dollars. Such application shall be made within thirty days after the change of name. If any person changes his or her address, the person shall apply to the county treasurer for a replacement ~~motor vehicle~~ operator's license and furnish satisfactory evidence of such change. Such license shall be issued upon payment of a fee of five dollars.

(3) In the event a mutilated and unreadable operator's license or permit is held by any person duly licensed under ~~this~~ the act, such person may obtain a replacement license ~~or permit~~ upon showing the original mutilated or unreadable license ~~or permit~~ to the county treasurer. A replacement license may be issued, without an affixed photograph, to any person who is out of the state at the time of application for the replacement license. Such license ~~or permit~~ shall state on its face that it shall become invalid thirty days after such person resumes residence in the state. If the county treasurer is satisfied that the license ~~or permit~~ is mutilated or unreadable, the county treasurer shall cause to be issued, upon the payment of a fee of five dollars, a replacement license ~~or permit~~. The fee shall be handled by the treasurer in the same manner as the original or renewal license fee, except that the replacement license ~~or permit~~ fee in each instance shall be credited, allocated, and accounted for by the county treasurer as in the cases of original and renewal ~~motor vehicle operators'~~ operator's license fees as provided in section 60-409 65 of this act.

(4) If any person duly licensed under ~~sections 60-401 to 60-430-06~~ the act loses his or her operator's license while temporarily out of the state, he or she may apply for a duplicate operator's license without an affixed photograph by filing with the county treasurer an application and affidavit showing such loss. Upon the officer being satisfied that the loss is genuine, the officer shall cause to be issued, upon the payment of a fee of five dollars, a duplicate operator's license without an affixed photograph. Upon the issuance of the duplicate license, the original license shall be void.

(5) Any person holding a valid operator's license without an affixed photograph shall surrender such license to the treasurer of his or her county of residence within thirty days of resuming residency in this state. After the thirty-day period, such license shall be considered invalid. Upon the timely surrender of the license and payment of a fee of five dollars, such person shall be issued an operator's license with a

color photograph of the licensee affixed to it.

Sec. 71. That section 60-411, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-411- All motor vehicle operators' licenses contemplated by this act issued after September 1, 1967, shall expire on the licensee's birthday in the first year after issuance in which his or her age is divisible by four. The expiration date shall be stated on each license. All licenses which expire under this section may be renewed within a ninety-day period before the expiration date. The holder of a valid motor vehicle operator's license may renew his or her license prior to the ninety-day period before the expiration date on such license if such applicant furnishes positive proof that he or she will be absent from the state during the ninety-day period prior to such expiration date. The operator's license of any person serving on active duty, other than for training purposes, outside the State of Nebraska as a member of the United States Armed Forces, or the spouse of any such person or a person who has been with such member of the armed forces, shall be valid during such person's period of active duty and for not more than sixty days immediately following such person's date of separation from service and shall be renewed after the expiration date without examination upon written application to the county treasurer who issued the license. No person shall be permitted to renew a license in such manner more than twice. The county treasurer also shall issue a renewal license, without examination, to any person whose license expired while serving in the armed forces of the United States, or the spouse of any such person or a person who has been with such member of the armed forces, and who makes application for renewal within sixty days after his or her ~~(a)~~ (1) discharge or return to the State of Nebraska to reside, whichever is later, or ~~(b)~~ (2) return to the State of Nebraska while the member is still on active duty upon proof that such member is still on active duty. Each individual who is applying for renewal of his or her operator's license shall submit his or her previous license to the examiner or, when the previous license is unavailable, furnish proof of identification in accordance with subsection {3} of section 60-407 35 of this act.

Sec. 72. That section 60-411.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 8, Legislative Bill 284, Ninety-first Legislature, First Session, 1989, be amended to read as

follows:

~~60-411-01-~~ (1) Except as provided in subsections (2) and (3) of this section, no original or renewal motor vehicle operator's license shall be issued to any person until such person has appeared before an examiner to demonstrate his or her ability to operate a motor vehicle safely as provided in section 60-408 63 of this act. The director shall have the authority to cause acceptance of currently valid Nebraska School Bus Driver Permits may accept currently valid school transportation vehicle operators' permits issued pursuant to section 79-488.06 in lieu of reexamination for renewal of the motor vehicle operators' licenses of the holders of such permits.

(2) Any person who renews his or her Class A motor vehicle operator's license, as defined by the Department of Motor Vehicles, O license shall appear before an examiner to demonstrate his or her ability to operate a motor vehicle safely as provided in section 60-408 63 of this act, except that such person shall be required to demonstrate his or her ability to drive and maneuver a motor vehicle, as provided in subdivision (2) of such section, 60-408, only at the discretion of the examiner.

(3) Any person who renews his or her Class A motor vehicle operator's license, as defined by the Department of Motor Vehicles, O license prior to its expiration shall not be required to demonstrate his or her knowledge of the motor vehicle laws of this state as provided in subdivision (3) of section 60-408 63 of this act if he or she presents to the examiner an abstract of his or her driving record which shows that such person has had no traffic violations as described in section 39-669.26 from the date the operator's license was last issued to the date the abstract was issued. A person may apply for and receive an abstract of his or her driving record from the Department of Motor Vehicles using the procedure prescribed in section 60-412 33 of this act. For purposes of this section, no abstract shall be used if issued more than ninety-five days prior to the expiration of such person's motor vehicle operator's license.

(4) Any person who renews a state identification card shall appear before an examiner and present his or her current state identification card. The examining officer, upon examination of the card, may require one additional form of proof of identification described in subsection (3) of section 60-407 section 35 of this act.

Sec. 73. Any person who is at least fifteen years of age may obtain an LPD-learner's permit from the county treasurer, which permit shall be valid for a period of twelve months, and he or she may operate a motor vehicle on the highways of this state if he or she is accompanied at all times by a licensed operator who is at least nineteen years of age and who is actually occupying the seat beside the driver or, in the case of a motorcycle or moped, if he or she is within visual contact of and under the supervision of, in the case of a motorcycle, a licensed motorcycle operator or, in the case of a moped, a licensed motor vehicle operator. Any person who has attained the age of fourteen years may operate a motor vehicle upon the highways of this state if he or she is accompanied or, in the case of a motorcycle or moped, supervised at all times by a licensed operator who is a high school driver training instructor certified by the Commissioner of Education. The county treasurer shall collect a fee of three dollars from each successful applicant for an LPD-learner's permit.

Sec. 74. A person who is younger than sixteen years of age but is over fourteen years of age may be issued, by the county treasurer, a school permit to drive a motor vehicle, moped, or motorcycle to and from where he or she attends school by the nearest highway from his or her place of residence if such person lives a distance of one and one-half miles or more from such school and either resides outside a city of the metropolitan, primary, or first class or attends a school which is outside a city of the metropolitan, primary, or first class. A school permit shall be used for the sole purpose of transporting such person or any family member who resides with such person to attend school, except that the holder of the permit may drive under the personal supervision of his or her parents or guardian. A school permit shall not be issued until such person has appeared before an examiner to demonstrate that he or she is capable of successfully operating a motor vehicle, moped, or motorcycle and has in his or her possession an examiner's certificate authorizing the county treasurer to issue a school permit.

Any such person desiring a school permit may first obtain an LPE-learner's permit from the county treasurer, which permit shall be valid for a period of two months. An LPE-learner's permit shall not be issued until such person demonstrates that he or she has sufficient powers of eyesight to safely operate a motor

vehicle, moped, or motorcycle. While holding the LPE-learner's permit, the person may operate a motor vehicle on the highways of this state if he or she has seated next to him or her a person who is a licensed operator or, in the case of a motorcycle or moped, if he or she is within visual contact of and is under the supervision of a person who, in the case of a motorcycle, is a licensed motorcycle operator or, in the case of a moped, is a licensed motor vehicle operator. Such licensed motor vehicle or motorcycle operator shall either be a parent or guardian of the holder or a person over the age of nineteen years who is authorized in writing by the holder's parent or guardian to supervise the actions of the holder in operating the vehicle.

The county treasurer shall collect a fee of three dollars from each successful applicant for a school or LPE-learner's permit. All school permits shall be subject to revocation under the terms of section 46 of this act. Any person who violates the terms of a school permit shall be guilty of a Class III misdemeanor and shall not be eligible for another operator's license or school, farm, LPD-learner's, or LPE-learner's permit until he or she has attained the age of sixteen years.

Sec. 75. That section 60-409.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-409-05- Any court finding that a minor has violated the provisions of a learner's permit issued under the provisions of subdivision (2) or (4) of section 60-407 an LPD-learner's permit issued pursuant to section 73 of this act or an LPE-learner's permit issued pursuant to section 74 of this act by operating a motor vehicle when not accompanied by a licensed operator who is at least nineteen years of age and actually occupying the seat beside the driver shall, in addition to any other penalty or disposition, revoke such learner's permit and order that such minor shall not be eligible for another motor vehicle operator's license or school, farm, LPD-learner's, or LPE-learner's permit until he or she has attained the age of sixteen years.

A certified copy of the court's findings and order shall be sent to the Director of Motor Vehicles director who shall cancel the learner's LPD-learner's or LPE-learner's permit of such minor in accordance with the order of the court and not again issue another motor vehicle operator's license or school, farm, LPD-learner's, or LPE-learner's permit to such minor

until such minor has attained the age of sixteen years.

Sec. 76. Any person who is younger than sixteen years of age but is over thirteen years of age and resides upon a farm in this state or is fourteen years of age or older and is employed for compensation upon a farm in this state may obtain a farm permit authorizing the operation of farm tractors and other motorized implements of farm husbandry upon the highways of this state if the applicant for such farm permit furnishes to an examiner satisfactory proof of age and satisfactorily demonstrates to the examiner that he or she has knowledge of the operation of such equipment and of the rules of the road and laws respecting the operation of motor vehicles upon the highways of this state. Any person under sixteen years of age but not less than thirteen years of age may obtain a temporary permit to operate such equipment for a six-month period after presentation to the Department of Motor Vehicles of a request for the temporary permit signed by the person's parent or guardian and payment of five dollars. After the expiration of the six-month period, it shall be unlawful for such person to operate such equipment upon the highways of this state unless he or she has been issued a farm permit under this section. The fee for such farm permit shall be five dollars. All farm permits shall be subject to revocation under the terms of section 46 of this act. Any person who violates the terms of a farm permit shall be guilty of a Class III misdemeanor and shall not be eligible for another operator's license or school, farm, LPD-learner's, or LPE-learner's permit until he or she has attained the age of sixteen years.

Sec. 77. That section 60-403.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-403-01-~~ No person shall operate a motorcycle on the streets, alleys, or public highways of the State of Nebraska until such person shall have has obtained a ~~motorcycle operator's license or permit~~ Class M license. No such license ~~or permit~~ shall be issued until the applicant has appeared before an examiner and (1) satisfied the examiner that he or she meets the vision and physical requirements established under section ~~60-407 68 of this act~~ for operation of a motor vehicle and (2) successfully completed such examination, including the actual operation of a motorcycle, as may be prescribed by the ~~Director of Motor Vehicles~~ director, except that an examiner may waive the requirement of actual operation of a motorcycle if the

applicant has successfully completed an approved basic or advanced motorcycle safety course under the Motorcycle Safety Education Act. Any applicant who qualifies for a motorcycle operator's license or permit Class M license shall be issued a license or permit for such operation by the county treasurer, to which license shall be affixed with a color photograph affixed as provided for the issuance of a motor vehicle an operator's license, or, if he or she is the holder of a valid motor vehicle an operator's license, shall have endorsed thereon by the county treasurer shall, upon receipt of the examiner's certificate, endorse on the license the authorization to operate a motorcycle. Fees for motorcycle operators' Class M licenses shall be the same as provided by section 60-409 65 of this act for motor vehicle operators' licenses. A person operating a motorcycle without a motorcycle operator's license or permit shall be guilty of a traffic infraction and shall, upon conviction thereof, be fined not less than ten dollars nor more than one hundred dollars. In addition, a person operating a motorcycle without a motorcycle operator's license or permit may be required to complete the basic motorcycle safety course as provided in the Motorcycle Safety Education Act.

Sec. 78. That section 60-403.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-403-04. Whoever violates the provisions of section 60-403-01, 77 of this act shall be guilty of a traffic infraction and shall, upon conviction thereof, be fined not less than ten dollars nor more than one hundred dollars. In addition, a person operating a motorcycle without a motorcycle operator's license or permit may be required to complete the basic motorcycle safety course as provided in the Motorcycle Safety Education Act.

Sec. 79. That section 39-669.34, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-669-34. (1) Any individual whose license or privilege to operate a motor vehicle is revoked under sections 39-669.27 and 39-669.30 shall be eligible to operate a any motor vehicle, except a commercial motor vehicle, in this state under an employment driving permit, valid for the period of revocation.

(2) Any person whose motor vehicle operator's license or privilege to operate a motor vehicle in this state has been suspended or revoked pursuant to any law of this state, except sections 39-669.27 and 39-669.30,

shall not be eligible to receive an employment driving permit during the period of such suspension or revocation.

(3) An individual who is issued an employment driving permit may operate a any motor vehicle, except a commercial motor vehicle, (a) from his or her residence to his or her place of employment and return and (b) during the normal course of employment if the use of a motor vehicle is necessary in the course of such employment. Such permit shall indicate for which purposes the permit may be used. All permits issued pursuant to this section shall indicate that the permit is not valid for the operation of any commercial motor vehicle.

(4) The operation of a motor vehicle by the holder of an employment driving permit, except as provided in this section, shall be unlawful. Any person who violates this section shall be guilty of a Class IV misdemeanor.

(5) The ~~Director of Motor Vehicles~~ director shall revoke the employment driving permit for an individual upon receipt of an abstract of conviction indicating that the individual committed an offense for which points are assessed pursuant to section 39-669.26. If the permit is revoked in this manner, the individual shall not be eligible to receive an employment driving permit for the remainder of the period of suspension or revocation of his or her ~~motor vehicle~~ operator's license or privilege to operate a motor vehicle.

Sec. 80. That section 39-669.35, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-669.35- (1) Application for an employment driving permit shall be made to the Department of Motor Vehicles on forms furnished for that purpose by the department. The application form shall contain such information as deemed necessary by the director to carry out the provisions of this section, sections 39-602, 39-669.27, and 39-669.30, ~~39-669.34, 39-669.35, and 60-418~~ and sections 57 and 79 of this act. To be eligible for an employment driving permit, the applicant shall furnish, along with the application to the director, the following:

(a) An affidavit from the applicant's employer stating that such applicant is required to operate a motor vehicle from his or her residence to his or her place of employment and return;

(b) If such applicant requires the use of a motor vehicle during the normal course of employment, an

affidavit from the applicant's employer setting forth the facts establishing such requirement;

(c) An affidavit stating that there exists no other reasonable alternative means of transportation to and from work available to the applicant; and

(d) If the applicant is self-employed, an affidavit to the department setting forth the provisions of his or her employment.

(2) Upon making application for such permit, the applicant shall certify that he or she will attend and complete, within sixty days, a driver improvement course presented by the department, or show successful completion of the driver education and training course as provided in section 39-669.27. If such course is not completed, the employment driving permit shall be surrendered to the department. If any person ~~shall fail~~ fails to return to the department the permit as provided in this subsection, the department shall direct any peace officer or authorized representative of the department to secure possession ~~thereof of the permit~~ and to return the ~~same permit~~ same permit to the department. The applicant shall also be required to file and maintain proof of financial responsibility as ~~defined in Chapter 60, article 5~~ required by the Motor Vehicle Safety Responsibility Act.

(3) Any person who fails to surrender a permit, as required by this section, shall be guilty of a Class IV misdemeanor.

(4) A fee of forty dollars shall be submitted to the ~~Department of Motor Vehicles~~ department along with the application for an employment driving permit. All fees collected shall be deposited in the General Fund.

(5) When the holder of an employment driving permit is convicted, on or after the date of issuance of the employment driving permit, of any traffic violation or of operating a motor vehicle for a purpose other than specified by such permit, the person shall not be eligible to receive another employment driving permit during that particular period of revocation.

(6) Any person, who feels himself or herself aggrieved because of the refusal of the director to issue the employment driving permit, may appeal to the district court of the county wherein such person resides; or, in the case of a nonresident, to the district court of Lancaster County, in the manner ~~prescribed by section 60-420~~ set forth in section 55 of this act.

Sec. 81. (1) Sections 82 to 122 of this act

shall apply to the operation of any commercial motor vehicle.

(2) For purposes of sections 82 to 122 of this act:

(a) Employer shall mean any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns employees to operate a commercial motor vehicle; and

(b) State, when applied to different states of the United States, shall be construed to extend to and include any state of the United States, the District of Columbia, and any province of the Dominion of Canada.

Sec. 82. The purposes of sections 83 to 122 of this act are to implement the requirements mandated by the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, and to reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by: (1) Permitting drivers to hold only one operator's license; (2) disqualifying drivers for specified offenses and serious traffic violations; and (3) strengthening licensing and testing standards.

Sec. 83. Any person holding a valid Nebraska Class A operator's license issued prior to the operative date of this section may lawfully operate a commercial motor vehicle, except a truck-tractor as defined in section 60-301 which is registered for more than twenty-four thousand pounds gross vehicle weight or a school bus as defined in section 97 of this act, and the operator's license shall remain valid for the operation of a commercial motor vehicle until the license expires or is suspended, revoked, or canceled. This section shall terminate on March 31, 1992.

Sec. 84. (1) Any person holding a valid Nebraska Class CC operator's license issued prior to the operative date of this section may lawfully operate a commercial motor vehicle, except a school bus as defined in section 97 of this act, and the operator's license shall remain valid for the operation of a commercial motor vehicle until the license expires or is suspended, revoked, or canceled.

(2) Any person holding a valid Nebraska Class CC operator's license issued prior to the operative date of this section shall be deemed properly licensed to operate any motor vehicle upon the highways of this state except a motorcycle.

(3) Any person who violates the authorization described in this section or section 83 of this act shall, upon conviction, be guilty of a Class III

misdemeanor.

(4) This section shall terminate on March 31, 1992.

Sec. 85. Any resident of this state operating a commercial motor vehicle pursuant to section 83 or 84 of this act and possessing a Nebraska operator's license issued prior to the operative date of this section which expires on or after April 1, 1992, may, after June 30, 1991, appear before an examiner of the Department of Motor Vehicles and apply for early renewal of his or her license and make application for the issuance of a commercial driver's license. The department in issuing any commercial driver's license pursuant to this section shall provide that the expiration date of such license shall be the second succeeding birthday in which the applicant's age is divisible by four.

Sec. 86. Any resident operating a school bus as defined by section 97 of this act and holding a school bus operator's permit issued prior to the operative date of this section may lawfully operate a school bus pursuant to such permit until the expiration of the school bus operator's permit or the Nebraska operator's license, whichever occurs first. Upon expiration of a resident's school bus operator's permit or Nebraska operator's license, application shall be made for a commercial driver's license bearing a school bus endorsement.

Sec. 87. On and after April 1, 1992, any resident of this state operating a commercial motor vehicle shall possess a commercial driver's license issued pursuant to sections 83 to 122 of this act.

Sec. 88. (1) Commercial drivers' licenses shall be issued by the Department of Motor Vehicles, shall be classified as provided in subsection (2) of this section, and shall bear such endorsements and restrictions as are provided in subsections (3) and (4) of this section.

(2) Commercial motor vehicle classifications for purposes of commercial drivers' licenses shall be as follows:

(a) Class A Combination Vehicle--Any combination of commercial motor vehicles and towed vehicles with a gross vehicle weight rating of more than twenty-six thousand pounds if the gross vehicle weight rating of the vehicles being towed are in excess of ten thousand pounds;

(b) Class B Heavy Straight Vehicle--Any single commercial motor vehicle with a gross vehicle weight rating of twenty-six thousand one pounds or more or any

such commercial motor vehicle towing a vehicle with a gross vehicle weight rating not exceeding ten thousand pounds; and

(c) Class C Small Vehicle--Any single commercial motor vehicle with a gross vehicle weight rating of less than twenty-six thousand one pounds or any such commercial motor vehicle towing a vehicle with a gross vehicle weight rating not exceeding ten thousand pounds comprising:

(i) Motor vehicles designed to transport sixteen or more passengers, including the driver; and

(ii) Motor vehicles used in the transportation of hazardous materials and required to be placarded pursuant to section 75-364.

(3) The endorsements to a commercial driver's license shall be as follows:

(a) T - Double/triple trailers;

(b) P - Passengers;

(c) N - Tank vehicles;

(d) H - Hazardous materials;

(e) X - Combination tank vehicle and hazardous materials; and

(f) SB - School bus.

(4) The restrictions to a commercial driver's license shall be as follows:

(a) K - Operation of only a commercial motor vehicle which is not equipped with air brakes; and

(b) IN - Operation only of a commercial motor vehicle only in intrastate commerce.

Sec. 89. On and after April 1, 1992, any nonresident may operate a commercial motor vehicle upon the highways of this state if (1) such nonresident has in his or her immediate possession a valid commercial driver's license issued by his or her state of residence, (2) the license is not suspended, revoked, or canceled, and (3) such nonresident is not disqualified from operating a commercial motor vehicle.

Sec. 90. No person who operates a commercial motor vehicle upon the highways of this state shall at any time have more than one operator's license issued by any state. Any person who violates this section shall, upon conviction, be guilty of a Class III misdemeanor.

Sec. 91. (1) Except as provided in sections 83, 84, and 86 of this act and subsections (2) and (3) of this section, no person shall operate any class of commercial motor vehicle upon the highways of this state unless such person possesses a valid commercial driver's license authorizing the operation of the class of commercial motor vehicle being operated, except that (a)

any person possessing a valid commercial driver's license authorizing the operation of a Class A commercial motor vehicle may lawfully operate any Class B or C commercial motor vehicle and (b) any person possessing a valid commercial driver's license authorizing the operation of a Class B commercial motor vehicle may lawfully operate a Class C commercial motor vehicle. No person shall operate upon the highways of this state any commercial motor vehicle which requires a specific endorsement unless such person possesses a valid commercial driver's license with such endorsement. No person possessing a restricted commercial driver's license shall operate upon the highways of this state any commercial motor vehicle to which such restriction is applicable.

(2) Any person holding an LPC-learner's permit may operate a commercial motor vehicle for learning purposes upon the highways of this state if accompanied by a person who is twenty-one years of age or older, who holds a commercial driver's license valid for the class of commercial motor vehicle being operated, and who occupies the seat beside the person for the purpose of giving instruction in the operation of the commercial motor vehicle.

(3) The provisions of subsection (1) of this section shall not apply to any nonresident until the state of residence of such nonresident begins the issuance of commercial drivers' licenses in conformance with the requirements of the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, and such nonresident is required by his or her state of residence to possess a commercial driver's license to operate a commercial motor vehicle. Any nonresident who is in this state for a period of thirty consecutive days or more shall apply for a Nebraska-issued commercial driver's license and shall surrender to the Department of Motor Vehicles any operator's license issued to such nonresident by any other state.

(4) Any person who operates a commercial motor vehicle upon the highways of this state in violation of this section shall, upon conviction, be guilty of a Class III misdemeanor.

Sec. 92. Any person sixteen years of age or older may obtain, on a form to be prescribed by the director, an LPC-learner's permit from the county treasurer by making application to an examiner of the Department of Motor Vehicles. An applicant shall present proof to the examiner that he or she holds a valid Class O operator's license or shall successfully

complete the vision and written test requirements for the Class O operator's license before an LPC-learner's permit is issued. The LPC-learner's permit shall be valid for a period of six months and shall be renewed or reissued only once within any two-year period. The county treasurer shall charge a fee of five dollars for the issuance or renewal of an LPC-learner's permit.

Sec. 93. A commercial driver's license or LPC-learner's permit shall not be issued to any person during the period the person is subject to a disqualification in this or any other state or while the person's operator's license is suspended, revoked, or canceled in this or any other state. The Department of Motor Vehicles shall not issue any commercial driver's license to any person unless the person applying for a commercial driver's license first surrenders to the department all operators' licenses issued to such person by this or any other state. Any operator's license issued by another state which is surrendered to the department shall be returned to that state by the director for cancellation.

Sec. 94. Application for any original or renewal commercial driver's license or application for any change of class of commercial motor vehicle, endorsement, or restriction shall be made upon uniform blanks prepared and furnished by the director to the examiners of the Department of Motor Vehicles. All applications shall be made under oath or affirmation of the applicant and shall include the following:

- (1) The full name and current mailing and residential addresses of the applicant;
- (2) A physical description of the applicant, including sex, height, weight, and eye and hair colors;
- (3) The applicant's date of birth;
- (4) The applicant's social security number;
- (5) The applicant's signature;
- (6) Certification that the commercial motor vehicle in which the applicant takes any driving skills examination is representative of the class of commercial motor vehicle that the applicant operates or expects to operate;
- (7) The certification required pursuant to section 95 or 96 of this act; and
- (8) Any other information required by the director.

Sec. 95. Upon making any application pursuant to section 94 of this act, any applicant who operates or expects to operate a commercial motor vehicle in interstate or foreign commerce or any applicant

otherwise subject to Part 391 of the federal Motor Carrier Safety Regulations adopted pursuant to section 75-363 shall certify that the applicant meets the qualification requirements of Part 391. Any applicant making such certification shall additionally present to the examiner proof of a physical which conforms to the requirements of Part 391.43(c) of the federal Motor Carrier Safety Regulations adopted pursuant to section 75-363. A commercial driver's license examiner may require any applicant making certification pursuant to this section to demonstrate with or without the aid of corrective devices sufficient powers of eyesight to enable him or her to operate a commercial motor vehicle in conformance with the minimum vision requirements of Part 391 of the federal Motor Carrier Safety Regulations adopted pursuant to section 75-363. If from the examination given it appears that any applicant's powers of eyesight are such that he or she cannot operate a commercial motor vehicle, the examiner shall allow the applicant to present an ophthalmologist's or optometrist's certificate to the effect that the applicant has sufficient powers of eyesight for such purpose before issuing a commercial driver's license to the applicant. If the examination given by the commercial driver's license examiner or the ophthalmologist's or optometrist's certificate indicates that the applicant must wear a corrective device to meet the minimum vision requirements established by this section, the applicant shall have the use of the commercial driver's license issued to him or her restricted to wearing a corrective device while operating a motor vehicle.

Sec. 96. Upon making application pursuant to section 94 of this act, any applicant who operates or expects to operate a commercial motor vehicle solely in intrastate commerce and who is not otherwise subject to Part 391 of the federal Motor Carrier Safety Regulations adopted pursuant to section 75-363 shall certify that he or she is not subject to Part 391. Any applicant making a certification pursuant to this section shall be issued a commercial driver's license restricted to intrastate operation only of a commercial motor vehicle. Any applicant for a Class A commercial driver's license making certification pursuant to this section shall satisfy the examiner that he or she is eighteen years of age or older. Any applicant for a Class B or C commercial driver's license making certification pursuant to this section shall satisfy the examiner that he or she is sixteen years of age or older. Any

applicant making certification pursuant to this section shall meet the physical and vision requirements established in section 68 of this act.

Sec. 97. (1) Any applicant for an original or renewal commercial driver's license with a school bus endorsement shall, in addition to the requirements provided for by sections 83 to 122 of this act, satisfy all requirements provided for in subdivision (13) of section 79-328 and section 79-488.06 and any rule or regulation adopted and promulgated pursuant to such sections. The school bus endorsement to a commercial driver's license shall be valid for a period of one year.

(2) For purposes of this section, school bus shall mean a motor vehicle designed or modified by the manufacturer, distributor, or dealer for transporting sixteen or more passengers, including the driver, meeting or exceeding Nebraska student vehicle minimum standards, which motor vehicle at any time is used to carry school children and personnel exclusively. Such transportation service shall be sponsored and approved by the local school board. School bus shall not mean any motor vehicle which transports school children along with other passengers as a part of the operation of a common carrier under the jurisdiction of the Interstate Commerce Commission or the Public Service Commission.

Sec. 98. All commercial drivers' licenses shall be issued by the Department of Motor Vehicles as provided in section 99 of this act. Successful applicants shall pay to the county treasurer a fee of twenty dollars for an original or renewal commercial driver's license, except that the fee for a commercial driver's license which will be valid for one year or less shall be seven dollars, the fee for a commercial driver's license which will be valid for more than one year but less than two years shall be eleven dollars, and the fee for a commercial driver's license which will be valid for more than two years but less than three years shall be sixteen dollars. Any person making application to add or remove a class of commercial motor vehicle, any endorsement except a school bus endorsement, or any restriction to or from a previously issued and outstanding commercial driver's license shall pay a fee of five dollars. One dollar and seventy-five cents of the fees for each original, renewal, duplicate, or replacement commercial driver's license and twenty-five cents of each of the original and renewal fees for LPC-learner's permits shall be credited to the general fund of the county and shall be included by the

county treasurer in his or her report of fees as provided by law. The balance of the fees provided for by this section shall be remitted by the county treasurer to the State Treasurer for credit to the General Fund.

Sec. 99. (1) The examination for commercial drivers' licenses by the Department of Motor Vehicles shall occur in and for each county of the State of Nebraska, except that two or more counties may, with the permission of the director, establish a separate facility to jointly conduct the examinations for such licenses. Except as provided for by section 107 of this act, all commercial driver's license examinations shall be conducted by examiners designated by the director.

(2) Any applicant who successfully completes the requirements for an original or renewal commercial driver's license or any applicant changing any motor vehicle classification, endorsement, or restriction on a commercial driver's license shall be issued, on a form prescribed by the director, a temporary commercial driver's license by the county treasurer. Temporary commercial drivers' licenses shall be valid for the operation of a commercial motor vehicle for a period not to exceed thirty days.

(3) All applicant information, including such information prescribed by the director as necessary to complete issuance of a permanent commercial driver's license, shall be forwarded immediately by the examiner to the director. Upon receipt of the information, the director shall complete the information inquiries prescribed by section 103 of this act.

(4) Following a determination by the director that the applicant is eligible to hold a commercial driver's license, a permanent commercial driver's license shall be prepared and issued by the department to the applicant. If the director determines that the applicant is not eligible to hold a commercial driver's license, the permanent commercial driver's license shall not be issued and the director shall recall the temporary commercial driver's license.

(5) The director shall provide each county treasurer with a sufficient number of temporary commercial driver's license blanks to supply the needs of his or her county.

(6) Notwithstanding subsections (2) through (5) of this section, the director may authorize any county treasurer to issue permanent commercial drivers' licenses to successful applicants when, in the determination of the director, the examiner conducting

commercial driver's license examinations in such county possesses the ability to complete the information inquiries prescribed by section 103 of this act and determine the eligibility of the applicant to receive a commercial driver's license prior to the issuance of any permanent license. The director may utilize such funds as are appropriated by the Legislature to the department to provide examiners with the computer capability to complete the information inquiries prescribed by section 103 of this act. It is the intent of the Legislature that the director shall, within the limits of available funding, provide for the issuance of permanent commercial drivers' licenses by each county treasurer of this state no later than August 1, 1990.

Sec. 100. Any person holding a commercial driver's license who loses his or her license, who requires issuance of a replacement license because of a change of name or address, or whose license is mutilated or unreadable may obtain a duplicate or replacement commercial driver's license by filing with an examiner of the Department of Motor Vehicles an application and affidavit and by furnishing proof of identification in accordance with section 35 of this act.

Upon the examiner being satisfied that a duplicate or replacement commercial driver's license should be issued, the applicant shall receive such license upon payment of a fee of five dollars to the county treasurer. Duplicate and replacement commercial driver's licenses shall be issued in the manner provided for the issuance of original and renewal commercial driver's licenses as provided for by section 99 of this act. No more than two duplicate or replacement commercial driver's licenses shall be issued to any applicant in any four-year period. Upon issuance of any duplicate or replacement commercial driver's license, the commercial driver's license for which the duplicate or replacement license is issued shall be void.

Sec. 101. The commercial driver's license shall be conspicuously marked Nebraska Commercial Driver's License, shall be, to the maximum extent practicable, tamper proof, and shall include the following information:

- (1) The name and residential address of the holder;
- (2) The holder's color photograph;
- (3) A physical description of the holder, including sex, height, weight, and eye and hair colors;
- (4) The holder's date of birth;
- (5) The holder's signature;

(6) The class of commercial motor vehicle or vehicles which the holder is authorized to operate, including any endorsements or restrictions; and

(7) The dates between which the commercial driver's license is valid.

Sec. 102. Any commercial driver's license issued by the Department of Motor Vehicles to a minor as defined in section 53-103, as such definition may be amended from time to time by the Legislature, shall have a different background color in such photograph than the background color used in the photograph affixed to the commercial driver's license of a person who is not a minor.

Sec. 103. Prior to the issuance of any original or renewal commercial driver's license or the reissuance of any commercial driver's license with a change of any classification, endorsement, or restriction, the Department of Motor Vehicles shall:

(1) Check the driving record of the applicant as maintained by the department or by any other state which has issued an operator's license to the applicant;

(2) Contact the Commercial Driver License Information System to determine whether the applicant possesses any valid commercial driver's license issued by any other state, whether such license or the applicant's privilege to operate a commercial motor vehicle has been suspended, revoked, or canceled, or whether the applicant has been disqualified from operating a commercial motor vehicle; and

(3) Contact the National Driver Register to determine if the applicant (a) has been disqualified from operating any motor vehicle, (b) has had an operator's license suspended, revoked, or canceled for cause in the three-year period ending on the date of application, or (c) has been convicted of operation of a motor vehicle while under the influence of or while impaired by alcohol or a controlled substance, a traffic violation arising in connection with a fatal traffic accident, reckless driving, racing on the highways, failure to render aid or provide identification when involved in an accident which resulted in a fatality or personal injury, or perjury or the knowledgeable making of a false affidavit or statement to officials in connection with activities governed by a law, rule, or regulation related to the operation of a motor vehicle.

Sec. 104. Prior to the issuance of any original or renewal commercial driver's license or the reissuance of any commercial driver's license with a change of any classification, endorsement, or

restriction, the director shall notify the Commercial Driver License Information System of the issuance and shall provide the applicant's name, social security number, and any other required information to the operator of the system.

Sec. 105. The Department of Motor Vehicles shall adopt and promulgate rules and regulations establishing standards and requirements for the testing of applicants for commercial drivers' licenses, endorsements, and restrictions. The standards and requirements developed by the department for written knowledge and driving skills examinations for commercial drivers' licenses shall substantially comply with the requirements of the Commercial Driver's License Standards, 49 C.F.R. Part 383, Subparts G and H.

Sec. 106. A commercial driver's license examiner may waive the driving skills examination when an applicant presents a certified driving record abstract and provides, on a form prescribed by the director, certification that during the two-year period immediately prior to the date of application he or she:

(1) Has not possessed more than one operator's license at any one time;

(2) Has not had any operator's license suspended, revoked, or canceled;

(3) Has not been convicted in any type of motor vehicle for any of the disqualification offenses provided for in section 118 of this act;

(4) Has not been convicted of any violation of state law or local ordinance related to motor vehicle traffic control arising in connection with any traffic accident and has no record of an accident when the applicant was at fault; and

(5) Provides suitable evidence that he or she has previously taken a driving skills examination given by a state with a classified licensing and testing system and that the examination included operation of a representative vehicle for the applicant's commercial driver's license classification or that the applicant has operated, for at least two years immediately preceding application, a vehicle representative of the commercial motor vehicle the applicant operates or expects to operate.

Sec. 107. A commercial driver's license examiner may waive the driving skills examination when an applicant presents evidence, on a form to be prescribed by the director, that he or she has successfully passed a driving skills examination administered by a third-party tester.

For purposes of this section and section 108 of this act, third-party tester shall mean another state's licensing authority, any agency, department, board, or commission of this state, any employer, any public or private driver training facility, or any political subdivision of this state authorized by the director to conduct the driving skills examination for the issuance of commercial drivers' licenses.

Sec. 108. The director shall adopt and promulgate rules and regulations governing the certification of third-party testers by the Department of Motor Vehicles. Such rules and regulations shall substantially comply with the requirements of 49 C.F.R. Part 383, section 383.75. A certification to conduct third-party testing shall be valid for two years, and the department shall charge a fee of one hundred dollars to issue or renew the certification of any third-party tester. The department shall remit the fees collected to the State Treasurer for credit to the General Fund.

Any third-party tester who violates any of the rules and regulations adopted and promulgated pursuant to this section shall be subject to having his or her certification revoked by the department.

Sec. 109. (1) Any person possessing a commercial driver's license issued by the Department of Motor Vehicles shall, within thirty days of the date of conviction, notify the department of all convictions for violations of state law or local ordinance related to motor vehicle traffic control, except parking violations, when such convictions occur in another state.

(2) Any person possessing a commercial driver's license issued by the department who is convicted of violating any state law or local ordinance related to motor vehicle traffic control in this or any other state, other than parking violations, shall notify his or her employer in writing of the conviction within thirty days of the date of conviction.

(3) Any person possessing a commercial driver's license issued by the department whose commercial driver's license is suspended, revoked, or canceled by any state, who loses the privilege to drive a commercial motor vehicle in any state for any period, or who is disqualified from driving a commercial motor vehicle for any period shall notify his or her employer of that fact before the end of the business day following the day the driver received notice of that fact.

(4) Any person who fails to provide the

notifications required in subsection (1), (2), or (3) of this section shall, upon conviction, be guilty of a Class III misdemeanor.

Sec. 110. Written notice shall be delivered to any applicant whose application for a commercial driver's license is refused or denied for cause. The applicant shall have a right to an immediate appeal to the director upon receipt of such notice. The director shall hear the appeal and render a prompt finding not later than ten days after receipt of the appeal.

Sec. 111. (1) Any person who applies for employment as a driver of a commercial motor vehicle shall provide every prospective employer, at the time of application, with the following information for the ten-year period preceding the date of application:

(a) A list of the names and addresses of the applicant's previous employers for whom the applicant was a driver of a commercial motor vehicle;

(b) The dates the applicant was employed by each employer; and

(c) The reason for leaving that employment.

(2) The applicant shall certify that all information furnished is true and complete. An employer may require an applicant to provide additional information. Any person who fails to provide the information required by this section shall, upon conviction, be guilty of a Class III misdemeanor.

Sec. 112. (1) Each employer shall require prospective applicants for employment as a driver of a commercial motor vehicle to provide the information required by section 111 of this act.

(2) An employer shall not knowingly allow, permit, or authorize a person to operate a commercial motor vehicle in the United States during any period in which:

(a) The person's commercial driver's license is suspended, revoked, or canceled by any state;

(b) The person has lost the privilege to drive a commercial motor vehicle in any state;

(c) The person has been disqualified from driving a commercial motor vehicle; or

(d) The person has more than one operator's license.

(3) Any employer who violates this section shall, upon conviction, be guilty of a Class III misdemeanor.

Sec. 113. No person shall operate or be in the actual physical control of a commercial motor vehicle while having any alcoholic liquor in his or her

body. Any person who operates or is in the actual physical control of a commercial motor vehicle while having any alcoholic liquor in his or her body or who refuses to submit to a test to determine the alcoholic content of his or her blood, breath, or urine shall be placed out of service for twenty-four hours, shall be subject to disqualification as provided in sections 117 and 118 of this act, and shall be subject to prosecution for any violation of sections 39-669.07 and 39-669.08.

Any order to place a person out of service for twenty-four hours issued by a law enforcement officer shall be made pursuant to section 392.5(c) of the federal Motor Carrier Safety Regulations adopted pursuant to section 75-363.

Sec. 114. (1) Any person who operates or is in the actual physical control of a commercial motor vehicle upon a highway in this state shall be deemed to have given his or her consent to submit to a chemical test of his or her blood, breath, or urine for the purpose of determining the amount of alcoholic content in his or her blood, breath, or urine.

(2) Any law enforcement officer who has been duly authorized to make arrests for violations of traffic laws of this state or of ordinances of any city or village who, after stopping or detaining the operator of any commercial motor vehicle, has reasonable grounds to believe that the operator was driving or in the actual physical control of a commercial motor vehicle while having any alcoholic liquor in his or her body may require such operator to submit to a chemical test of his or her blood, breath, or urine for the purpose of determining the alcoholic content of such blood, breath, or urine.

(3) Any law enforcement officer who has been duly authorized to make arrests for violations of traffic laws of this state or of ordinances of any city or village may require any person who operates or has in his or her actual physical control a commercial motor vehicle upon a highway in this state to submit to a preliminary breath test of his or her breath for alcoholic content if the officer has reasonable grounds to believe that such person has any alcoholic liquor in his or her body, has committed a moving traffic violation, or has been involved in a traffic accident. Any such person who refuses to submit to a preliminary breath test shall be placed under arrest and shall be guilty of a Class V misdemeanor. Any person arrested for refusing to submit to a preliminary breath test or any person who submits to a preliminary breath test the

results of which indicate the presence of any alcoholic liquor in such person's body may, upon the direction of a law enforcement officer, be required to submit to a chemical test of his or her blood, breath, or urine for a determination of the alcoholic content.

(4) Any person operating or in the actual physical control of a commercial motor vehicle who submits to a chemical test of his or her blood, breath, or urine which discloses the presence of any alcoholic liquor in his or her body shall be placed out of service for twenty-four hours by the law enforcement officer.

(5) Any person operating or in the actual physical control of a commercial motor vehicle who refuses to submit to a chemical test of his or her blood, breath, or urine or any person operating or in the actual physical control of a commercial motor vehicle who submits to a chemical test of his or her blood, breath, or urine which discloses an alcoholic concentration of: (a) Four-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood; (b) four-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath; or (c) four-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her urine shall be placed out of service for twenty-four hours by the law enforcement officer, and the officer shall forward to the director a sworn report. The report shall state that the person was operating or in the actual physical control of a commercial motor vehicle, was requested to submit to the required chemical test, and refused to submit to the required chemical test or submitted to the required chemical test and possessed an alcohol concentration at or in excess of that specified by this subsection.

Sec. 115. The law enforcement officer who requires a chemical test pursuant to section 114 of this act may direct whether the test will be of blood, breath, or urine. When the officer directs that the test will be of a person's blood or urine, such person may choose whether the test shall be of his or her blood or urine. The person tested shall be permitted to have a physician of his or her choice evaluate his or her condition and perform or have performed whatever laboratory tests are deemed appropriate in addition to and following the test administered at the direction of the law enforcement officer. If the officer refuses to permit such additional test to be taken, the original test shall not be competent evidence. Upon the request of the person tested, the results of the test taken at

the direction of the law enforcement officer shall be made available to him or her.

Sec. 116. Any person who is unconscious or who is in a condition rendering him or her incapable of refusal to submit to a chemical test pursuant to section 114 of this act shall be deemed not to have withdrawn the consent provided for in such section, and a chemical test may be given.

Sec. 117. Upon receipt of a law enforcement officer's sworn report provided for in section 114 of this act, the director shall notify the person who is the subject of the report of a date for hearing before the director to determine the reasonableness of the refusal to submit to the chemical test or the results of the chemical test if performed upon the person. Any chemical test made in conformity with section 39-669.11 shall be competent evidence of the alcoholic content of such person's blood, breath, or urine. The notice of hearing shall be served by the director by mailing it to such person by certified or registered mail to the last-known residential address of such person or, if such address is unknown, to the last-known business address of such person at least ten days before the hearing. After granting the person an opportunity to be heard on such issue, if it is not shown to the director that such refusal to submit to such chemical test was reasonable or if it is shown to the director that such person was operating or in the actual physical control of a commercial motor vehicle with an alcoholic concentration in his or her blood, breath, or urine equal to or in excess of that specified in subsection (5) of section 114 of this act, the director shall enter an order pursuant to section 119 of this act disqualifying such person from operating a commercial motor vehicle for the period specified by section 118 of this act.

Sec. 118. (1) Except as provided in subsection (2) of this section, a person shall be disqualified from driving a commercial motor vehicle for one year:

(a) Upon his or her first conviction, after the operative date of this section, in this or any other state for:

(i) Driving a commercial motor vehicle while under the influence of alcohol or a controlled substance;

(ii) Leaving the scene of an accident involving a commercial motor vehicle driven by the person; or

(iii) Using a commercial motor vehicle in the commission of a felony; or

(b) Upon a first administrative determination, after the operative date of this section, that such person while driving a commercial motor vehicle in this or any other state was requested to submit to a chemical test of his or her blood, breath, or urine by a law enforcement officer and refused or had a concentration of four-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood, four-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath, or four-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her urine.

(2) If any of the offenses described in this section occurred while the person was transporting hazardous material in a commercial motor vehicle which required placarding pursuant to section 75-364, the person shall, upon conviction or administrative determination, be disqualified from driving a commercial motor vehicle for three years.

(3) A person shall be disqualified from driving a commercial motor vehicle for life if, after the operative date of this section, he or she is convicted of or administratively determined to have committed a second or subsequent violation of any of the offenses described in subsection (1) of this section or any combination of those offenses arising from two or more separate incidents.

(4) A person shall be disqualified from driving a commercial motor vehicle for a period of not less than sixty days if he or she is convicted in this or any other state of two serious traffic violations or not less than one hundred twenty days if he or she is convicted in this or any other state of three serious traffic violations, arising from separate incidents occurring within a three-year period.

(5) For purposes of this section, conviction shall mean an adjudication of guilt in a court of original jurisdiction, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, a payment of a fine or court costs, or a violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated.

(6) For purposes of this section, serious traffic violation shall mean:

(a) Speeding in excess of fifteen miles per

hour over the legally posted speed limit;

(b) Willful reckless driving as described in section 39-669.03 or reckless driving as described in section 39-669.01; and

(c) A violation of any law or ordinance related to motor vehicle traffic control, other than parking violations or overweight or vehicle defect violations, arising in connection with an accident or collision resulting in death to any person.

Sec. 119. Whenever it comes to the attention of the director that any person when operating a commercial motor vehicle has, based upon the records of the director, been convicted of or administratively determined to have committed an offense for which disqualification is required pursuant to section 118 of this act, the director shall summarily revoke (1) the commercial driver's license and privilege of such person to operate a commercial motor vehicle in this state or (2) the privilege, if such person is a nonresident, of operating a commercial motor vehicle in this state. Any revocation ordered by the director pursuant to this section shall commence on the date of the signing of the order of revocation or the date of the release of such person from the jail or Department of Correctional Services adult correctional facility, whichever is later.

Sec. 120. Within ten days after the revocation provided for by section 119 of this act, the director shall notify in writing the person whose commercial driver's license or privilege to operate a commercial motor vehicle has been revoked that such license or privilege has been revoked. Such notice shall: (1) Contain a list of the disqualifying convictions or administrative determinations upon which the director relies as his or her authority for the revocation, with the dates on which such disqualifying violations occurred and the dates of such convictions or administrative determinations and the trial courts or administrative agencies in which such convictions or administrative determinations were rendered; (2) state the term of revocation; (3) include a demand that the commercial driver's license be returned to the director immediately; and (4) be served by mailing the notice to such person by registered or certified mail to the address of such person. If any person fails to return a commercial driver's license following a demand by the director, the director shall immediately direct any peace officer or authorized representative of the director to secure possession of such license and return

the license to the director. Any person refusing or failing to surrender a commercial driver's license as required by this section shall, upon conviction, be guilty of a Class III misdemeanor.

Any person who feels himself or herself aggrieved because of a revocation pursuant to section 119 of this act may appeal from such revocation to the district court of the county wherein such person resides or, in the case of a nonresident, to the district court of Lancaster County in the manner set forth in section 55 of this act. Such appeal shall not suspend the order of revocation unless a stay of such revocation shall be allowed by the court pending a final determination of the review. The license of any person claiming to be aggrieved shall not be restored to such person, in the event of a final judgment of a court against such person, until the full time of revocation, as fixed by the director, has elapsed.

Sec. 121. (1) Following any period of revocation ordered by a court, a resident who has had a commercial driver's license revoked pursuant to section 119 of this act may apply, on a form prescribed by the director, for a Class O or M operator's license. If in the judgment of the director such person is eligible to be issued a Class O or M operator's license, the application shall be presented to the county treasurer of the person's county of residence. The county treasurer shall issue the Class O or M operator's license upon payment of the fee provided for in section 65 of this act.

(2) Any person who has had his or her commercial driver's license revoked pursuant to section 119 of this act may, at the end of such revocation period, have his or her commercial driver's license reinstated upon payment of a fifty-dollar reinstatement fee and shall surrender any operator's license issued pursuant to subsection (1) of this section.

Sec. 122. Within ten days of receiving an abstract of conviction of any nonresident holder of a commercial driver's license for any violation of state law or local ordinance related to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle operated in this state, the director shall notify the driver licensing authority which licensed the nonresident and the Commercial Driver License Information System of such conviction.

Sec. 123. That section 60-409.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-409-06.~~ As used in For purposes of sections ~~60-409-06 to 60-409-13;~~ unless the context otherwise requires 123 to 129 of this act:

(1) Commercial driver training school or school shall mean a business enterprise conducted by an individual, association, partnership, or corporation which educates or trains persons to operate or drive motor vehicles or which furnishes educational materials to prepare an applicant for an examination by the state for an operator's license or learner's LPD-learner's or LPE-learner's permit; and which charges consideration or tuition for such service or materials; and

(2) Instructor shall mean any person who operates a commercial driver training school or who teaches, conducts classes, gives demonstrations, or supervises practical training of persons learning to operate or drive motor vehicles in connection with operation of a commercial driver training school; and

~~(3) Director shall mean the Director of Motor Vehicles.~~

Sec. 124. That section 60-409.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-409-07.~~ The director shall make adopt and promulgate such rules and regulations for the administration and enforcement of sections ~~60-409-06 to 60-409-13~~ 123 to 129 of this act as are necessary to protect the public. In making such rules and regulations, the director shall comply with the Administrative Procedure Act. The director or his or her authorized representative shall have the duty of examining examine applicants for Commercial Driver Training School and Instructor's Licenses, licensing license successful applicants, and inspecting inspect school facilities and equipment. The director shall administer and enforce the provisions of such sections ~~60-409-06 to 60-409-13;~~ and may call upon the Commissioner of Education for assistance in developing and formulating appropriate rules and regulations.

Sec. 125. That section 60-409.08, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-409-08.~~ No commercial driver training school shall be established nor any existing school be continued on or after July 1, 1968; unless such school applies for and obtains from the director a license in the manner and form prescribed by the director. Regulations Rules and regulations adopted and promulgated by the director shall state the requirements

for a school license, including requirements concerning location, equipment, courses of instruction, instructors, financial statements, schedule of fees and charges, character and reputation of the operators, insurance, bond, or other security in such sum and with such provisions as the director deems necessary to protect adequately the interests of the public, and such other matters as the director may prescribe.

Sec. 126. That section 60-409.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-409-09.~~ (1) No person shall act as an instructor ~~on or after July 1, 1968,~~ unless such person applies for and obtains from the director a license in the manner and form prescribed by the director.

(2) ~~Regulations~~ Rules and regulations adopted and promulgated by the director shall state the requirements for an instructor's license, including requirements concerning moral character, physical condition, knowledge of the courses of instruction, knowledge of the motor vehicle laws and safety principles, previous personal and employment records, and such other matters as the director may prescribe for the protection of the public.

Sec. 127. That section 60-409.10, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-409-10.~~ All licenses issued under the provisions of sections 60-409-06 to 60-409-13 125 and 126 of this act shall expire on the last day of June in the year following their issuance and may be renewed upon application to the director as prescribed by ~~his or her~~ the rules and regulations. Each application for a new or renewal school license shall be accompanied by a fee of fifty dollars, and each application for a new or a renewal instructor's license shall be accompanied by a fee of ten dollars. The license fees ~~collected under sections 60-409-06 to 60-409-13~~ shall be placed in the state treasury and by the State Treasurer credited to the General Fund. No license fee shall be refunded in the event that the license is rejected, suspended, or revoked.

Sec. 128. That section 60-409.11, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-409-11.~~ The director may cancel, suspend, revoke, or refuse to issue or renew a school or instructor's license in any case when he or she finds the licensee or applicant has not complied with or has

violated any of the provisions of sections 60-409-06 to 60-409-13 123 to 129 of this act or any rule or regulation adopted and promulgated by the director hereunder under such sections. A suspended or revoked license shall be returned to the director by the licensee, and its holder shall not be eligible to apply for a license under such sections 60-409-06 to 60-409-13 until twelve months have elapsed since the date of such suspension or revocation. Any action taken by the director to cancel, suspend, revoke, or refuse to issue or renew a license shall comply with the Administrative Procedure Act. A licensee or applicant may appeal the cancellation, suspension, or revocation of or the refusal to issue or renew a license, and the appeal shall be in accordance with the Administrative Procedure Act section 55 of this act.

Sec. 129. That section 60-409.13, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-409-13-~~ Any person, firm, or corporation violating any provision of sections 60-409-06 to 60-409-13 125 to 128 of this act shall be guilty of a Class III misdemeanor.

Sec. 130. That section 6, Legislative Bill 284, Ninety-first Legislature, First Session, 1989, be amended to read as follows:

Sec. 6. (1) A state identification card shall be issued by the county treasurer after the person requesting the card (a) files an application with an examining officer, (b) furnishes two forms of proof of identification described in ~~subsection (3) of section 60-407~~ section 35 of this act, and (c) pays a fee to the county treasurer of ten dollars for a card which will be valid for three years or more, eight dollars for a card which will be valid two years or more but less than three years, five dollars and fifty cents for a card which will be valid for one year or more but less than two years, and three dollars and fifty cents for a card which will be valid for less than one year. The application shall include the name, age, post office address, place of residence, date of birth, sex, and physical description of the applicant. One dollar and seventy-five cents of the fee shall be credited to the general fund of the county and shall be included in the report of fees required by law by the county treasurer. The balance of the fee shall be remitted to the State Treasurer by the county treasurer and credited to the General Fund.

(2) The director may summarily cancel any

state identification card, and any judge or magistrate may order a state identification card canceled in a judgment of conviction, if the application for the card contains any false or fraudulent statements which were deliberately and knowingly made as to any matter material to the issuance of the card or if the application does not contain required or correct information. Any state identification card so obtained shall be void from the date of issuance. Any judgment of conviction ordering cancellation of a state identification card shall be transmitted to the director who shall cancel the card.

Sec. 131. That section 60-557, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-557. Any person whose license or registration or nonresident's operating privilege has been suspended or revoked under ~~sections 60-501 to 60-569~~ the Motor Vehicle Safety Responsibility Act and who, during such suspension or revocation, drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway, except as permitted under ~~sections 60-501 to 60-569~~ the act, shall be punished as provided in ~~sections 60-430-01 and 60-430-02~~ section 58 of this act.

Sec. 132. That section 60-2101.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2101.01. As used in For purposes of sections ~~60-301, 60-401, 60-501, 60-2101.01 to 60-2103, 60-2105, 60-2107, and 60-2108,~~ unless the context otherwise requires. A minibike shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than fourteen inches, or an engine rated capacity of less than forty-five cubic centimeters displacement, or any other two-wheel motor vehicle primarily designed by the manufacturer thereof for off-road use only. Minibikes, their owners, and their operators shall be exempt from the requirements of Chapter 60, articles 1, 3, 4, and 5.

Sec. 133. That section 60-2104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2104. Nothing in sections ~~60-301, 60-401, 60-501, and 60-2102~~ to 60-2106 shall prohibit occasional necessary movement of vehicles described in section 60-2103 on streets for purposes of moving the vehicle across streets or a turnaround on the streets. All such

vehicles when used under this section shall be exempt from all motor vehicle legal requirements.

Sec. 134. That section 60-2105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2105. It is the declared purpose of sections ~~60-301, 60-401, 60-501, and 60-2102~~ to 60-2106 to remove from street use and operation minibikes, as defined in such sections, and similar two-, three-, or four-wheeled miniature vehicles whose visibility, power, and equipment are inadequate for mixing with normal vehicular traffic upon streets and highways.

Sec. 135. That section 60-2108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2108. Any department, board, or commission of the State of Nebraska with jurisdiction over state parks, and state recreation areas as defined in section 81-815.22 and state wayside areas as defined described in section ~~81-815.22~~ 81-711, wherein motor vehicles of any type are permitted, may enact adopt and promulgate rules and regulations permitting and controlling the operation of minibikes and designating the place, time, and manner of such operation in the public recreation area under its control. In ; PROVIDED, in designating the manner of such operation within a specific location and during a specific time, the department, board, or commission may establish speed limits, and restrictions on the age of the operator, noise emission levels, and number of minibikes permitted to be operated within a specific area at the same time. The rules and ; and these regulations governing the use of public roads set forth in Chapter 39, article 6, not inconsistent with sections ~~60-301, 60-401, 60-501, 60-2101.01 to 60-2103, 60-2105, 60-2107, and 60-2108~~ shall apply to the public area. Such department, board, or commission may further authorize the supervising official of any area under its ownership or control to prohibit operation of any minibike in emergency situations by personal or posted notice. Any person operating a minibike in a place, or at a time, or in a manner not permitted by the department, board, or commission having control over the area shall be guilty of a Class III misdemeanor. Any political subdivision of the State of Nebraska with jurisdiction over public alleys, streets, or highways may enact adopt and promulgate rules, regulations, ordinances, or resolutions in conformity with such sections.

Sec. 136. That section 60-2131, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2131. The director may cancel, suspend, revoke, or refuse to issue or renew a motorcycle safety instructor's permit or chief instructor's permit in any case when the director finds the permittee or applicant has not complied with or has violated the Motorcycle Safety Education Act or any rule or regulation adopted and promulgated by the director. A suspended or revoked permit shall be returned to the director by the permittee, and its holder shall not be eligible to apply for a permit under section 60-2127 or 60-2129 until twelve months have elapsed since the date of such suspension or revocation. Any action taken by the director to cancel, suspend, revoke, or refuse to issue or renew a permit shall comply with the Administrative Procedure Act. A permittee or applicant may appeal the cancellation, suspension, or revocation of or the refusal to issue or renew a permit, and the appeal shall be in accordance with section 55 of this act, and any appeal from such a decision by the director shall comply with section 60-420.

Sec. 137. That section 60-2132, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2132. There is hereby created a Motorcycle Safety Education Fund in the state treasury which shall consist of money transferred pursuant to ~~sections~~ section 39-2215 and 60-409 section 65 of this act and such money as may be appropriated by the Legislature. The fund shall be administered under the highway safety program of the department. The fund shall be used for the administration of the Motorcycle Safety Education Act, to reimburse approved schools, businesses, or organizations for conducting approved basic motorcycle safety courses, to provide educational assistance, to prepare sites for offering the basic motorcycle safety course, to reimburse approved schools, businesses, or organizations for conducting approved advanced motorcycle safety courses, and to promote motorcycle safety. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-~~1269~~ 72-1276.

Sec. 138. That section 60-2802, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 114, Ninety-first Legislature, First Session, 1989, be amended to read as follows:

60-2802. (1) Except as provided in

subsections (2), (3), (4), and (5) of this section, an all-terrain vehicle shall not be operated on any public street, road, or highway of this state. The crossing of any interstate or limited-access highway shall not be permitted.

(2) The crossing of a public street, road, or highway shall be permitted only if:

(a) The crossing is made at an angle of approximately ninety degrees to the direction of the street, road, or highway and at a place where no obstruction prevents a quick and safe crossing;

(b) The vehicle is brought to a complete stop before crossing the shoulder or main-traveled way of the street, road, or highway;

(c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;

(d) In crossing a divided street, road, or highway, the crossing is made only at an intersection of such street, road, or highway with another public street, road, or highway; and

(e) Both the headlight and taillight of the vehicle are on when the crossing is made.

(3) All-terrain vehicles may be operated on a public street, road, or highway when such operation occurs only between the hours of sunrise and sunset and such operation is incidental to the vehicles' use for agricultural purposes. Any person operating an

all-terrain vehicle on a public street, road, or highway shall have a valid motor vehicle operator's license or a special farm permit as provided in subsection (5) of section 60-407 section 76 of this act and shall not operate such vehicle at a speed in excess of thirty miles per hour. When operated on a public street, road, or highway, the headlight and taillight of the vehicle shall be on, and the all-terrain vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

(4) All-terrain vehicles may be operated on public streets, roads, and highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.

(5) All-terrain vehicles may be operated on public streets, roads, and highways outside the corporate limits of any municipality by electric utility

personnel within the course of their employment in accordance with the operation requirements of subsection (3) of this section, except that the operation of such vehicles pursuant to this subsection need not be incidental to the use of the vehicle for agricultural purposes.

Sec. 139. That section 71-4804, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4804. (1) A gift of all or part of the body under subdivision subsection (1) of section 71-4802 may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

(2) A gift of all or part of the body under subdivision subsection (1) of section 71-4802 may also be made by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor, in the presence of two witnesses who must sign the document in his or her presence. If the donor cannot sign, the document may be signed for him or her at his or her direction and in his or her presence, and in the presence of two witnesses who must sign the document in his or her presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

(3) A gift of all or part of the body under subdivision subsection (1) of section 71-4802 may also be made by an indication on a motor vehicle operator's license pursuant to sections ~~60-406-01 to 60-406-03~~ 43 to 45 of this act. The gift shall become effective upon the death of the owner.

(4) The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. Any physician who becomes a donee under this subsection shall not participate in the procedures for removing or transplanting any part of the body, except as provided in subsection (2) of section 71-4807.

(5) Notwithstanding subdivision subsection (2)

of section 71-4807, the donor may designate in his or her will, card, or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation, or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose.

(6) Any gift by a person designated in subdivision subsection (2) of section 71-4802 shall be made by a document signed by him or her, or made by his or her telegraphic, recorded telephonic, or other recorded message.

Sec. 140. That section 75-363, Revised Statutes Supplement, 1988, be amended to read as follows:

75-363. (1) The parts of the Federal Motor Carrier Safety Regulations, Title 49, Code of Federal Regulations, listed in subdivisions (a) through (h) of this subsection or any other parts referred to by such parts, in existence as of April 15, 1988 1989, are adopted as Nebraska law. The regulations shall be applicable to all carriers, drivers, and vehicles to which the federal regulations apply, and to all vehicles of intrastate motor carriers registered for a gross weight over ten thousand pounds, to all intrastate motor carriers in the operation of vehicles registered by such carriers for a gross weight over ten thousand pounds, and to all drivers of such vehicles if the drivers are licensed pursuant to sections 60-403.06 to 60-403.10, except as provided in subsection (2) of this section. The Legislature hereby adopts:

(a) Part 390--Federal Motor Carrier Safety Regulations: General;

(b) Part 391, except section 391.15(c)--Qualifications Of Drivers;

(c) Part 392--Driving Of Motor Vehicles;

(d) Part 393--Parts And Accessories Necessary For Safe Operations;

(e) Part 395--Hours Of Service Of Drivers;

(f) Part 396--Inspection, Repair And Maintenance;

(g) Part 397--Transportation Of Hazardous Materials; Driving And Parking Rules; and

(h) Part 398--Transportation Of Migrant Workers.

(2) The regulations shall not apply to farm trucks registered pursuant to section 60-330 with a gross weight of sixteen tons or less, liquefied petroleum gas tanks with a capacity of three thousand

five hundred gallons or less, and fertilizer and agricultural chemical application and distribution equipment transported in units with a capacity of three thousand five hundred gallons or less. The following parts and sections of the Federal Motor Carrier Safety Regulations shall not apply to drivers of registered farm trucks:

- (a) All of Part 391;
- (b) Section 395.08 of Part 395; and
- (c) Section 396.11 of Part 396.

~~(3) No defect ticket or citation shall be issued pursuant to section 393-42 of Part 393, or pursuant to any other state or federal statute, prior to July 1, 1988, for failure to have functional brakes on any axle which is not the original equipment of the manufacturer.~~

Sec. 141. That section 79-328, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-328. The State Board of Education shall have the power and it shall be its duty:

(1) To appoint and fix the compensation of the Commissioner of Education;

(2) To remove the commissioner from office at any time for conviction of any crime involving moral turpitude or felonious act, for inefficiency, or for willful and continuous disregard of his or her duties as commissioner or of the directives of the board;

(3) Upon recommendation of the commissioner, to appoint and fix the compensation of a deputy commissioner and all professional employees of the board;

(4) To organize the State Department of Education into such divisions, branches, or sections as may be necessary or desirable to perform all its proper functions and to render maximum service to the board and to the state school system;

(5) To provide, through the commissioner and his or her professional staff, enlightened professional leadership, guidance, and supervision of the state school system, including educational service units. In order that the commissioner and his or her staff may carry out their duties, the board shall, through the commissioner: (a) Provide supervisory and consultative services to the schools of the state; (b) issue materials helpful in the development, maintenance, and improvement of educational facilities and programs; (c) establish rules and regulations which govern standards and procedures for the approval and legal operation of

all schools in the state and for the accreditation of all schools requesting state accreditation. All public, private, denominational, or parochial schools shall either comply with the accreditation or approval requirements prescribed in this section and section 79-1247.02 or, for those schools which elect not to meet accreditation or approval requirements, the requirements prescribed in this section and subsections (2) to (4) of section 79-1701. Such standards and procedures shall be based upon the program of studies, guidance services, the number and preparation of teachers in relation to the curriculum and enrollment, instructional materials and equipment, science facilities and equipment, library facilities and materials, and health and safety factors in buildings and grounds. Rules and regulations which govern procedures and standards for private, denominational, and parochial schools which elect, pursuant to the procedures prescribed in subsections (2) to (4) of section 79-1701, not to meet state accreditation or approval requirements shall be based upon evidence that such schools offer a program of instruction leading to the acquisition of basic skills in the language arts, mathematics, science, social studies, and health. Such rules and regulations may include a provision for the visitation of such schools and regular achievement testing of students attending such schools in order to insure that such schools are offering instruction in the basic skills listed in this subdivision. Any arrangements for visitation or testing shall be made through a parent representative of each such school. The results of such testing may be used as evidence that such schools are offering instruction in such basic skills; but shall not be used to measure, compare, or evaluate the competency of students at such schools; (d) establish rules for the approval of high schools for the collection of nonresident high school tuition money in accordance with the rules and regulations provided for in this subdivision, except that the State Board of Education shall approve a school for the collection of nonresident high school tuition money when a hardship would result to the students and a substantial effort is being made to comply with the rules and regulations established; (e) institute a statewide system of testing to determine the degree of achievement and accomplishment of all the students within the state's school systems; if it determines such testing would be advisable; (f) prescribe a uniform system of records and accounting for keeping adequate educational and financial records, for gathering and

reporting necessary educational data, and for evaluating educational progress; (g) cause to be published laws and regulations governing the schools and the school lands and funds with explanatory notes for the guidance of those charged with the administration of the schools of the state; (h) approve teacher education programs conducted in Nebraska institutions of higher education designed for the purpose of certificating teachers and administrators; (i) approve teacher evaluation policies and procedures developed by school districts and educational service units; and (j) approve general plans and adopt educational policies, standards, rules, and regulations for carrying out the board's responsibilities and those assigned to the State Department of Education by the Legislature;

(6) To adopt and promulgate rules and regulations for the guidance, supervision, accreditation, and coordination of educational service units. Such rules and regulations for accreditation shall include, but not be limited to, (a) a requirement that programs and services offered the school district by each educational service unit shall be evaluated on a regular basis, but not less than every seven years, to assure that educational service units remain responsive to school district needs and (b) guidelines for the use and management of funds, generated from the property tax levy and other sources of revenue as may be available to the educational service units, to assure that public funds are used to accomplish the purposes and goals assigned to the educational service units by section 79-2201.02. The State Board of Education shall establish procedures to encourage the coordination of activities among educational service units and to encourage effective and efficient educational service delivery on a statewide basis;

(7) To submit a biennial report to the Governor and the Clerk of the Legislature covering the actions of the board, the operations of the State Department of Education, and the progress and needs of the schools and to recommend such legislation as may be necessary to satisfy these needs;

(8) To cause to be prepared and distributed reports designed to acquaint school district officers, teachers, and patrons of the schools with the conditions and needs of the schools;

(9) To provide for consultation with professional educators and lay leaders for the purpose of securing advice deemed necessary in the formulation of policies and in the effectual discharge of its

duties;

(10) To cause such studies, investigations, and reports to be made and such information assembled as are necessary for the formulation of policies, for making plans, for evaluating the state school program, and for the making of essential and adequate reports;

(11) To submit to the Governor and the Legislature a budget necessary to finance the state school program under its jurisdiction, including the internal operation and maintenance of the State Department of Education;

(12) To interpret its own policies, standards, rules, and regulations and, upon reasonable request, hear complaints and disputes arising therefrom;

(13) With the advice of the Department of Motor Vehicles, to adopt and promulgate rules and regulations containing reasonable standards, not inconsistent with existing statutes, governing: (a) The general design, equipment, color, operation, and maintenance of any vehicle with a manufacturer's rated seating capacity of ~~eleven~~ sixteen or more passengers, including the driver, used for the transportation of school children; and (b) the equipment, operation, and maintenance of any vehicle with a capacity of ~~ten~~ fifteen or less passengers, including the driver, used for the transportation of school children, when such vehicles are either owned or operated, or owned and operated, by any school district or privately owned or operated under contract with any school district in this state. Similar rules and regulations shall standards are to be adopted and promulgated for operators of such vehicles as to physical and mental qualities, driving skills and practices, and knowledge of traffic laws, rules, and regulations which relate to school bus transportation. Such traffic rules and regulations shall by reference be made a part of any such contract with a school district. Any officer or employee of any school district who violates any of the traffic rules or regulations or fails to include obligations to comply with the traffic rules and regulations in any contract executed by him or her on behalf of a school district shall be guilty of a Class V misdemeanor and shall, upon conviction thereof, be subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any of such traffic rules and regulations shall be guilty of breach of contract, and such contract shall be canceled after notice and hearing by the responsible officers of such school district;

(14) To accept, on behalf of the Nebraska School for the Visually Handicapped, on behalf of the Nebraska School for the Deaf, or on behalf of any school for children with mental retardation which is exclusively owned by the State of Nebraska and under the control and supervision of the State Department of Education, devises of real property or donations or bequests of other property, or both, if in its judgment any such devise, donation, or bequest is for the best interest of any such school or the students attending thereat, or both, and may cause any such real estate to be irrigated or otherwise improved when in its judgment it would be advisable to do so; and

(15) Upon acceptance of any devise, donation, or bequest as provided in this section, to administer and carry out such devise or bequest in accordance with the terms and conditions thereof. If not prohibited by the terms and conditions of any such devise, donation, or bequest, it may sell, convey, exchange, or lease property so devised, donated, or bequeathed upon such terms and conditions as it deems best and deposit all money derived from any such sale or lease in the State Department of Education Trust Fund.

Each member of the Legislature shall receive a copy of the report required by subdivision (7) of this section by making a request for it to the commissioner.

None of the duties prescribed in this section shall prevent the board from exercising such other duties as in its judgment may be necessary for the proper and legal exercise of its obligations.

Sec. 142. That section 79-488.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-488.06. Any (1) Before operating any school bus designed to carry fifteen or fewer passengers, including the driver, any person operating a school bus designed to carry fifteen or fewer passengers, including the driver, including any such school bus which transports pupils by direct contract with the pupils or their parents and not owned by or under contract with the school district or nonpublic school, before the opening of a school term or before operating a school bus, shall each year submit himself or herself to (1) (a) an examination, to be conducted by a driver's license examiner of the Department of Motor Vehicles, to determine his or her qualifications to operate such bus; and (2) and (b) an examination by a licensed physician to determine whether or not he or she meets the physical and mental standards established

pursuant to subdivision (13) of section 79-328, and shall furnish to the board of education or governing authority of a nonpublic school and the Director of Motor Vehicles a written report of each such examination on standard forms prescribed by the State Department of Education, signed by the person conducting the same, showing that he or she is qualified to operate a school bus and that he or she meets the physical and mental standards. If the Director of Motor Vehicles determines that he the person is so qualified and meets such standards, a special school bus transportation vehicle operator's permit in such form as the director shall prescribe prescribes shall be issued to him or her. No contract shall be entered into until such permit shall have has been received and exhibited to the board of education or the governing authority of a nonpublic school. The holder of such permit shall have it on his or her person at all times while operating a school bus.

(2) No person shall operate any school transportation vehicle which carries sixteen or more passengers, including the driver, for any school district or nonpublic school until:

(a) If the operator is a resident of this state, such operator has received and exhibited to the board of education or the governing authority of a nonpublic school a valid Nebraska commercial driver's license with a school bus endorsement. The Department of Motor Vehicles shall require each applicant for a school bus endorsement to a commercial driver's license to meet driver qualification and physical and mental standards established pursuant to subdivision (13) of section 79-328 before any commercial driver's license with a school bus endorsement is issued to such applicant; or

(b) If the operator is a nonresident of this state, such nonresident operator has received and exhibited to the board of education or the governing authority of a nonpublic school a valid commercial driver's license bearing an endorsement for passengers if the nonresident's state of residence offers the issuance of a commercial driver's license which complies with the requirements of the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, or a valid operator's license issued by the nonresident's state of residence. The nonresident operator shall additionally furnish to the board of education or governing authority of a nonpublic school a certificate of competence to operate a school bus. The certificate of competence to operate a school bus shall be on a form

prescribed by the State Department of Education and signed by a commercial driver's license examiner of the Department of Motor Vehicles indicating such nonresident operator is qualified to operate a school bus and that compliance with the driver qualification and physical and mental standards established pursuant to subdivision (13) of section 79-328 has been successfully demonstrated by the nonresident operator. The certificate of competence to operate a school bus shall be retained and kept in the files of the board of education or governing authority of a nonpublic school. Certificates issued pursuant to this subdivision shall be valid for a period of one year from the date of issuance.

(3) It shall be unlawful for any person operating a school bus to be or remain on duty for a longer period than sixteen consecutive hours. When any person operating a bus shall have been continuously on duty for sixteen hours, he or she shall be relieved and not be permitted or required to again go on duty without having at least ten consecutive hours' rest off duty, and no such operator, who has been on duty sixteen hours in the aggregate in any twenty-four-hour period, shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty.

(4) Any person violating the provisions of this section shall be guilty of a Class V misdemeanor. The contract shall be canceled as provided in subdivision (13) of section 79-328.

Sec. 143. That section 3, Legislative Bill 25, Ninety-first Legislature, First Session, 1989, be amended to read as follows:

Sec. 3. That original sections 60-557 and 60-2120, Reissue Revised Statutes of Nebraska, 1943, and also sections ~~60-403.04~~, 60-509.04, 60-2140, and 60-2141, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 144. Sections 105, 108, 140, 143, 144, and 146 of this act shall become operative on their effective date. Sections 113 to 121 of this act shall become operative on April 1, 1992. The other sections of this act shall become operative on September 1, 1990.

Sec. 145. That original sections 39-602, 39-668, 39-669.27, 39-669.28, 39-669.30, 39-669.34, 39-669.35, 39-669.37, 39-6,106.01, 39-6,122, 39-6,192, 60-305.09, 60-402, 60-403, 60-403.01, 60-403.03 to 60-403.05, 60-404, 60-405, 60-406, 60-406.01, 60-406.03, 60-406.04, 60-406.06, 60-406.08, 60-407, 60-408, 60-409,

60-409.05 to 60-409.11, 60-409.13 to 60-411, 60-412 to 60-427.01, 60-429, 60-430, 60-430.01, 60-430.05, 60-430.06, 60-557, 60-2101.01, 60-2104, 60-2105, 60-2108, 60-2131, 60-2132, 71-4804, 79-328, and 79-488.06, Reissue Revised Statutes of Nebraska, 1943, section 60-411.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 8, Legislative Bill 284, Ninety-first Legislature, First Session, 1989, section 60-2802, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 114, Ninety-first Legislature, First Session, 1989, and section 6, Legislative Bill 284, Ninety-first Legislature, First Session, 1989, and also sections 39-6,113, 60-401, and 60-403.06 to 60-403.10, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 146. That original section 75-363, Revised Statutes Supplement, 1988, and section 3, Legislative Bill 25, Ninety-first Legislature, First Session, 1989, are repealed.