

LEGISLATIVE BILL 201

Approved by the Governor April 12, 1993

Introduced by Byars, 30; Pedersen, 39

AN ACT relating to motor vehicles; to amend sections 60-4,119, 60-4,120, 60-4,127, 60-4,152, and 60-4,180, Revised Statutes Supplement, 1992; to change provisions relating to photographs on operators' licenses and state identification cards and relating to licenses and cards issued to minors; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 60-4,119, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,119. (1) ~~A color photograph of the licensee shall be affixed to all~~ All state identification cards and operators' licenses, except farm permits, school bus operators' permits, replacement and duplicate licenses as provided by subsections (3) and (4) of section 60-4,120, and licenses issued pursuant to subsection (2) of this section, shall include a color photograph of the cardholder or licensee. State identification cards and operators' licenses shall be issued by the county treasurer. The 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 of Motor Vehicles under this section shall be paid by the state out of appropriations made to the department. All costs of taking ~~and affixing~~ the photographs shall be paid by the county from the fees provided pursuant to sections 60-4,115 and 60-4,181.

(2) Any person who, at the time of renewal of his or her operator's license, is out of the state may be issued, after proper application, a license without ~~an affixed~~ a photograph upon payment of a fee as provided in section 60-4,115. Such application shall be made to the county treasurer of the county in which the applicant resides.

(3) Any operator's license ~~requiring an affixed color photograph of the licensee issued after July 17, 1986, and any state identification card issued after January 1, 1990, 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~~ be of a distinct designation, of a type prescribed by the director, from the operator's license or state identification card 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 or card with ~~a photograph having the background color~~ the distinct designation used for persons who are not minors. The fee for such replacement license or card shall be the same as the fee for a replacement license issued for a change of address pursuant to subsection

(2) of section 60-4,120.

Sec. 2. That section 60-4,120, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,120. (1) Except as provided in subsection (4) of this section for persons temporarily out of the state, any person duly licensed or holding a valid state identification card issued under the Motor Vehicle Operator's License Act who loses his or her operator's license or card 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 section 60-484. 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 card. No more than two duplicates of a license or card may be issued in this manner. Upon the issuance of any duplicate or replacement license or card, the license or card from which the duplicate or replacement is issued shall be void. The five-dollar fee shall be handled by the treasurers in the same manner as original or renewal fees, except that such fee in each instance shall be credited, allocated, and accounted for by the county treasurer as in the cases of original and renewal operator's license fees as provided in section 60-4,115 or original or renewal state identification card fees as provided in section 60-4,181.

(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 operator's license or state identification card and furnish proof of identification in accordance with section 60-484. Such license or card 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 operator's license or state identification card and furnish satisfactory evidence of such change. Such license or card shall be issued upon payment of a fee of five dollars.

(3) In the event a mutilated and unreadable operator's license is held by any person duly licensed under the act or a mutilated and unreadable state identification card which was issued under the act is held by a person, such person may obtain a replacement license or card upon showing the original mutilated or unreadable license or card to the county treasurer. A replacement license or card may be issued, without ~~an affixed~~ a photograph, to any person who is out of the state at the time of application for the replacement license or card. Such license or card 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 card 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 card. The fee shall be handled by the treasurer in the same manner as the original or renewal fee, except that the fee in each instance shall be credited, allocated, and accounted for by the county treasurer as in the cases of original and renewal operator's license fees as

provided in section 60-4,115 or original or renewal state identification card fees as provided in section 60-4,181.

(4) If any person duly licensed under the act loses his or her operator's license or if any holder of a state identification card loses his or her card while temporarily out of the state, he or she may apply for a duplicate operator's license or card without ~~an affixed~~ a 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 or card without ~~an affixed~~ a photograph. Upon the issuance of the duplicate, the original license or card shall be void.

(5) Any person holding a valid operator's license or state identification card without ~~an affixed~~ a photograph shall surrender such license or card 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 or card shall be considered invalid. Upon the timely surrender of the license or card and payment of a fee of five dollars, such person shall be issued an operator's license or card with a color photograph of the licensee ~~affixed to it~~ included.

Sec. 3. That section 60-4,127, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,127. No person shall operate a motorcycle on the alleys or highways of the State of Nebraska until such person has obtained a Class M license. No such license 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 60-4,118 for operation of a motor vehicle and (2) successfully completed an examination, including the actual operation of a motorcycle, prescribed by the director, except that an examiner shall waive the required examination, including the actual operation of a motorcycle, if the applicant presents proof of successful completion of a motorcycle safety course under the Motorcycle Safety Education Act within the immediately preceding forty-eight months or if the driving record abstract of the applicant pursuant to section 60-4,122 shows that the applicant has had no traffic violations as described in section 39-669.26 from the date the applicant's operator's license was last issued to the date the abstract was issued.

Any applicant who qualifies for a Class M license shall be issued a license for such operation by the county treasurer with a color photograph ~~affixed~~ included as provided for the issuance of an operator's license, or if he or she is the holder of an operator's license, the county treasurer shall, upon receipt of the examiner's certificate, endorse on the license the authorization to operate a motorcycle. Fees for Class M licenses shall be the same as provided by section 60-4,115 for operators' licenses.

Sec. 4. That section 60-4,152, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,152. 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~~ be of a distinct designation, of a type prescribed by the director, from the commercial driver's license of a person who is not a minor.

Sec. 5. That section 60-4,180, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,180. Any person who is a resident of this state may obtain a state identification card with a color photograph of the person ~~affixed thereto~~ included. State identification cards shall be issued in the manner provided in section 60-4,181. Any identification card issued under prior law prior to January 1, 1990, shall be invalid after such date.

Sec. 6. That original sections 60-4,119, 60-4,120, 60-4,127, 60-4,152, and 60-4,180, Revised Statutes Supplement, 1992, are repealed.