

LEGISLATIVE BILL 105

Approved by the Governor June 9, 1993

Introduced by Robinson, 16; Byars, 30

AN ACT relating to motor vehicles; to amend sections 39-602, 39-669.27, 39-669.30, 60-462, 60-474, 60-480, 60-4,107, and 60-4,112, Revised Statutes Supplement, 1992; to redefine terms; to provide for a medical hardship driving permit; to provide a fee and a penalty; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 39-602, Revised Statutes Supplement, 1992, be amended to read as follows:

39-602. For purposes of 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 two 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; and

(b) 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 60-474;

(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. 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) Occupant protection system shall mean a system utilizing a lap belt, a shoulder belt, or any combination of belts installed in a motor vehicle which (a) restrains drivers and passengers and (b) conforms to Federal Motor Vehicle Safety Standards, 49 C.F.R. 571.208, 571.209, and 571.210 or to the federal motor vehicle safety standards for passenger restraint systems applicable for the motor vehicle's model year;

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

(61) 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) 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) 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) 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) Pedestrian shall mean any person afoot;

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

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

(69) 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) Police officer shall mean any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations;

(71) 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) 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) 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) Railroad shall mean a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;

(75) 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) 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) 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) Recreational trailer shall mean a vehicular unit without motive power primarily designed for transporting a motorboat as defined in section 37-1204 or vessel as defined in section 37-1203;

(79) Registration shall mean the registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles;

(80) 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;

(81) 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 60-4,129 and 60-4,130 and a medical hardship driving permit may be issued as provided by sections 9 and 10 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;

(82) 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;

(83) 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;

(84) 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;

(85) 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;

(86) 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;

(87) 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;

(88) Security agreement shall mean a written agreement which reserves or creates a security interest;

(89) 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;

(90) 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;

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

(92) 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;

(93) 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;

(94) Sidewalk space shall mean that portion of a street between the curb line and the adjacent property line;

(95) 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;

(96) 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;

(97) 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 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;

(98) 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;

(99) 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;

(100) 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;

(101) Stop, when required, shall mean a complete cessation of movement;

(102) 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;

(103) 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 60-4,129 and 60-4,130. A medical hardship driving permit may be issued during suspension as provided in sections 9 and 10 of this act;

(104) 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;

(105) 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;

(106) 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;

(107) 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;

(108) 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;

(109) 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;

(110) 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;

(111) Truck shall mean any motor vehicle designed, used, or maintained primarily for the transportation of property;

(112) 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;

(113) 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;

(114) 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; and

(115) 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 39-669.27, Revised Statutes Supplement, 1992, be amended to read as follows:

39-669.27. Whenever it comes to the attention of the director that any person has, as disclosed by the records of 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. Such instruction 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 abstract of the judgment of conviction transmitted to the director by the trial court.

Any motor vehicle, except a commercial motor vehicle as defined in section 60-465, may be operated under an employment driving permit as provided by section 60-4.129 or a medical hardship driving permit as provided by section 9 of this act.

Sec. 3. That section 39-669.30, Revised Statutes Supplement, 1992, 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 under sections 39-669.26 to 39-669.30, except that a motor vehicle, other than a commercial motor vehicle as defined in section 60-465, may be operated under an employment driving permit as provided by section 60-4.129 or a medical hardship driving permit as provided in section 9 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 sections 39-669.26 to 39-669.30 shall remain revoked for one year, and at the expiration of the one-year period, such person shall give and maintain for three years proof of financial responsibility as required by section 60-524. 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 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. 4. That section 60-462, Revised Statutes Supplement, 1992, be amended to read as follows:

60-462. Sections 60-462 to 60-4.181 and sections 9 and 10 of this act shall be known and may be cited as the Motor Vehicle Operator's License Act.

Sec. 5. That section 60-474, Revised Statutes Supplement, 1992, be amended to read as follows:

60-474. 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 60-4.129 and 60-4.130; and

(5) A medical hardship driving permit issued as provided by sections 9 and 10 of this act.

Sec. 6. That section 60-480, Revised Statutes Supplement, 1992, be amended to read as follows:

60-480. 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 60-4,124;

(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 60-4,126;

(6) LPC-learner's permit. A permit issued to a person at least sixteen years of age which when held in conjunction with a Class O license or commercial driver's license 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 60-4,129 and 60-4,130; ~~and~~

(10) MHP-medical hardship 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 9 and 10 of this act.

Sec. 7. That section 60-4,107, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,107. 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 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 the act. Such persons shall be eligible to operate a motor vehicle, except a commercial motor vehicle, under an employment driving permit as provided by section 60-4,129 or a medical hardship driving permit as provided in section 9 of this act.

Sec. 8. That section 60-4,112, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,112. Sections 60-4,113 to 60-4,130 and sections 9 and 10 of this act shall apply to the operation of any motor vehicle except a commercial motor vehicle.

Sec. 9. (1) Any person whose license or privilege to operate a motor vehicle in this state is revoked under sections 39-669.27 and 39-669.30 shall be eligible to operate any motor vehicle, except a commercial motor vehicle, in this state under a medical hardship driving permit, valid for a period of ninety days. Upon expiration of the permit, a person may reapply for a medical hardship driving permit in the same manner as the original application.

(2) Any person whose 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 a medical hardship driving permit during the period of such suspension or revocation.

(3) An individual who is issued a medical hardship driving permit may operate any motor vehicle, except a commercial motor vehicle, from his or her residence or place of employment to a hospital, clinic, doctor's office, or similar location and return. 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 a medical hardship 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 shall revoke the medical hardship driving permit for an individual upon receipt of an abstract of conviction, other than a conviction which is based upon actions which resulted in the application for such medical hardship driving permit, 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 a medical hardship driving permit for the remainder of the period of suspension or revocation of his or her operator's license or privilege to operate a motor vehicle.

Sec. 10. (1) Application for a medical hardship 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

this section and section 9 of this act. To be eligible for a medical hardship driving permit, the applicant shall furnish, along with the application to the director, the following:

(a) An affidavit from the applicant's physician stating that it is necessary for such applicant to receive medical treatment at a location other than the applicant's residence and that the treatment will not impair the applicant's ability to operate a motor vehicle; and

(b) An affidavit stating that there exists no other reasonable alternative means of transportation to and from the site of medical treatment available to the applicant.

(2) The applicant shall also be required to file and maintain proof of financial responsibility as required by the Motor Vehicle Safety Responsibility Act.

(3) A fee of forty dollars shall be submitted to the department along with the application for a medical hardship driving permit. All fees collected shall be deposited in the General Fund.

(4) When the holder of a medical hardship driving permit is convicted, on or after the date of issuance of the 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 medical hardship driving permit during that particular period of revocation.

(5) Any person who feels himself or herself aggrieved because of the refusal of the director to issue the medical hardship driving permit may appeal to the district court of the county in which such person resides or, in the case of a nonresident, to the district court of Lancaster County in the manner set forth in section 60-4,105.

Sec. 11. That original sections 39-602, 39-669.27, 39-669.30, 60-462, 60-474, 60-480, 60-4,107, and 60-4,112, Revised Statutes Supplement, 1992, are repealed.