

AMENDMENTS TO LB47

Introduced by Transportation and Telecommunications.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 60-484, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:

5           60-484 (1) Except as otherwise provided in the Motor Vehicle  
6 Operator's License Act, no resident of the State of Nebraska shall  
7 operate a motor vehicle upon the alleys or highways of this state until  
8 the person has obtained an operator's license for that purpose.

9           (2) Application for an operator's license or a state identification  
10 card shall be made in a manner prescribed by the department. Such  
11 application may be made to department personnel in any county. Department  
12 personnel shall conduct the examination of the applicant and deliver to  
13 each successful applicant an issuance certificate containing the  
14 statements made pursuant to subsection (3) of this section.

15           (3) The applicant shall provide his or her full legal name, date of  
16 birth, mailing address, gender, race or ethnicity, and social security  
17 number, two forms of proof of address of his or her principal residence  
18 unless the applicant is a program participant under the Address  
19 Confidentiality Act, evidence of identity as required by subsection (6)  
20 of this section, and a brief physical description of himself or herself.  
21 The applicant (a) may also complete the voter registration portion  
22 pursuant to section 32-308, (b) shall be provided the advisement language  
23 required by subsection (5) of section 60-6,197, (c) shall answer the  
24 following:

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

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

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

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

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

6 (E) experienced impairment of memory, memory loss ... yes ... no

7 Please explain: .....

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

12 Please explain: .....

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

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

17 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING  
18 QUESTIONS:

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

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

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

27 (iv) Do you wish to donate \$1 to promote the Organ and Tissue Donor  
28 Awareness and Education Fund?, and (e) shall answer the following if the  
29 applicant is at least sixteen years of age:

30 MANDATORY - YOU ARE REQUIRED TO ANSWER THE FOLLOWING QUESTION IF YOU  
31 ARE AT LEAST 16 YEARS OF AGE:

1           Do you wish to include your name in the Donor Registry of Nebraska  
2 and donate your organs and tissues at the time of your  
3 death? ...yes ...no

4           ~~OPTIONAL -- YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING~~  
5 ~~QUESTIONS:~~

6           ~~(iii) Do you wish to be an organ and tissue donor?~~

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

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

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

15           (5) The social security number shall not be printed on the  
16 operator's license or state identification card and shall be used only  
17 (a) to furnish information to the United States Selective Service System  
18 under section 60-483, (b) with the permission of the director in  
19 connection with the verification of the status of an individual's driving  
20 record in this state or any other state, (c) for purposes of child  
21 support enforcement pursuant to section 42-358.08 or 43-512.06, (d) to  
22 furnish information regarding an applicant for or holder of a commercial  
23 driver's license with a hazardous materials endorsement to the  
24 Transportation Security Administration of the United States Department of  
25 Homeland Security or its agent, (e) to furnish information to the  
26 Department of Revenue under section 77-362.02, or (f) to furnish  
27 information to the Secretary of State for purposes of the Election Act.

28           (6)(a) Each individual applying for an operator's license or a state  
29 identification card shall furnish proof of date of birth and identity  
30 with documents containing a photograph or with nonphoto identity  
31 documents which include his or her full legal name and date of birth.

1 Such documents shall be those provided in subsection (1) of section  
2 60-484.04.

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

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

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

21 (8) No person shall be a holder of an operator's license and a state  
22 identification card at the same time.

23 Sec. 2. Section 60-494, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 60-494 (1) Each operator's license and state identification card  
26 shall include a special notation on the front of the license or card if  
27 the licensee or cardholder is at least sixteen years of age and indicates  
28 on the application or issuance ~~examiner's~~ certificate under section  
29 60-484, or 60-4,144, ~~or~~ ~~60-4,181~~ his or her wish to be an organ and  
30 ~~donor, a tissue donor, or both.~~

31 (2) The status as an organ and ~~donor, a tissue donor, or both~~ shall

1 continue until amended or revoked by the licensee or cardholder as  
2 provided in subsection (4) of this section or section 71-4829 be renewed  
3 upon renewal of each license or card if the licensee or cardholder, at  
4 the time of renewal, indicates the desire to renew the status and the  
5 notation authorized in subsection (1) of this section has been marked.  
6 The status as an organ and donor, a tissue donor, or both is not changed  
7 by the expiration, suspension, cancellation, revocation, or impoundment  
8 of the license or card.

9 (3) Any person whose operator's license or state identification card  
10 indicates his or her status as an organ and donor, a tissue donor, or  
11 both may obtain a replacement license or card without a notation of such  
12 status. The fee for such replacement license or card shall be the fee  
13 provided in section 60-4,115.

14 (4) A licensee or cardholder may ~~also~~ change his or her status as a  
15 donor by indicating the desire that his or her name not be included in  
16 the Donor Registry of Nebraska on an application for an operator's  
17 license, a state identification card, or a replacement license or card  
18 under subsection (3) of this section. A licensee or cardholder may also  
19 change or limit the extent of his or her status as a donor by (a)  
20 Internet access to the Donor Registry of Nebraska, (b) telephone request  
21 to the registry, or (c) other methods approved by the federally  
22 designated organ procurement organization for Nebraska.

23 (5) The ~~department~~ Department of Motor Vehicles shall electronically  
24 transfer to the federally designated organ procurement organization for  
25 Nebraska all information which appears on the face of an original or  
26 replacement operator's license or state identification card except the  
27 image and signature of each person whose license or card includes the  
28 notation described in subsection (1) of this section.

29 Sec. 3. Section 60-4,144, Revised Statutes Cumulative Supplement,  
30 2014, is amended to read:

31 60-4,144 (1) An applicant for issuance of any original or renewal

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

9 (a) Certification that the commercial motor vehicle in which the  
10 applicant takes any driving skills examination is representative of the  
11 class of commercial motor vehicle that the applicant operates or expects  
12 to operate; and

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

16 (2)(a) Before being issued a CLP-commercial learner's permit or  
17 commercial driver's license, the applicant shall provide (i) his or her  
18 full legal name, date of birth, mailing address, gender, race or  
19 ethnicity, and social security number, (ii) two forms of proof of address  
20 of his or her principal residence unless the applicant is a program  
21 participant under the Address Confidentiality Act, except that a  
22 nondomiciled applicant for a CLP-commercial learner's permit or  
23 nondomiciled commercial driver's license holder does not have to provide  
24 proof of residence in Nebraska, (iii) evidence of identity as required by  
25 this section, and (iv) a brief physical description of himself or  
26 herself.

27 (b) The applicant's social security number shall not be printed on  
28 the CLP-commercial learner's permit or commercial driver's license and  
29 shall be used only (i) to furnish information to the United States  
30 Selective Service System under section 60-483, (ii) with the permission  
31 of the director in connection with the certification of the status of an

1 individual's driving record in this state or any other state, (iii) for  
2 purposes of child support enforcement pursuant to section 42-358.08 or  
3 43-512.06, (iv) to furnish information regarding an applicant for or  
4 holder of a commercial driver's license with a hazardous materials  
5 endorsement to the Transportation Security Administration of the United  
6 States Department of Homeland Security or its agent, or (v) to furnish  
7 information to the Department of Revenue under section 77-362.02.

8 (c) No person shall be a holder of a CLP-commercial learner's permit  
9 or commercial driver's license and a state identification card at the  
10 same time.

11 (3) Before being issued a CLP-commercial learner's permit or  
12 commercial driver's license, an applicant, except a nondomiciled  
13 applicant, shall provide proof that this state is his or her state of  
14 residence. Acceptable proof of residence is a document with the person's  
15 name and residential address within this state.

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

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

20 (i) A valid, unexpired United States passport;

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

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

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

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

31 (vi) An unexpired foreign passport with a valid, unexpired United

1 States visa affixed accompanied by the approved form documenting the  
2 applicant's most recent admittance into the United States;

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

5 (viii) A Certificate of Citizenship issued by the United States  
6 Department of Homeland Security;

7 (ix) A driver's license or identification card issued in compliance  
8 with the standards established by the REAL ID Act of 2005, Public Law  
9 109-13, division B, section 1, 119 Stat. 302; or

10 (x) Such other documents as the director may approve.

11 (c) If an applicant presents one of the documents listed under  
12 subdivision (b)(i), (ii), (iii), (iv), (vii), or (viii) of this  
13 subsection, the verification of the applicant's identity will also  
14 provide satisfactory evidence of lawful status.

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

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

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



1 person.

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

4 (i) A valid, unexpired United States passport;

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

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

11 (iv) A Certificate of Naturalization issued by the United States  
12 Department of Homeland Security;

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

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

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

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

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

29 (ii) If the applicant is domiciled in a state that is prohibited  
30 from issuing commercial learners' permits and commercial drivers'  
31 licenses in accordance with 49 C.F.R. 384.405. Such person is eligible to

1 obtain a nondomiciled CLP-commercial learner's permit or nondomiciled  
2 commercial driver's license from Nebraska that complies with the testing  
3 and licensing standards contained in subparts F, G, and H of 49 C.F.R.  
4 part 383.

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

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

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

24 (iii) Provide a mailing address to the Department of Motor Vehicles.  
25 If the applicant is applying for a foreign nondomiciled CLP-commercial  
26 learner's permit or foreign nondomiciled commercial driver's license, he  
27 or she must provide a Nebraska mailing address and his or her employer's  
28 mailing address to the Department of Motor Vehicles.

29 (c) An applicant for a nondomiciled CLP-commercial learner's permit  
30 or nondomiciled commercial driver's license is not required to surrender  
31 his or her foreign license.

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

3 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING  
4 QUESTIONS:

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

7 (ii b) Do you wish to have the word "veteran" displayed on the front  
8 of your operator's license to show that you served in the armed forces of  
9 the United States? (To be eligible you must register with the Nebraska  
10 Department of Veterans' Affairs registry.)

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

13 (iv) Do you wish to donate \$1 to promote the Organ and Tissue Donor  
14 Awareness and Education Fund?, and (b) shall answer the following:

15 MANDATORY - YOU ARE REQUIRED TO ANSWER THE FOLLOWING QUESTION:

16 Do you wish to include your name in the Donor Registry of Nebraska  
17 and donate your organs and tissues at the time of your  
18 death? ...yes ...no

19 ~~OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING~~  
20 ~~QUESTIONS:~~

21 ~~(c) Do you wish to be an organ and tissue donor?~~

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

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

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

1           (10) Every person who holds any commercial driver's license must  
2 provide to the department medical certification as required by section  
3 60-4,144.01. The department may provide notice and prescribe medical  
4 certification compliance requirements for all holders of commercial  
5 drivers' licenses. Holders of commercial drivers' licenses who fail to  
6 meet the prescribed medical certification compliance requirements may be  
7 subject to downgrade.

8           Sec. 4. This act becomes operative on July 1, 2016.

9           Sec. 5. Original section 60-494, Reissue Revised Statutes of  
10 Nebraska, and sections 60-484 and 60-4,144, Revised Statutes Cumulative  
11 Supplement, 2014, are repealed.