

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 192

Introduced by McCollister, 20.

Read first time January 11, 2019

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-484,
2 60-4,117, 60-4,144, 60-4,189, and 80-414, Revised Statutes
3 Cumulative Supplement, 2018; to change provisions relating to
4 veteran designations on operators' licenses and state identification
5 cards; to harmonize provisions; to provide an operative date; and to
6 repeal the original sections.

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

1 Section 1. Section 60-484, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 60-484 (1) Except as otherwise provided in the Motor Vehicle
4 Operator's License Act, no resident of the State of Nebraska shall
5 operate a motor vehicle upon the alleys or highways of this state until
6 the person has obtained an operator's license for that purpose.

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

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

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

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

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

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

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

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

28 Please explain:

29 (ii) Do you experience any condition which affects your ability to
30 operate a motor vehicle? (e.g. due to loss of, or impairment of, foot,
31 leg, hand, arm; neurological or neuromuscular disease, etc.) ... yes ...

1 no

2 Please explain:

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

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

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

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

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

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

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

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

24 (5) The social security number shall not be printed on the
25 operator's license or state identification card and shall be used only
26 (a) to furnish information to the United States Selective Service System
27 under section 60-483, (b) with the permission of the director in
28 connection with the verification of the status of an individual's driving
29 record in this state or any other state, (c) for purposes of child
30 support enforcement pursuant to section 42-358.08 or 43-512.06, (d) to
31 furnish information regarding an applicant for or holder of a commercial

1 driver's license with a hazardous materials endorsement to the
2 Transportation Security Administration of the United States Department of
3 Homeland Security or its agent, (e) to furnish information to the
4 Department of Revenue under section 77-362.02, or (f) to furnish
5 information to the Secretary of State for purposes of the Election Act.

6 (6)(a) Each individual applying for an operator's license or a state
7 identification card shall furnish proof of date of birth and identity
8 with documents containing a photograph or with nonphoto identity
9 documents which include his or her full legal name and date of birth.
10 Such documents shall be those provided in subsection (1) of section
11 60-484.04.

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

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

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

30 (8) No person shall be a holder of an operator's license and a state
31 identification card at the same time. A person who has a digital image

1 and digital signature on file with the department may apply
2 electronically to change his or her Class 0 operator's license to a state
3 identification card.

4 Sec. 2. Section 60-4,117, Revised Statutes Cumulative Supplement,
5 2018, is amended to read:

6 60-4,117 (1) An applicant shall present an issuance certificate to
7 the county treasurer for an operator's license or state identification
8 card. Department personnel or the county treasurer shall collect the
9 applicable fee and surcharge as prescribed in section 60-4,115 and issue
10 a receipt which is valid for up to thirty days. If there is cause for an
11 operator's license to be issued, the receipt shall also authorize driving
12 privileges for such thirty-day period. The license or card shall be
13 delivered as provided in section 60-4,113.

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

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

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

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

25 (d) The holder's date of birth;

26 (e) The holder's signature;

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

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

30 (h) The organ and tissue donation information specified in section
31 60-494;

1 (i) A veteran designation ~~notation of the word "veteran"~~ as provided
2 in section 60-4,189; and

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

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

10 Sec. 3. Section 60-4,144, Revised Statutes Cumulative Supplement,
11 2018, is amended to read:

12 60-4,144 (1) An applicant for issuance of any original or renewal
13 commercial driver's license or an applicant for a change of class of
14 commercial motor vehicle, endorsement, or restriction shall demonstrate
15 his or her knowledge and skills for operating a commercial motor vehicle
16 as prescribed in the Motor Vehicle Operator's License Act. An applicant
17 for a commercial driver's license shall provide the information and
18 documentation required by this section and section 60-4,144.01. Such
19 information and documentation shall include any additional information
20 required by 49 C.F.R. parts 383 and 391 and also include:

21 (a) Certification that the commercial motor vehicle in which the
22 applicant takes any driving skills examination is representative of the
23 class of commercial motor vehicle that the applicant operates or expects
24 to operate; and

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

28 (2)(a) Before being issued a CLP-commercial learner's permit or
29 commercial driver's license, the applicant shall provide (i) his or her
30 full legal name, date of birth, mailing address, gender, race or
31 ethnicity, and social security number, (ii) two forms of proof of address

1 of his or her principal residence unless the applicant is a program
2 participant under the Address Confidentiality Act, except that a
3 nondomiciled applicant for a CLP-commercial learner's permit or
4 nondomiciled commercial driver's license holder does not have to provide
5 proof of residence in Nebraska, (iii) evidence of identity as required by
6 this section, and (iv) a brief physical description of himself or
7 herself.

8 (b) The applicant's social security number shall not be printed on
9 the CLP-commercial learner's permit or commercial driver's license and
10 shall be used only (i) to furnish information to the United States
11 Selective Service System under section 60-483, (ii) with the permission
12 of the director in connection with the certification of the status of an
13 individual's driving record in this state or any other state, (iii) for
14 purposes of child support enforcement pursuant to section 42-358.08 or
15 43-512.06, (iv) to furnish information regarding an applicant for or
16 holder of a commercial driver's license with a hazardous materials
17 endorsement to the Transportation Security Administration of the United
18 States Department of Homeland Security or its agent, (v) to furnish
19 information to the Department of Revenue under section 77-362.02, or (vi)
20 to furnish information to the Secretary of State for purposes of the
21 Election Act.

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

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

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

1 identity.

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

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

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

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

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

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

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

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

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

21 (ix) A driver's license or identification card issued in compliance
22 with the standards established by the REAL ID Act of 2005, Public Law
23 109-13, division B, section 1, 119 Stat. 302; or

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

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

29 (d) If the applicant presents one of the identity documents listed
30 under subdivision (b)(v), (vi), or (ix) of this subsection, the
31 verification of the identity documents does not provide satisfactory

1 evidence of lawful status. The applicant must also present a second
2 document from subdivision (4)(b) of this section, a document from
3 subsection (5) of this section, or documentation issued by the United
4 States Department of Homeland Security or other federal agencies
5 demonstrating lawful status as determined by the United States
6 Citizenship and Immigration Services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (ii) After receipt of the nondomiciled CLP-commercial learner's
30 permit or nondomiciled commercial driver's license and, for as long as
31 the permit or license is valid, notify the Department of Motor Vehicles

1 of any adverse action taken by any jurisdiction or governmental agency,
2 foreign or domestic, against his or her driving privileges. Such adverse
3 actions include, but are not limited to, license disqualification or
4 disqualification from operating a commercial motor vehicle for the
5 convictions described in 49 C.F.R. 383.51. Notifications must be made
6 within the time periods specified in 49 C.F.R. 383.33; and

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

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

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

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

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

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

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

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

30 (9) Application for a CLP-commercial learner's permit or commercial
31 driver's license shall include a signed oath, affirmation, or declaration

1 of the applicant that the information provided on the application for the
2 permit or license is true and correct.

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

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

16 Sec. 4. Section 60-4,189, Revised Statutes Cumulative Supplement,
17 2018, is amended to read:

18 60-4,189 (1) An operator's license or a state identification card
19 shall include a veteran designation ~~notation of the word "veteran"~~ on the
20 front of the license or card as directed by the department if the
21 individual applying for such license or card is eligible for the license
22 or card and:

23 (a)(i) Has ~~(a)~~ has served in the United States Army, United States
24 Army Reserve, United States Navy, United States Navy Reserve, United
25 States Marine Corps, United States Marine Corps Reserve, United States
26 Coast Guard, United States Coast Guard Reserve, United States Air Force,
27 United States Air Force Reserve, or National Guard ~~on active duty in the~~
28 ~~armed forces of the United States, other than active duty for training,~~
29 and was discharged or otherwise separated with a characterization of
30 honorable or general (under honorable conditions) from such service; or ~~or~~

31 (ii) Has served as a commissioned officer in the United States

1 Public Health Service or the National Oceanic and Atmospheric
2 Administration, was detailed to any branch of the armed forces of the
3 United States for service on active or reserve duty, and was discharged
4 or otherwise separated with a characterization of honorable or general
5 (under honorable conditions) as proven with valid orders from the United
6 States Department of Defense, a statement of service provided by the
7 United States Public Health Service, or a report of transfer or discharge
8 provided by the National Oceanic and Atmospheric Administration;

9 (b) Registers registers with the Department of Veterans' Affairs
10 pursuant to section 80-414 as verification of such service; 7 and

11 (c) Indicates indicates on the application under section 60-484 his
12 or her wish to include such veteran designation notation on his or her
13 license or card.

14 (2) The Department of Motor Vehicles shall consult the registry
15 established pursuant to section 80-414 before placing the veteran
16 designation notation ~~notation of the word "veteran"~~ on the operator's license or
17 state identification card issued to the applicant. Such designation
18 ~~notation~~ shall not be authorized unless the registry verifies the
19 applicant's eligibility. If eligible, the designation to be placed on the
20 applicant's license or card shall be as follows:

21 (a) The words "Guard-Veteran" for any veteran of the National Guard;

22 (b) The words "Reserve-Veteran" for any veteran who served on
23 reserve duty; or

24 (c) The word "Veteran" for all other veterans.

25 (3) If the Director of Motor Vehicles discovers evidence of fraud in
26 an application under this section, the director may summarily cancel the
27 license or state identification card and send notice of the cancellation
28 to the licensee or cardholder. If the Department of Motor Vehicles has
29 information that an individual is no longer eligible for the veteran
30 designation notation, the department may summarily cancel the license and
31 send notice of the cancellation to the licensee or cardholder. The

1 veteran designation ~~notation~~ shall not be restored until the Department
2 of Motor Vehicles subsequently verifies the applicant's eligibility by
3 consulting the registry of the Department of Veterans' Affairs.

4 (4) ~~(3)~~ The veteran designation ~~notation~~ authorized in subsection
5 ~~(1)~~ of this section shall continue to be included on the license or card
6 upon renewal of such license or card if the licensee or cardholder, at
7 the time of renewal, indicates the desire to include the veteran
8 designation ~~notation~~.

9 (5) ~~(4)~~ An individual may obtain a replacement operator's license or
10 state identification card to add or remove the veteran designation
11 ~~notation~~ authorized in subsection ~~(1)~~ of this section by applying to the
12 Department of Motor Vehicles for such replacement license or card and, if
13 adding the veteran designation ~~notation~~, by meeting the requirements of
14 subsection (1) of this section. The fee for such replacement license or
15 card shall be the fee provided in section 60-4,115.

16 Sec. 5. Section 80-414, Revised Statutes Cumulative Supplement,
17 2018, is amended to read:

18 80-414 (1) The Department of Veterans' Affairs shall create and
19 maintain a registry of residents of Nebraska who meet the requirements of
20 subsection (1) of section 60-3,122.04 or subsection (1) of section
21 60-4,189. The Department of Veterans' Affairs may adopt and promulgate
22 rules and regulations governing the establishment and maintenance of the
23 registry. The registry may be used to assist the department in carrying
24 out the duties of the department and shall provide for the collection of
25 sufficient information to identify an individual who qualifies for
26 Military Honor Plates or a veteran designation ~~notation~~ of "veteran" on
27 his or her operator's license or state identification card issued by the
28 Department of Motor Vehicles. The registry may include information such
29 as identifying information on an individual, an individual's records on
30 active duty or reserve duty in the armed forces of the United States, or
31 an individual's status of active duty, reserve duty, retired, discharged,

1 or other.

2 (2) Any resident of Nebraska who meets the requirements of
3 subsection (1) of section 60-3,122.04 or subsection (1) of section
4 60-4,189 shall register with the Department of Veterans' Affairs using
5 the registry created by this section before being eligible for Military
6 Honor Plates or a veteran designation ~~notation of "veteran"~~ on his or her
7 operator's license or state identification card issued by the Department
8 of Motor Vehicles. No person shall be deemed eligible until his or her
9 status has been verified on the registry.

10 (3) The Department of Motor Vehicles may adopt and promulgate rules
11 and regulations governing use of the registry of the Department of
12 Veterans' Affairs for determination of eligibility for the issuance of
13 Military Honor Plates or a veteran designation ~~the notation of "veteran"~~
14 on operators' licenses and state identification cards.

15 (4) The eligibility requirements described in section 60-4,189 that
16 are used in determining eligibility for a veteran designation on an
17 operator's license or a state identification card shall apply only for
18 purposes of such section and shall not apply in determining veteran
19 status for any other purpose.

20 Sec. 6. This act becomes operative on January 1, 2020.

21 Sec. 7. Original sections 60-484, 60-4,117, 60-4,144, 60-4,189, and
22 80-414, Revised Statutes Cumulative Supplement, 2018, are repealed.