A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act;

to amend sections 60-490 and 60-491, Reissue Revised Statutes of
Nebraska, and sections 60-484, 60-484.02, 60-484.04, 60-484.05,
60-486, 60-487, 60-4,114.01, 60-4,117, 60-4,118, 60-4,118.03,
60-4,118.05, 60-4,119, 60-4,120, 60-4,120.01, 60-4,120.02, 60-4,121,
60-4,122, 60-4,123, 60-4,123.01, 60-4,124, 60-4,125, 60-4,126, and
60-4,144, Revised Statutes Cumulative Supplement, 2020; to change
provisions relating to the gender designated on drivers' licenses
and state identification cards; to change gender-related language as
prescribed; to harmonize provisions; and to repeal the original
sections.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 60-484, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-484 (1) Except as otherwise provided in the Motor Vehicle Operator's License Act, no resident of the State of Nebraska shall operate a motor vehicle upon the alleys or highways of this state until the person has obtained an operator's license for that purpose.

(2) Application for an operator's license or a state identification card shall be made in a manner prescribed by the department.

(3) The applicant shall provide the applicant's his or her full legal name, date of birth, mailing address, gender, race or ethnicity, and social security number, two forms of proof of address of the applicant's his or her principal residence unless the applicant is a program participant under the Address Confidentiality Act, evidence of identity as required by subsection (6) of this section, and a brief physical description of such applicant himself or herself. Beginning on an implementation date designated by the director, which date shall be on or before January 1, 2022, the applicant's gender shall be indicated as female, male, or not specified and no documentation of gender shall be required. The applicant (a) may also complete the voter registration portion pursuant to section 32-308, (b) shall be provided the advisement language required by subsection (5) of section 60-6,197, (c) shall answer the following:

(i) Have you within the last three months (e.g. due to diabetes, epilepsy, mental illness, head injury, stroke, heart condition, neurological disease, etc.):

(A) lost voluntary control or consciousness ... yes ... no

(B) experienced vertigo or multiple episodes of dizziness or fainting ... yes ... no

(C) experienced disorientation ... yes ... no

(D) experienced seizures ... yes ... no

(E) experienced impairment of memory, memory loss ... yes ... no
Please explain: ........................................

(ii) Do you experience any condition which affects your ability to operate a motor vehicle? (e.g. due to loss of, or impairment of, foot, leg, hand, arm; neurological or neuromuscular disease, etc.) ... yes ... no

Please explain: ........................................

(iii) Since the issuance of your last driver's license/permit, has your health or medical condition changed or worsened? ... yes ... no

Please explain, including how the above affects your ability to drive: .................., and (d) may answer the following:

(i) Do you wish to register to vote as part of this application process?

(ii) Do you wish to have a veteran designation displayed on the front of your operator's license or state identification card to show that you served in the armed forces of the United States? (To be eligible you must register with the Nebraska Department of Veterans' Affairs registry.)

(iii) Do you wish to include your name in the Donor Registry of Nebraska and donate your organs and tissues at the time of your death?

(iv) Do you wish to receive any additional specific information regarding organ and tissue donation and the Donor Registry of Nebraska?

(v) Do you wish to donate $1 to promote the Organ and Tissue Donor Awareness and Education Fund?

(4) Application for an operator's license or state identification card shall include a signed oath, affirmation, or declaration of the applicant that the information provided on the application for the license or card is true and correct.

(5) The social security number shall not be printed on the operator's license or state identification card and shall be used only (a) to furnish information to the United States Selective Service System under section 60-483, (b) 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, (c) for purposes of child support enforcement pursuant to section 42-358.08 or 43-512.06, (d) to furnish information regarding an applicant for or holder of a commercial driver's license with a hazardous materials endorsement to the Transportation Security Administration of the United States Department of Homeland Security or its agent, (e) to furnish information to the Department of Revenue under section 77-362.02, or (f) to furnish information to the Secretary of State for purposes of the Election Act.

(6)(a) Each individual applying for an operator's license or a state identification card shall furnish proof of date of birth and identity with documents containing a photograph or with nonphoto identity documents which include such individual's full legal name and date of birth. Such documents shall be those provided in subsection (1) of section 60-484.04.

(b) Any individual under the age of eighteen years applying for an operator's license or a state identification card shall provide a certified copy of such individual's birth certificate or, if such individual is unable to provide a certified copy of such birth certificate, other reliable proof of identity and age, as required in subdivision (6)(a) of this section, accompanied by a certification signed by a parent or guardian explaining the inability to produce a copy of such birth certificate. The applicant also may be required to furnish proof to department personnel that the parent or guardian signing the certification is in fact the parent or guardian of such applicant.

(c) An applicant may present other documents as proof of identification and age designated by the director. Any documents accepted shall be recorded according to a written exceptions process established by the director.

(7) Any individual applying for an operator's license or a state
identification card who wishes indicated his or her wish to have a veteran designation displayed on the front of such license or card shall comply with section 60-4,189.

(8) No individual person shall be a holder of an operator's license and a state identification card at the same time. An individual A person who has a digital image and digital signature on file with the department may apply electronically to change such individual's his or her Class O operator's license to a state identification card.

Sec. 2. Section 60-484.02, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-484.02 (1) A digital image of each Each applicant for an operator's license or state identification card shall be have his or her digital image captured. Digital images shall be preserved for use as prescribed in sections 60-4,119, 60-4,151, and 60-4,180. The images shall be used for issuing operators' licenses and state identification cards. The images may be retrieved only by the Department of Motor Vehicles for issuing renewal and replacement operators' licenses and state identification cards and may not be otherwise released except in accordance with subsection (3) of this section.

(2) Each Upon application for an operator's license or state identification card, each applicant shall include the applicant's provide his or her signature in a form prescribed by the department. Digital signatures shall be preserved for use on original, renewal, and replacement operators' licenses and state identification cards and may not be otherwise released except in accordance with subsection (4) of this section.

(3) No officer, employee, agent, or contractor of the department or law enforcement officer shall release a digital image except to a federal, state, or local law enforcement agency, a certified law enforcement officer employed in an investigative position by a federal, state, or local agency, or a driver licensing agency of another state for
the purpose of carrying out the functions of the agency or assisting
another agency in carrying out its functions upon the verification of the
identity of the person requesting the release of the information and the
verification of the purpose of the requester in requesting the release.
Any officer, employee, agent, or contractor of the department or law
enforcement officer that knowingly discloses or knowingly permits
disclosure of a digital image or digital signature in violation of this
section shall be guilty of a Class I misdemeanor.

(4) No officer, employee, agent, or contractor of the department or
law enforcement officer shall release a digital signature except (a) to a
federal, state, or local law enforcement agency, a certified law
enforcement officer employed in an investigative position by a state or
federal agency, or a driver licensing agency of another state for the
purpose of carrying out the functions of the agency or assisting another
agency in carrying out its functions upon the verification of the
identity of the person requesting the release of the information and the
verification of the purpose of the requester in requesting the release or
(b) to the office of the Secretary of State for the purpose of voter
registration as described in section 32-304, 32-308, or 32-309 upon the
verification of the identity of the person requesting the release of the
information and the verification of the purpose of the requester in
requesting the release. No employee or official in the office of the
Secretary of State shall release a digital signature except to a federal,
state, or local law enforcement agency, a certified law enforcement
officer employed in an investigative position by a state or federal
agency, or a driver licensing agency of another state for the purpose of
carrying out the functions of the agency or assisting another agency in
carrying out its functions upon the verification of the identity of the
person requesting the release of the information and the verification of
the purpose of the requester in requesting the release. Any officer,
employee, agent, or contractor of the department, law enforcement
officer, or employee or official in the office of the Secretary of State
that knowingly discloses or knowingly permits disclosure of a digital
signature in violation of this section shall be guilty of a Class I
misdemeanor.

Sec. 3. Section 60-484.04, Revised Statutes Cumulative Supplement,
2020, is amended to read:

60-484.04 (1) The Legislature finds and declares that section 202(c)
(2)(B)(i) through (x) of the federal REAL ID Act of 2005, Public Law
109-13, enumerated categories of individuals who may demonstrate lawful
status for the purpose of eligibility for a federally secure motor
vehicle operator's license or state identification card. The Legislature
further finds and declares that it was the intent of the Legislature in
2011 to adopt the enumerated categories by the passage of Laws 2011,
LB215. The Legislature declares that the passage of Laws 2015, LB623, is
for the limited purpose of reaffirming the original legislative intent of
Laws 2011, LB215. Except as provided in section 60-4,144 with respect to
operators of commercial motor vehicles, before being issued any other
type of operator's license or a state identification card under the Motor
Vehicle Operator's License Act, the department shall require an applicant
to present valid documentary evidence that such applicant has lawful status in the United States as enumerated in section 202(c)(2)(B)
Lawful status may be shown by:

(a) A valid, unexpired United States passport;

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

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

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

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

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

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

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

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

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

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

(b) If the applicant presents one of the identity documents listed under subdivision (1)(e), (f), or (i) of this section, the verification of the identity documents does not provide satisfactory evidence of lawful status. The applicant must also present a second document from subsection (1) of this section or documentation issued by the United States Department of Homeland Security, the United States Citizenship and Immigration Services, or other federal agencies, such as one of the types of Form I-797 used by the United States Citizenship and Immigration Services, demonstrating that the applicant has lawful status as enumerated in section 202(c)(2)(B)(i) through (x) of the federal REAL ID Act of 2005, Public Law 109-13.

(3) An applicant may present other documents as designated by the
director as proof of lawful status as enumerated in section 202(c)(2)(B)
Any documents accepted shall be recorded according to a written
exceptions process established by the director.
Sec. 4. Section 60-484.05, Revised Statutes Cumulative Supplement,
2020, is amended to read:
60-484.05 (1) The department shall only issue an operator's license
or a state identification card that is temporary to any applicant who
presents documentation under sections 60-484 and 60-484.04 that shows
such applicant's his or her authorized stay in the United States is
temporary. An operator's license or a state identification card that is
temporary shall be valid only during the period of time of the
applicant's authorized stay in the United States or, if there is no
definite end to the period of authorized stay, a period of one year.
(2) An operator's license or state identification card that is
temporary shall clearly indicate that it is temporary with a special
notation on the front of the license or card and shall state the date on
which it expires.
(3) An operator's license or state identification card that is
temporary may be renewed only upon presentation of valid documentary
evidence that the status by which the applicant qualified for the
operator's license or state identification card that is temporary has
been extended by the United States Department of Homeland Security.
(4) If an individual has an operator's license or a state
identification card issued based on approved lawful status granted under
section 202(c)(2)(B)(i) through (x) of the federal REAL ID Act of 2005,
Public Law 109-13, and the basis for the approved lawful status is
terminated, the individual shall return the operator's license or state
identification card to the Department of Motor Vehicles.
Sec. 5. Section 60-486, Revised Statutes Cumulative Supplement,
2020, is amended to read:
60-486 (1) 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 in this state or any other state or jurisdiction in the United States.

(2) If a license is issued to a person while such person's operator's license was suspended or revoked in this state or any other state or jurisdiction, the Department of Motor Vehicles may cancel the license upon forty-five days' written notice by regular United States mail to the licensee's last-known address. The cancellation may be appealed as provided in section 60-4,105.

(3) When such a person presents to the department an official notice from the state or jurisdiction that suspended or revoked the motor vehicle operator's license that such suspension or revocation has been terminated, such person may then be licensed to operate a motor vehicle by the State of Nebraska.

Sec. 6. Section 60-487, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-487 (1) If any magistrate or judge finds in a judgment of conviction that the application or issuance certificate pursuant to which the director has issued an operator's license under the 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 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 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 license shall be at once canceled of record in the director's office by the director upon receipt of a copy of such judgment of conviction. The director may, upon the director's own motion, summarily cancel any license for any of the reasons set forth in this section if such
reason or reasons affirmatively appear on the director's his or her official records.

(2) If the director determines, in a check of an applicant's license status and record prior to issuing a CLP-commercial learner's permit or commercial driver's license, or at any time after the CLP-commercial learner's permit or commercial driver's license is issued, that the applicant falsified information contained in the application or in the medical examiner's certificate, the director may summarily cancel the person's CLP-commercial learner's permit or commercial driver's license or such person's his or her pending application as provided in subsection (1) of this section and disqualify the person from operating a commercial motor vehicle for sixty days.

Sec. 7. Section 60-490, Reissue Revised Statutes of Nebraska, is amended to read:

60-490 (1) Operators' 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 for all such licenses issued prior to January 1, 2007, and on the licensee's birthday in the second year after issuance, unless specifically restricted to a shorter renewal period as determined under section 60-4,118, for all such licenses issued on or after January 1, 2007.

(2) Except for state identification cards issued to persons less than twenty-one years of age, all state identification cards expire on the cardholder's birthday in the fifth year after issuance. A state identification card issued to a person who is less than twenty-one years of age expires on such person's his or her twenty-first birthday or on such person's his or her birthday in the fifth year after issuance, whichever comes first.

(3) Except as otherwise provided in subsection (1) of this section and section 60-4,147.05 and except for operators' licenses issued to persons less than twenty-one years of age, operators' licenses issued
pursuant to the Motor Vehicle Operator's License Act expire on the licensee's birthday in the fifth year after issuance. An operator's license issued to a person less than twenty-one years of age expires on such person's twenty-first birthday. Except as otherwise provided in section 60-4,147.05, the Department of Motor Vehicles shall mail out a renewal notice for each operator's license at least thirty days before the expiration of the operator's license.

(4)(a) The expiration date shall be stated on each operator's license or state identification card.

(b) Except as otherwise provided in section 60-4,147.05, licenses and state identification cards issued to persons who are twenty-one years of age or older which expire under this section may be renewed within a ninety-day period before the expiration date. Any person who is twenty-one years of age or older and who is the holder of a valid operator's license or state identification card may renew the license or card prior to the ninety-day period before the expiration date on such license or card if such applicant furnishes proof that such person will be absent from the state during the ninety-day period prior to such expiration date.

(c) A person who is twenty years of age may apply for an operator's license or a state identification card within sixty days prior to such person's twenty-first birthday. The operator's license or state identification card may be issued within ten days prior to such birthday.

(d) A person who is under twenty years of age and who holds a state identification card may apply for renewal within a ninety-day period prior to the expiration date.

Sec. 8. Section 60-491, Reissue Revised Statutes of Nebraska, is amended to read:

60-491 It shall be unlawful for any person:

(1) To display or cause or permit to be displayed or have in such
(2) To lend such person's operator's license or state identification card to any other person or knowingly permit the use thereof by another;

(3) To display or represent as one's own any operator's license or state identification card not issued to such person by the State of Nebraska or any other state;

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

(5) To use a false or fictitious name in applying for an operator's license or state identification card or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in applying for an operator's license or state identification card;

(6) To permit any unlawful use of an operator's license or state identification card issued to such person by the State of Nebraska or any other state;

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

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

(9) To cause or knowingly permit such person's child or ward under the age of sixteen years to drive a motor vehicle upon any highway when such minor is not authorized under the act or is in violation of any of the provisions of the act;
(10) To authorize or knowingly permit a motor vehicle owned by such person him or her or under such person's his or her control to be driven upon any highway by any person who is not authorized under the act or is in violation of any of the provisions of the act; or

(11) To manufacture any fraudulent state identification card whether of the State of Nebraska or any other state.

Sec. 9. Section 60-4,114.01, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-4,114.01 An applicant for a Class O or Class M license that fails three successive tests of the his or her ability to drive and maneuver a motor vehicle safely as provided in subdivision (3)(b) of section 60-4,114 may be issued an LPD-learner's permit. The applicant shall not be eligible to reapply for the Class O or Class M license and retake such test until such applicant he or she presents proof of successful completion of a department-approved driver training school or until such applicant he or she has held an LPD-learner's permit for at least ninety days.

Sec. 10. Section 60-4,117, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-4,117 (1) An applicant shall present an issuance certificate to the county treasurer for an operator's license or state identification card. Department personnel or the county treasurer shall collect the applicable fee and surcharge as prescribed in section 60-4,115 and issue a receipt which is valid for up to thirty days. If there is cause for an operator's license to be issued, the receipt shall also authorize driving privileges for such thirty-day period. The license or card shall be delivered as provided in section 60-4,113.

(2) The operator's license and state identification card shall be in a form prescribed by the department. The license and card may include security features prescribed by the department. The license and card shall be conspicuously marked Nebraska Operator's License or Nebraska.
Identification Card, shall be, to the maximum extent practicable, tamper
and forgery proof, and shall include the following information:

(a) The full legal name and principal residence address of the
holder;

(b) The holder's full facial digital image;

(c) A physical description of the holder, including gender, height,
weight, and eye and hair colors;

(d) The holder's gender. Beginning on an implementation date
designated by the director, which date shall be on or before January 1,
2022, the holder's gender shall be indicated on the license or card as
"F" for female, "M" for male, or "X" for not specified;

(e) The holder's date of birth;

(f) The holder's signature;

(g) The class of motor vehicle which the holder is authorized to
operate and any applicable endorsements or restrictions;

(h) The issuance and expiration date of the license or card;

(i) The organ and tissue donation information specified in
section 60-494;

(j) A veteran designation as provided in section 60-4,189; and

(k) Such other marks and information as the director may
determine.

(3) Each operator's license and state identification card shall
contain the following encoded, machine-readable information: The holder's
full legal name; date of birth; gender; race or ethnicity; document issue
date; document expiration date; principal residence address; unique
identification number; revision date; inventory control number; and state
of issuance.

Sec. 11. Section 60-4,118, Revised Statutes Cumulative Supplement,
2020, is amended to read:

60-4,118 (1)(a) No operator's license shall be granted to any
applicant until such applicant satisfies the examiner that such applicant
he or she possesses sufficient powers of eyesight to enable such applicant 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, including:

(i) 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

(ii) 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.

(b) The department may adopt and promulgate rules and regulations specifying such requirements.

(2) 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 the vision reading demonstrates that the applicant is required to use bioptic or telescopic lenses to operate a motor vehicle, the statement from the optometrist or ophthalmologist shall also indicate when the applicant needs to be reexamined for purposes of meeting the vision requirements for an operator's license as prescribed by the department. If such time period is two years or more after the date of the application, the license shall be valid for two years. If such time period is less than two years, the license shall be
valid for such time period.

(3) If the applicant for an operator's license discloses that he or she has any other physical impairment 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 then satisfied 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.

(4)(a) The director may, when requested by a law enforcement officer, when the director has reason to believe that a person may be physically or mentally incompetent to operate a motor vehicle, or when a person's driving record appears to the department to justify an examination, give notice to the person to appear before an examiner or a designee of the director for examination concerning the person's ability to operate a motor vehicle safely. Any such request by a law enforcement officer shall be accompanied by written justification for such request and shall be approved by a supervisory law enforcement officer, police chief, or county sheriff.

(b) A refusal to appear before an examiner or a designee of the director for an examination after notice to do so shall be unlawful and shall result in the immediate cancellation of the person's operator's license by the director.

(c) If the person cannot qualify at the examination by an examiner, such person's operator's license shall be immediately surrendered to the examiner and forwarded to the director who shall cancel the person's operator's license.
(d) If the director determines that the person lacks the physical or mental ability to operate a motor vehicle, the director shall notify the person in writing of the decision. Upon receipt of the notice, the person shall immediately surrender the person's operator's license to the director who shall cancel the person's operator's license.

(e) Refusal 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 subsection shall be guilty of a Class III misdemeanor.

Sec. 12. Section 60-4,118.03, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-4,118.03 Whenever the director reviews the denial or cancellation of an operator's license because of mental, medical, or vision problems that may affect the person's ability to safely operate a motor vehicle as provided in sections 60-4,114 and 60-4,118, the director may consider records and reports from a qualified physician. The applicant or licensee may cause a written report to be forwarded to the director by a physician chosen by the applicant or licensee of his or her choice pursuant to an immediate appeal to the director under section 60-4,114. The director shall grant reasonable time for the applicant or licensee to submit such records. The director shall give due consideration to any such report.

Reports received by the director for the purpose of assisting the director in determining whether a person is qualified to be licensed shall be for the confidential use of the director and any designees of the director and may not be divulged to any person other than the applicant or licensee or used in evidence in any legal proceeding, except that a report may be admitted in an appeal of an order of the director based on the report. Any person aggrieved by a decision of the director made pursuant to this section may appeal the decision as provided in section 60-4,105.

No person examining any applicant or licensee shall be liable in
tort or otherwise for any opinion, recommendation, or report presented to
the director if such action was taken in good faith and without malice.

Sec. 13. Section 60-4,118.05, Revised Statutes Cumulative
Supplement, 2020, is amended to read:

60-4,118.05 (1) No operator's license referred to in section
60-4,118 shall, under any circumstances, be issued to any person who has
not attained the age of seventeen years.

(2) No operator's license shall be issued to a person under eighteen
years of age applying for an operator's license under section 60-4,118
unless such person:

(a) Has possessed a valid provisional operator's permit for at least

a twelve-month period beginning on the date of issuance of such person's
provisional operator's permit; and

(b) Has not accumulated three or more points pursuant to section
60-4,118 during the twelve-month period immediately preceding the date of
the application for the operator's license.

(3) The department may waive the written examination and the driving

test required under section 60-4,118 for any person seventeen to twenty-
one years of age applying for an initial operator's license if

such person has been issued a provisional operator's permit.

The department shall not waive the written examination and the driving
test required under this section if the person is applying for a CLP-
commercial learner's permit or commercial driver's license or if the
operator's license being applied for contains a class or endorsement
which is different from the class or endorsement of the provisional
operator's permit.

Sec. 14. Section 60-4,119, Revised Statutes Cumulative Supplement,
2020, is amended to read:

60-4,119 (1) All state identification cards and operators' licenses,
except farm permits, shall include a digital image and a digital
signature of the cardholder or licensee as provided in section 60-484.02.
Receipts for state identification cards and operators' licenses shall be issued by the county treasurer or the Department of Motor Vehicles. The director shall negotiate and enter into a contract to provide the necessary equipment, supplies, and forms for the issuance of the licenses and cards. 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 capturing the digital images and digital signatures shall be paid by the issuer from the fees provided to the issuer pursuant to section 60-4,115.

(2) A person who is out of the state at the time of renewal of such person's his or her operator's license may apply for a license upon payment of a fee as provided in section 60-4,115. The license may be issued at any time within one year after the expiration of the original license. Such application shall be made to the department, and the department shall issue the license.

(3) Any operator's license and any state identification card issued to a minor as defined in section 53-103.23, as such definition may be amended from time to time by the Legislature, shall 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.

Sec. 15. Section 60-4,120, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-4,120 (1) If any person duly licensed or holding a valid state identification card issued under the Motor Vehicle Operator's License Act who loses such person's his or her operator's license or card, such person may make application to the department for a replacement license or card.

(2) If any person changes his or her name because of marriage or divorce or by court order or a common-law name change, such person he or she shall apply to the department for a replacement operator's license or state identification card and furnish proof of
identification in accordance with section 60-484. If any person's person changes his or her address changes, the person shall apply to the department for a replacement operator's license or state identification card and furnish satisfactory evidence of such change. The application shall be made within sixty days after the change of name or address.

(3) In the event a mutilated or unreadable operator's license is held by any person duly licensed under the act or a mutilated or 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 report of the mutilated or unreadable license or card and application for a replacement license or card, a replacement license or card may be issued if the department is satisfied that the original license or card is mutilated or unreadable.

(4) If any person duly licensed under the act loses such person's his or her operator's license or if any holder of a state identification card loses such holder's his or her card while temporarily out of the state, such person or holder he or she may make application to the department for a replacement operator's license or card by applying to the department and reporting such loss. Upon receipt of a correctly completed application, the department shall cause to be issued a replacement operator's license or card.

(5) Any person who holds a valid operator's license or state identification card without a digital image shall surrender such license or card to the department within thirty days after resuming residency in this state. After the thirty-day period, such license or card shall be considered invalid and no license or card shall be issued until the individual has made application for replacement or renewal.

(6) Application for a replacement operator's license or state identification card shall include the information required under sections 60-484 and 60-484.04.

(7) An applicant may obtain a replacement operator's license or
state identification card pursuant to subsection (1) or (3) of this section by electronic means in a manner prescribed by the department. No replacement license or card shall be issued unless the applicant has a digital image and digital signature preserved in the digital system.

(8) Each replacement operator's license or state identification card shall be issued with the same expiration date as the license or card for which the replacement is issued. The replacement license or card shall also state the new issuance date. Upon issuance of any replacement license or card, the license or card for which the replacement is issued shall be void.

(9) A replacement operator's license or state identification card issued under this section shall be delivered to the applicant as provided in section 60-4,113 after the county treasurer or department collects the fee and surcharge prescribed in section 60-4,115 and issues the applicant a receipt with driving privileges which is valid for up to thirty days.

Sec. 16. Section 60-4,120.01, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-4,120.01 (1)(a) Any person who is at least sixteen years of age but less than eighteen years of age may be issued a provisional operator's permit by the Department of Motor Vehicles. The provisional operator's permit shall expire on the applicant's eighteenth birthday.

(b) No provisional operator's permit shall be issued to any person unless such person:

(i) Has possessed a valid LPD-learner's permit, LPE-learner's permit, or SCP-school permit for at least a six-month period beginning on the date of issuance of such person's LPD-learner's permit, LPE-learner's permit, or SCP-school permit; and

(ii) Has not accumulated three or more points pursuant to section 60-4,182 during the six-month period immediately preceding the date of the application for the provisional operator's permit.

(c) The requirements for the provisional operator's permit
prescribed in subdivisions (2)(a) and (b) of this section may be completed prior to the applicant's sixteenth birthday. A person may apply for a provisional operator's permit and take the driving test and the written examination, if required, at any time within sixty days prior to such person's sixteenth birthday upon proof of age in the manner provided in section 60-484.

(2) In order to obtain a provisional operator's permit, the applicant shall present (a)(i) proof of successful completion of a department-approved driver safety course which includes behind-the-wheel driving specifically emphasizing (A) the effects of the consumption of alcohol on a person operating a motor vehicle, (B) occupant protection systems, (C) risk assessment, and (D) railroad crossing safety and (ii) proof of successful completion of a written examination and driving test administered by a driver safety course instructor or (b) a certificate in a form prescribed by the department, signed by a parent, guardian, or licensed driver at least twenty-one years of age, verifying that the applicant has completed fifty hours of lawful motor vehicle operation including at least ten hours of motor vehicle operation between sunset and sunrise, under conditions that reflect department-approved driver safety course curriculum, with a parent, guardian, or adult at least twenty-one years of age, who has a current Nebraska operator's license or who is licensed in another state. If the applicant presents such a certificate, the applicant shall be required to successfully complete a driving test administered by the department. The written examination shall be waived if the applicant has been issued a Nebraska LPD-learner's permit or has been issued a Nebraska LPE-learner's permit and such permit is valid or has been expired for no more than one year. However, the department shall not waive the written examination if the provisional operator's permit being applied for contains a class or endorsement which is different from the class or endorsement of the LPD-learner's or LPE-learner's permit. Upon presentation by the applicant of a form prescribed
by the department showing successful completion of the driver safety course, the written examination and driving test may be waived. Upon presentation of the certificate, the written examination but not the driving test may be waived. Licensing staff shall waive the written examination and the driving test if the applicant has been issued a school permit and such permit is valid or has expired no more than one year prior to application. The written examination shall not be waived if the provisional operator's permit being applied for contains a class or endorsement which is different from the class or endorsement of the school permit.

(3)(a) The holder of a provisional operator's permit shall only operate a motor vehicle on the highways of this state during the period beginning at 6 a.m. and ending at 12 midnight except when the holder or she is en route to or from such holder's residence to such holder's place of employment or a school activity. The holder of a provisional operator's permit may operate a motor vehicle on the highways of this state at any hour of the day or night if accompanied by a parent, guardian, or adult at least twenty-one years of age, who has a current Nebraska operator's license or who is licensed in another state.

(b) The holder of a provisional operator's permit shall only operate a motor vehicle on the highways of this state during the first six months of holding the permit with no more than one passenger who is not an immediate family member and who is under nineteen years of age.

(c) The holder of a provisional operator's permit shall not use any type of interactive wireless communication device while operating a motor vehicle on the highways of this state.

(d) Enforcement of subdivisions (a), (b), and (c) of this subsection shall be accomplished only as a secondary action when the holder of the provisional operator's permit has been cited or charged with a violation of some other law.

(4) Department personnel or the county treasurer shall collect the
fee and surcharge prescribed in section 60-4,115 for the issuance of each provisional operator's permit.

Sec. 17. Section 60-4,120.02, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-4,120.02 (1) Any person convicted of violating a provisional operator's permit issued pursuant to section 60-4,120.01 by operating a motor vehicle in violation of subsection (3) of such section shall be guilty of an infraction, and such person's provisional operator's permit may be revoked by the court pursuant to section 60-496 for a time period specified by the court. Before such person applies for another provisional operator's permit, such person he or she shall pay a reinstatement fee as provided in section 60-499.01 after the period of revocation has expired.

(2) A copy of an abstract of the court's conviction, including an adjudication, shall be transmitted to the director pursuant to sections 60-497.01 to 60-497.04.

(3) Any person who holds a provisional operator's permit and has violated subdivision (3)(b) or (c) of section 28-306, subdivision (3)(b) or (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197, 60-6,197.06, or 60-6,198 shall not be eligible for an ignition interlock permit.

(4) For purposes of this section, conviction includes any adjudication of a juvenile.

Sec. 18. Section 60-4,121, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-4,121 (1) The operator's license of any person serving on active duty, other than members of the National Guard or reserves activated for training purposes only, outside the State of Nebraska as a member of the United States Armed Forces, or the spouse of any such person or a dependent of 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.

(2) Each individual who is applying for renewal of an operator's license shall submit such individual's previous license to the department personnel or, when the previous license is unavailable, furnish proof of identification in accordance with section 60-484.

Sec. 19. Section 60-4,122, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-4,122 (1) Except as otherwise provided in subsections (2), (3), and (8) of this section, no original or renewal operator's license shall be issued to any person until such person has demonstrated the ability to operate a motor vehicle safely as provided in section 60-4,114.

(2) Except as otherwise provided in this section and section 60-4,127, any person who renews a Class O or Class M license shall demonstrate the ability to drive and maneuver a motor vehicle safely as provided in subdivision (3)(b) of section 60-4,114 only at the discretion of department personnel, except that a person required to use bioptic or telescopic lenses shall be required to demonstrate the ability to drive and maneuver a motor vehicle safely each time such person renews such person's license.

(3) Any person who renews a Class O or Class M license prior to or within one year after its expiration may not be required to demonstrate such person's knowledge of the motor vehicle laws of this state as provided in subdivision (3)(c) of section 60-4,114 if such person's driving record abstract maintained in the computerized records of the department shows that such person's license is not impounded, suspended, revoked, or canceled.

(4) Except for operators' licenses issued to persons required to use bioptic or telescopic lenses, any person who renews an operator's license which has been valid for fifteen months or less shall
not be required to take any examination required under section 60-4,114.

(5) Any person who renews a state identification card shall appear before department personnel and present such person's current state identification card or shall follow the procedure for electronic renewal in subsection (9) of this section. Proof of identification shall be required as prescribed in sections 60-484 and 60-4,181 and the information and documentation required by section 60-484.04.

(6) A nonresident who applies for an initial operator's license in this state and who holds a valid operator's license from another state which is such person's state of residence may not be required to demonstrate his or her knowledge of the motor vehicle laws of this state if such person surrenders to the department such person's valid out-of-state operator's license.

(7) An applicant for an original operator's license may not be required to demonstrate his or her knowledge of the motor vehicle laws of this state if such applicant has been issued a Nebraska LPD-learner's permit that is valid or has been expired for no more than one year. The written examination shall not be waived if the original operator's license being applied for contains a class or endorsement which is different from the class or endorsement of the Nebraska LPD-learner's permit.

(8)(a) A qualified licensee as determined by the department who is twenty-one years of age or older, whose license expires prior to such licensee's seventy-second birthday, and who has a digital image and digital signature preserved in the digital system may renew a Class O or Class M license twice by electronic means in a manner prescribed by the department using the preserved digital image and digital signature without taking any examination required under section 60-4,114 if such renewal is prior to or within one year after the expiration of the license, if such licensee's driving record abstract maintained in the records of the department shows that such
licensee's person's license is not impounded, suspended, revoked, or canceled, and if such licensee's his or her driving record indicates that such licensee he or she is otherwise eligible. Every licensee, including a licensee who is out of the state at the time of renewal, must apply for renewal in person at least once every sixteen years and have a new digital image and digital signature captured.

(b) In order to allow for an orderly progression through the various types of operators' licenses issued to persons under twenty-one years of age, a qualified holder of an operator's license who is under twenty-one years of age and who has a digital image and digital signature preserved in the digital system may apply for an operator's license by electronic means in a manner prescribed by the department using the preserved digital image and digital signature if the applicant has passed any required examinations prior to application, if such applicant's his or her driving record abstract maintained in the records of the department shows that such applicant's person's operator's license is not impounded, suspended, revoked, or canceled, and if such applicant's his or her driving record indicates that such applicant he or she is otherwise eligible.

(9) Any person who is twenty-one years of age or older and who has been issued a state identification card with a digital image and digital signature may electronically renew such person's his or her state identification card by electronic means in a manner prescribed by the department using the preserved digital image and digital signature. Every person renewing a state identification card under this subsection, including a person who is out of the state at the time of renewal, must apply for renewal in person at least once every sixteen years and have a new digital image and digital signature captured.

(10) In addition to services available at driver license offices, the department may develop requirements for using electronic means for online issuance of operators' licenses and state identification cards to
qualified holders as determined by the department.

Sec. 20. Section 60-4,123, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-4,123 (1) Any person who is at least fifteen years of age may apply for an LPD-learner's permit from the department. In order to obtain an LPD-learner's permit, the applicant shall successfully complete a written examination. A person may take the written examination beginning sixty days prior to such person's fifteenth birthday but shall not be issued a permit until such person is fifteen years of age. The written examination may be waived for any person who has been issued an LPE-learner's permit, LPD-learner's permit, or SCP-school permit that has been expired for no more than one year.

(2) Upon successful completion of the written examination and the payment of a fee and surcharge as prescribed in section 60-4,115, the applicant shall be issued an LPD-learner's permit as provided in section 60-4,113. The permit shall be valid for twelve months.

(3)(a) The holder of an LPD-learner's permit shall only operate a motor vehicle on the highways of this state if such holder is accompanied at all times by a licensed operator who is at least twenty-one years of age and who has been licensed by this state or another state and if (i) for all motor vehicles other than autocycles, motorcycles, or mopeds, such holder is actually occupying the seat beside the licensed operator, (ii) in the case of an autocycle, such holder is actually occupying the seat beside or in front of the licensed operator, or (iii) in the case of a motorcycle, other than an autocycle, or a moped, such holder 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.

(b) The holder of an LPD-learner's permit shall not use any type of interactive wireless communication device while operating a motor vehicle on the highways of this state. Enforcement of this subdivision shall be
accomplished only as a secondary action when the holder of the LPD-learner's permit has been cited or charged with a violation of some other law.

(4) Department personnel or the county treasurer shall collect the fee and surcharge prescribed in section 60-4,115 for the issuance of each LPD-learner's permit.

Sec. 21. Section 60-4,123.01, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-4,123.01 For purposes of driver training, any person who has attained or will attain the age of fourteen years on or before October 15 of the current year may operate a motor vehicle, other than an autocycle, upon the highways of this state if such person is accompanied or, in the case of a motorcycle, other than an autocycle, or a moped, supervised at all times by a licensed operator who is a driver training instructor certified by the Commissioner of Education.

Sec. 22. Section 60-4,124, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-4,124 (1) A person who is younger than sixteen years and three months of age but is older than fourteen years and two months of age may be issued a school permit if such person 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 and if such person has held an LPE-learner's permit for two months. A school permit shall not be issued until such person has demonstrated that such person is capable of successfully operating a motor vehicle, moped, or motorcycle and has in such person's possession an issuance certificate authorizing the county treasurer to issue a school permit. In order to obtain an issuance certificate, the applicant shall present (a) proof of successful completion of a department-approved driver safety course which includes behind-the-wheel driving specifically emphasizing (i) the effects of the consumption of alcohol on a person operating a
motor vehicle, (ii) occupant protection systems, (iii) risk assessment, and (iv) railroad crossing safety and (b)(i) proof of successful completion of a written examination and driving test administered by a driver safety course instructor or (ii) a certificate in a form prescribed by the department, signed by a parent, guardian, or licensed driver at least twenty-one years of age, verifying that the applicant has completed fifty hours of lawful motor vehicle operation, under conditions that reflect department-approved driver safety course curriculum, with a parent, guardian, or adult at least twenty-one years of age, who has a current Nebraska operator's license or who is licensed in another state. The department may waive the written examination if the applicant has been issued an LPE-learner's permit or LPD-learner's permit and if such permit is valid or has expired no more than one year prior to application. The written examination shall not be waived if the permit being applied for contains a class or endorsement which is different from the class or endorsement of the LPE-learner's permit.

(2) A person holding a school permit may operate a motor vehicle, moped, or motorcycle or an autocycle:

(a) To and from where such person he or she attends school, or property used by the school such person he or she attends for purposes of school events or functions, over the most direct and accessible route by the nearest highway from such person's his or her place of residence to transport such person or any family member who resides with such person to attend duly scheduled courses of instruction and extracurricular or school-related activities at the school such person he or she attends or on property used by the school such person he or she attends; or

(b) Under the personal supervision of a licensed operator. Such licensed operator shall be at least twenty-one years of age and licensed by this state or another state and shall (i) for all motor vehicles other than autocycles, motorcycles, or mopeds, actually occupy the seat beside the permitholder, (ii) in the case of an autocycle, actually occupy the
seat beside or behind the permitholder, or (iii) in the case of a
motorcycle, other than an autocycle, or a moped, if the permitholder 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.

(3) The holder of a school permit shall not use any type of
interactive wireless communication device while operating a motor vehicle
on the highways of this state. Enforcement of this subsection shall be
accomplished only as a secondary action when the holder of the school
permit has been cited or charged with a violation of some other law.

(4) A person who is younger than sixteen years of age but is over
fourteen years of age may be issued an LPE-learner's permit, which permit
shall be valid for a period of three months. An LPE-learner's permit
shall not be issued until such person successfully completes a written
examination prescribed by the department and demonstrates that he or she
has sufficient powers of eyesight to safely operate a motor vehicle,
moped, or motorcycle or an autocycle.

(5)(a) While holding the LPE-learner's permit, the permitholder
person may operate a motor vehicle on the highways of this state if (i)
for all motor vehicles other than autocycles, motorcycles, or mopeds, he
or she has seated next to him or her a person who is a licensed operator
is seated next to the permitholder, (ii) in the case of an autocycle, he
or she has seated next to or behind him or her a person who is a licensed
operator is seated next to or behind the permitholder, or (iii) in the case of a motorcycle, other than an autocycle, or a moped, the permitholder 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 be at least twenty-one years of age and licensed by this state or
another state.
(b) The holder of an LPE-learner's permit shall not use any type of interactive wireless communication device while operating a motor vehicle on the highways of this state. Enforcement of this subdivision shall be accomplished only as a secondary action when the holder of the LPE-learner's permit has been cited or charged with a violation of some other law.

(6) Department personnel or the county treasurer shall collect the fee and surcharge prescribed in section 60-4,115 from each successful applicant for a school or LPE-learner's permit. All school permits shall be subject to impoundment or revocation under the terms of section 60-496. Any person who violates the terms of a school permit shall be guilty of an infraction and shall not be eligible for another school, farm, LPD-learner's, or LPE-learner's permit until such person has attained the age of sixteen years.

(7) Any person who holds a permit issued under this section and has violated subdivision (3)(b) or (c) of section 28-306, subdivision (3)(b) or (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197, 60-6,197.06, or 60-6,198 shall not be eligible for an ignition interlock permit.

Sec. 23. Section 60-4,125, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-4,125 (1) For any minor convicted or adjudicated of violating the terms of an LPD-learner's permit issued pursuant to section 60-4,123 or an LPE-learner's permit issued pursuant to section 60-4,124, the court shall, in addition to any other penalty or disposition, order the impoundment or revocation of such learner's permit and order that such minor shall not be eligible for another operator's license or school, farm, LPD-learner's, or LPE-learner's permit until such minor has attained the age of sixteen years.

(2) Any person who holds an LPD-learner's permit issued pursuant to section 60-4,123 and has violated subdivision (3)(b) or (c) of section
28-306, subdivision (3)(b) or (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197, 60-6,197.06, or 60-6,198 shall not be eligible for an ignition interlock permit.

(3) A copy of the court's abstract or adjudication shall be transmitted to the director who shall place in an impound status or revoke the LPD-learner's or LPE-learner's permit of such minor in accordance with the order of the court and not again issue another 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. 24. Section 60-4,126, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-4,126 (1) 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, minitrucks, and other motorized implements of farm husbandry upon the highways of this state if the applicant for such farm permit furnishes satisfactory proof of age and satisfactorily demonstrates 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 a request for the temporary permit signed by the person's parent or guardian and payment of the fee and surcharge prescribed in section 60-4,115. 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 such person he or she has been issued a farm permit under this section. The fee for an original, renewal, or replacement farm permit shall be the fee and
surcharge prescribed in section 60-4,115. All farm permits shall be subject to revocation under the terms of section 60-496. Any person who violates the terms of a farm permit shall be guilty of an infraction and shall not be eligible for another school, farm, LPD-learner's, or LPE-learner's permit until such person he or she has attained the age of sixteen years.

(2) Any person who holds a permit issued under this section and has violated subdivision (3)(b) or (c) of section 28-306, subdivision (3)(b) or (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197, 60-6,197.06, or 60-6,198 shall not be eligible for an ignition interlock permit.

Sec. 25. Section 60-4,144, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-4,144 (1) An applicant for issuance of any original or renewal commercial driver's license or an applicant for a change of class of commercial motor vehicle, endorsement, or restriction shall demonstrate such applicant's his or her knowledge and skills for operating a commercial motor vehicle as prescribed in the Motor Vehicle Operator's License Act. An applicant for a commercial driver's license shall provide the information and documentation required by this section and section 60-4,144.01. Such information and documentation shall include any additional information required by 49 C.F.R. parts 383 and 391 and also include:

(a) 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; and

(b) The names of all states where the applicant has been licensed to operate any type of motor vehicle in the ten years prior to the date of application.

(2)(a) Before being issued a CLP-commercial learner's permit or
commercial driver's license, the applicant shall provide (i) such applicant's full legal name, date of birth, mailing address, gender, race or ethnicity, and social security number, (ii) two forms of proof of address of such applicant's principal residence unless the applicant is a program participant under the Address Confidentiality Act, except that a nondomiciled applicant for a CLP-commercial learner's permit or nondomiciled commercial driver's license holder does not have to provide proof of residence in Nebraska, (iii) evidence of identity as required by this section, and (iv) a brief physical description of the applicant, and (v) the applicant's gender. Beginning on an implementation date designated by the director, which date shall be on or before January 1, 2022, the applicant's gender shall be indicated as female, male, or not specified and no documentation of gender shall be required himself or herself.

(b) The applicant's social security number shall not be printed on the CLP-commercial learner's permit or commercial driver's license and shall be used only (i) to furnish information to the United States Selective Service System under section 60-483, (ii) with the permission of the director in connection with the certification of the status of an individual's driving record in this state or any other state, (iii) for purposes of child support enforcement pursuant to section 42-358.08 or 43-512.06, (iv) to furnish information regarding an applicant for or holder of a commercial driver's license with a hazardous materials endorsement to the Transportation Security Administration of the United States Department of Homeland Security or its agent, (v) to furnish information to the Department of Revenue under section 77-362.02, or (vi) to furnish information to the Secretary of State for purposes of the Election Act.

(c) No person shall be a holder of a CLP-commercial learner's permit or commercial driver's license and a state identification card at the same time.
(3) Before being issued a CLP-commercial learner's permit or commercial driver's license, an applicant, except a nondomiciled applicant, shall provide proof that this state is such applicant's his or her state of residence. Acceptable proof of residence is a document with the person's name and residential address within this state.

(4)(a) Before being issued a CLP-commercial learner's permit or commercial driver's license, an applicant shall provide proof of identity.

(b) The following are acceptable as proof of identity:

(i) A valid, unexpired United States passport;

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

(iii) A Consular Report of Birth Abroad issued by the United States Department of State;

(iv) A valid, unexpired permanent resident card issued by the United States Department of Homeland Security or United States Citizenship and Immigration Services;

(v) An unexpired employment authorization document issued by the United States Department of Homeland Security;

(vi) An unexpired foreign passport with a valid, unexpired United States visa affixed accompanied by the approved form documenting the applicant's most recent admittance into the United States;

(vii) A Certificate of Naturalization issued by the United States Department of Homeland Security;


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

(x) Such other documents as the director may approve.
(c) If an applicant presents one of the documents listed under subdivision (b)(i), (ii), (iii), (iv), (vii), or (viii) of this subsection, the verification of the applicant's identity will also provide satisfactory evidence of lawful status.

(d) If the applicant presents one of the identity documents listed under subdivision (b)(v), (vi), or (ix) of this subsection, the verification of the identity documents does not provide satisfactory evidence of lawful status. The applicant must also present a second document from subdivision (4)(b) of this section, a document from subsection (5) of this section, or documentation issued by the United States Department of Homeland Security or other federal agencies demonstrating lawful status as determined by the United States Citizenship and Immigration Services.

(e) An applicant may present other documents as designated by the director as proof of identity. Any documents accepted shall be recorded according to a written exceptions process established by the director.

(5)(a) Whenever a person is renewing, replacing, upgrading, transferring, or applying as a nondomiciled individual to this state for a CLP-commercial learner's permit or commercial driver's license, the Department of Motor Vehicles shall verify the citizenship in the United States of the person or the lawful status in the United States of the person.

(b) The following are acceptable as proof of citizenship or lawful status:

(i) A valid, unexpired United States passport;

(ii) A certified copy of a birth certificate filed with a state office of vital statistics or equivalent agency in the individual's state of birth, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands;

(iii) A Consular Report of Birth Abroad issued by the United States Department of State;
(iv) A Certificate of Naturalization issued by the United States
Department of Homeland Security;

(v) A Certificate of Citizenship issued by the United States
Department of Homeland Security; or

(vi) A valid, unexpired Permanent Resident Card issued by the United
States Department of Homeland Security or United States Citizenship and
Immigration Services.

(6) An applicant may present other documents as designated by the
director as proof of lawful status. Any documents accepted shall be
recorded according to a written exceptions process established by the
director.

(7)(a) An applicant shall obtain a nondomiciled CLP-commercial
driver's license or nondomiciled CLP-commercial learner's permit:

(i) If the applicant is domiciled in a foreign jurisdiction and the
Federal Motor Carrier Safety Administrator has not determined that the
commercial motor vehicle operator testing and licensing standards of that
jurisdiction meet the standards contained in subparts G and H of 49
C.F.R. part 383; or

(ii) If the applicant is domiciled in a state that is prohibited
from issuing commercial learners' permits and commercial drivers'
licenses in accordance with 49 C.F.R. 384.405. Such person is eligible to
obtain a nondomiciled CLP-commercial learner's permit or nondomiciled
commercial driver's license from Nebraska that complies with the testing
and licensing standards contained in subparts F, G, and H of 49 C.F.R.
part 383.

(b) An applicant for a nondomiciled CLP-commercial learner's permit
and nondomiciled commercial driver's license must do the following:

(i) Complete the requirements to obtain a CLP-commercial learner's
permit or a commercial driver's license under the Motor Vehicle
Operator's License Act, except that an applicant domiciled in a foreign
jurisdiction must provide an unexpired employment authorization document
issued by the United States Citizenship and Immigration Services or an unexpired foreign passport accompanied by an approved I-94 form documenting the applicant's most recent admittance into the United States. No proof of domicile is required;

(ii) After receipt of the nondomiciled CLP-commercial learner's permit or nondomiciled commercial driver's license and, for as long as the permit or license is valid, notify the Department of Motor Vehicles of any adverse action taken by any jurisdiction or governmental agency, foreign or domestic, against such applicant's driving privileges. Such adverse actions include, but are not limited to, license disqualification or disqualification from operating a commercial motor vehicle for the convictions described in 49 C.F.R. 383.51. Notifications must be made within the time periods specified in 49 C.F.R. 383.33; and

(iii) Provide a mailing address to the Department of Motor Vehicles. If the applicant is applying for a foreign nondomiciled CLP-commercial learner's permit or foreign nondomiciled commercial driver's license, such applicant must provide a Nebraska mailing address and the mailing address of such applicant's employer to the Department of Motor Vehicles.

(c) An applicant for a nondomiciled CLP-commercial learner's permit or nondomiciled commercial driver's license who holds a foreign operator's license is not required to surrender the foreign operator's license.

(8) Any person applying for a CLP-commercial learner's permit or commercial driver's license may answer the following:

(a) Do you wish to register to vote as part of this application process?

(b) Do you wish to have a veteran designation displayed on the front of your operator's license to show that you served in the armed forces of the United States? (To be eligible you must register with the Nebraska Department of Veterans' Affairs registry.)
(c) Do you wish to include your name in the Donor Registry of Nebraska and donate your organs and tissues at the time of your death?

(d) Do you wish to receive any additional specific information regarding organ and tissue donation and the Donor Registry of Nebraska?

(e) Do you wish to donate $1 to promote the Organ and Tissue Donor Awareness and Education Fund?

(9) Application for a CLP-commercial learner’s permit or commercial driver's license shall include a signed oath, affirmation, or declaration of the applicant that the information provided on the application for the permit or license is true and correct.

(10) Any person applying for a CLP-commercial learner's permit or commercial driver's license must make one of the certifications in section 60-4,144.01 and any certification required under section 60-4,146 and must provide such certifications to the Department of Motor Vehicles in order to be issued a CLP-commercial learner's permit or a commercial driver's license.

(11) Every person who holds any commercial driver's license must provide to the department medical certification as required by section 60-4,144.01. The department may provide notice and prescribe medical certification compliance requirements for all holders of commercial drivers' licenses. Holders of commercial drivers' licenses who fail to meet the prescribed medical certification compliance requirements may be subject to downgrade.

Sec. 26. Original sections 60-490 and 60-491, Reissue Revised Statutes of Nebraska, and sections 60-484, 60-484.02, 60-484.04, 60-484.05, 60-486, 60-487, 60-4,114.01, 60-4,117, 60-4,118, 60-4,118.03, 60-4,118.05, 60-4,119, 60-4,120, 60-4,120.01, 60-4,120.02, 60-4,121, 60-4,122, 60-4,123, 60-4,123.01, 60-4,124, 60-4,125, 60-4,126, and 60-4,144, Revised Statutes Cumulative Supplement, 2020, are repealed.