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## LEGISLATIVE BILL 742

Approved by the Governor February 20, 1990

Introduced by Robak, 22; Schmit, 23; Chizek, 31; Smith, 33; Ashford, 6; Korshoj, 16; Withem, 14; Elmer, 38; Moore, 24; Labedz, 5

AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-490, 60-4,118, and 60-4,122, Revised Statutes Supplement, 1989; to change provisions relating to eyesight and testing requirements; to harmonize provisions; to provide operative dates; to repeal the original sections, and also section 1, Legislative Bill 742, Ninety-first Legislature, Second Session, 1990; and to declare an emergency.

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

Section 1. (1) Notwithstanding subsection (1) of section 60-407, no license or permit to operate a motor vehicle shall be granted to any applicant until such applicant satisfies the examiner that he or she possesses sufficient powers of eyesight to enable him or her to obtain a Class A motor vehicle operator's license and to operate a motor vehicle on the roads of this state with a reasonable degree of safety. The Department of Motor Vehicles shall adopt and promulgate rules and regulations:

(a) Requiring a minimum acuity level of vision. Such level may be obtained through the use of standard eyeglasses, contact lenses, or bioptic or telescopic lenses which are specially constructed vision correction devices which include a lens system attached to or used in conjunction with a carrier lens; and

(b) Requiring a minimum field of vision. Such field of vision may be obtained through standard eyeglasses, contact lenses, or the carrier lens of the bioptic or telescopic lenses.

If a vision aid is used by the applicant to meet the vision requirements of this subsection, the operator's license of the applicant shall be restricted to the use of such vision aid when operating the motor vehicle. If the applicant fails to meet the vision requirements, the examiner shall require the applicant to present an optometrist's or ophthalmologist's

statement certifying the vision reading obtained when testing the applicant within ninety days of the applicant's license examination. If the vision reading meets the vision requirements prescribed by the department, the vision requirements of this subsection shall have been met.

(2) Notwithstanding the provisions of section 60-411 relating to when licenses expire, licenses issued to persons required to use bioptic or telescopic lenses shall expire annually on the licensee's birthday. Any such person shall be required to appear annually before an examiner to demonstrate his or her ability to drive and maneuver a motor vehicle as a condition of renewal of his or her operator's license.

Sec. 2. That section 60-490, Revised Statutes Supplement, 1989, be amended to read as follows:

60-490. Except as provided in section 60-4,135 and except for operator's licenses issued to persons required to use bioptic or telescopic lenses, 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. Operator's licenses issued to persons required to use bioptic or telescopic lenses as provided in section 60-4,118 shall expire annually on the licensee's birthday. 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. 3. That section 60-4,118, Revised Statutes Supplement, 1989, be amended to read as follows:

60-4,118. 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 obtain a Class O license and to operate a motor vehicle on the highways of this state

with a reasonable degree of safety. The Department of Motor Vehicles shall adopt and promulgate rules and regulations:

(1) Requiring a minimum acuity level of vision. Such level may be obtained through the use of standard eyeglasses, contact lenses, or bioptic or telescopic lenses which are specially constructed vision correction devices which include a lens system attached to or used in conjunction with a carrier lens; and

(2) Requiring a minimum field of vision. Such field of vision may be obtained through standard eyeglasses, contact lenses, or the carrier lens of the bioptic or telescopic lenses.

If a vision aid is used by the applicant to meet the vision requirements of this section, the operator's license of the applicant shall be restricted to the use of such vision aid when operating the motor vehicle. If the applicant fails to meet the vision requirements, the examiner shall require the applicant to present an optometrist's or ophthalmologist's statement certifying the vision reading obtained when testing the applicant within ninety days of the applicant's license examination. If the vision reading meets the vision requirements prescribed by the department, the vision requirements of this section shall have been met. 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 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 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 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 section 60-484, any such person may take the examination required by this section at any time within sixty days prior to his or her sixteenth birthday.

Sec. 4. That section 60-4,122, Revised Statutes Supplement, 1989, be amended to read as follows:

60-4,122. (1) Except as provided in subsections (2) and (3) of this section, no original or renewal 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 60-4,114. The director may accept currently valid school transportation vehicle operators' permits issued pursuant to section 79-488.06 in lieu of reexamination

for renewal of the operators' licenses of the holders of such permits.

(2) Any person who renews his or her Class O license shall appear before an examiner to demonstrate his or her ability to operate drive and maneuver a motor vehicle safely as provided in subdivision (2) of section 60-4,114; 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; only at the discretion of the examiner, except that a person required to use bioptic or telescopic lenses shall be required to demonstrate his or her ability to drive and maneuver a motor vehicle safely each time he or she renews his or her license.

(3) Any person who renews his or her Class 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 60-4,114 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 60-483. 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 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 section 60-484.

Sec. 5. Sections 2, 3, 4, and 6 of this act shall become operative on September 1, 1990. The other sections of this act shall become operative on their effective date.

Sec. 6. That original sections 60-490, 60-4,118, and 60-4,122, Revised Statutes Supplement, 1989, and also section 1, Legislative Bill 742, Ninety-first Legislature, Second Session, 1990, are repealed.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.