

LEGISLATIVE BILL 1

Approved by the Governor March 9, 2005

Introduced by Executive Board: Engel, 17, Chairperson

FOR AN ACT relating to motor vehicles; to amend sections 60-484 to 60-484.02, 60-490, 60-4,115, 60-4,119, 60-4,120, 60-4,120.01, and 60-4,150, Reissue Revised Statutes of Nebraska; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 60-1516, Reissue Revised Statutes of Nebraska.

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

Section 1. Section 60-484, Reissue Revised Statutes of Nebraska, 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 the State of Nebraska until the person has obtained an operator's license for that purpose.

(2) Application for an operator's license may be made on uniform blanks prepared and furnished by the director to the county treasurers and the examiners of the Department of Motor Vehicles prior to January 1, 2003. Such application may be made to an examiner in any county. The standard application blanks shall be sufficient in form and content to substantially carry out the purposes of the act.

(3) Application for an operator's license may also be made in a manner prescribed by the Department of Motor Vehicles. Such application may be made to an examiner in any county. The examiner shall personally conduct the examination of the applicant and deliver to each successful applicant an examiner's certificate containing the statements made pursuant to subsection (3) of this section.

(3) In addition to any other information and questions necessary to comply with the requirements and purposes of the act, the applicant (a) shall provide his or her name, age, post office address, place of residence unless the applicant is a program participant under the Address Confidentiality Act, date of birth, sex, social security number, and brief description of himself or herself, (b) may complete the voter registration portion pursuant to section 32-308, (c) shall be provided the advisement language required by subsection (5) of section 60-6,197, (d) 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 (e) may answer the following:

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

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

- (ii) Do you wish to be an organ and tissue donor? (iii) Do you wish to receive any additional specific information regarding organ and tissue donation and the Donor Registry of Nebraska?

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

~~(5)~~(4) Application for an operator's license shall be made under oath or affirmation of the applicant.

~~(6)~~(5) The social security number shall not be printed on the operator's license and shall be used only (a) to furnish driver record 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, or (c) for purposes of child support enforcement pursuant to section 42-358.08 or 43-512.06.

~~(7)~~(a)(6)(a) Except for an individual under the age of eighteen years, each individual applying for an operator's license or a state identification card shall furnish proof of date of birth and identity by a valid Nebraska operator's license, a valid Nebraska learner's permit, a valid Nebraska school permit, a valid operator's license from another state or jurisdiction of the United States, a certified birth certificate, a certified birth registration, a valid United States passport, a valid United States military identification card, United States military discharge papers, other United States-based identification as approved by the director, or information preserved in the digital system implemented under section 60-484.01.

(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 his or her birth certificate, a certified birth registration, or other reliable proof of his or her identity and age accompanied by a certification signed by a parent or guardian explaining the inability to produce a copy of such birth certificate. The applicant may be required to furnish proof to the examiner that the parent or guardian signing the certification is in fact the parent or guardian of such applicant.

Sec. 2. Section 60-484.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-484.01. It is the intent of the Legislature to authorize the Department of Motor Vehicles to begin issuing ~~operator's~~operators' licenses and state identification cards using digital images and digital signatures and to allow for electronic renewal of certain ~~operator's~~operators' licenses and state identification cards. The department shall implement such a digital system, ~~no later than July 1, 2004. The director shall designate the date for the implementation of the digital system and the corresponding change in fees as prescribed in section 60-4,115.~~

Sec. 3. Section 60-484.02, Reissue Revised Statutes of Nebraska, is amended to read:

60-484.02. (1) Each applicant for an operator's license or state identification card shall have his or her ~~photograph taken or, beginning on the implementation date designated pursuant to section 60-484.01, have his or her~~ digital image taken. 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, duplicate, and replacement operators' licenses and state identification cards and may not be otherwise released except in accordance with subsection (3) of this section.

(2) Upon application for an operator's license or state identification card, each applicant shall provide his or her signature in a form prescribed by the department. ~~Beginning on the implementation date designated pursuant to section 60-484.01, digital~~Digital signatures shall be preserved for use on original, renewal, duplicate, and replacement operators' licenses and state identification cards and may not be otherwise released except in accordance with subsection (3) of this section.

(3) No officer, employee, agent, or contractor of the department or a law enforcement officer shall release a digital image or a digital signature except to a federal, state, or local law enforcement 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 IV felony and shall be subject to removal from office or discharge in the discretion of the Governor or agency head, as appropriate.

Sec. 4. Section 60-490, Reissue Revised Statutes of Nebraska, is

amended to read:

60-490. (1) ~~Except as otherwise provided in subsection (2) or (6) of this section and except for operators' licenses issued to persons less than twenty-one years of age, all operators' licenses issued pursuant to the Motor Vehicle Operator's License Act prior to January 1, 1999, expire on the licensee's birthday in the first year after issuance in which his or her age is divisible by four. An operator's license issued to a person who is less than twenty-one years of age expires on his or her twenty-first birthday.~~

~~(2) 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.~~

~~(3) Except as otherwise provided in subsection (6) of this section and except for state identification cards issued to persons less than twenty-one years of age, all state identification cards issued on or after January 1, 1990, and prior to January 1, 1999, expire on the cardholder's birthday in the first year after issuance in which his or her age is divisible by four.~~

(2) Except for state identification cards issued to persons less than twenty-one years of age, all state identification cards issued on or after January 1, 1999, 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 his or her twenty-first birthday, except that beginning on the implementation date designated pursuant to section 60-484.01, a state identification card issued to a person who is less than twenty-one years of age expires on his or her twenty-first birthday or on his or her birthday in the fifth year after issuance, whichever comes first.

~~(4)~~(3) Except as otherwise provided in subsection ~~(2)~~(1) of this section 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 on or after January 1, 1999, 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 his or her twenty-first birthday. Beginning December 1, 2003, ~~the~~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.

~~(5)~~(a)(4) (a) The expiration date shall be stated on each operator's license or state identification card.

(b) ~~All licenses and~~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 his or her license or card prior to the ninety-day period before the expiration date on such license or card if such applicant furnishes proof that he or she 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 his or her 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.

~~(6) In order to ease the transition to a system of five-year operators' licenses and five-year state identification cards, approximately twenty percent of the number of persons in each county whose operators' licenses or state identification cards expire in the years 1999, 2000, 2001, and 2002 shall have the expiration date of their operators' licenses or state identification cards extended to the year 2003. Such persons shall be chosen at random from a list of persons who are less than sixty-five years of age. Extension stickers for the operators' licenses or state identification cards of such persons shall be designed by the department. Beginning August 1, 1998, the department shall provide notice to and mail out or make available through the examiners of the department the extension stickers to the persons who have had the expiration date of their licenses or cards extended. The fee for each Class O or Class M operator's license or identification card extension sticker shall be three dollars and seventy-five cents per year of extension and the fee for each commercial driver's license extension sticker shall be ten dollars per year of extension. The fee shall be collected by the department and remitted to the State Treasurer. Eight dollars and twenty-five cents of each four-year extension fee, six dollars of each three-year extension fee, three dollars and twenty-five cents of each two-year extension fee, and one~~

dollar of each one-year extension fee shall be credited to the General Fund. All remaining fees shall be credited to the Department of Motor Vehicles Cash Fund. For those persons who have had the expiration date of their operators' licenses or state identification cards extended, the department shall note such extended expiration date on its computerized records. This subsection does not apply to an operator's license or state identification card issued to a person less than twenty-one years of age.

Sec. 5. Section 60-4,115, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,115. (1) Fees for ~~operator's~~ operators' licenses and state identification cards shall be collected and distributed according to the table in subsection (2) of this section, until the implementation date prescribed by the director in section 60-484.01, and beginning on such date, such fees shall be collected and distributed according to the table in subsection (3) of this section. County officials shall remit the county portion of the fees collected to the county treasurer for placement in the county general fund. All other fees collected shall be remitted to the State Treasurer for credit to the appropriate fund. The State Treasurer shall transfer an amount equal to three dollars and fifty cents times the number of original or renewal Class M licenses issued pursuant to section 60-4,127 during the previous year from the Department of Motor Vehicles Cash Fund to the Motorcycle Safety Education Fund.

(2) The fees provided in this subsection in the following dollar amounts shall apply until the implementation date prescribed by the director in section 60-484.01.

| Document                    | Total Fee | Department          |                             |                    |
|-----------------------------|-----------|---------------------|-----------------------------|--------------------|
|                             |           | County General Fund | of Motor Vehicles Cash Fund | State General Fund |
| State identification card:  |           |                     |                             |                    |
| Valid for 1 year or less    | 3.75      | 2.75                | 0                           | 1.00               |
| Valid for more than 1 year  |           |                     |                             |                    |
| but not more than 2 years   | 7.50      | 2.75                | 1.50                        | 3.25               |
| Valid for more than 2 years |           |                     |                             |                    |
| but not more than 3 years   | 11.25     | 2.75                | 2.50                        | 6.00               |
| Valid for more than 3 years |           |                     |                             |                    |
| but not more than 4 years   | 15.00     | 2.75                | 4.00                        | 8.25               |
| Valid for more than 4 years |           |                     |                             |                    |
| for person under 21         | 18.75     | 2.75                | 4.00                        | 12.00              |
| Valid for 5 years           | 18.75     | 3.50                | 5.00                        | 10.25              |
| Duplicate or replacement    | 6.25      | 2.75                | 1.25                        | 2.25               |

~~Class O or M operator's license:~~

|                          |      |      |   |      |
|--------------------------|------|------|---|------|
| Valid for 1 year or less | 3.75 | 2.75 | 0 | 1.00 |
|--------------------------|------|------|---|------|

|                            |  |  |  |  |
|----------------------------|--|--|--|--|
| Valid for more than 1 year |  |  |  |  |
|----------------------------|--|--|--|--|

|                           |      |      |      |      |
|---------------------------|------|------|------|------|
| but not more than 2 years | 7.50 | 2.75 | 1.50 | 3.25 |
|---------------------------|------|------|------|------|

|                             |  |  |  |  |
|-----------------------------|--|--|--|--|
| Valid for more than 2 years |  |  |  |  |
|-----------------------------|--|--|--|--|

|                           |       |      |      |      |
|---------------------------|-------|------|------|------|
| but not more than 3 years | 11.25 | 2.75 | 2.50 | 6.00 |
|---------------------------|-------|------|------|------|

|                             |  |  |  |  |
|-----------------------------|--|--|--|--|
| Valid for more than 3 years |  |  |  |  |
|-----------------------------|--|--|--|--|

|                           |       |      |      |      |
|---------------------------|-------|------|------|------|
| but not more than 4 years | 15.00 | 2.75 | 4.00 | 8.25 |
|---------------------------|-------|------|------|------|

|                             |  |  |  |  |
|-----------------------------|--|--|--|--|
| Valid for more than 4 years |  |  |  |  |
|-----------------------------|--|--|--|--|

|                     |       |      |      |       |
|---------------------|-------|------|------|-------|
| for person under 21 | 18.75 | 2.75 | 4.00 | 12.00 |
|---------------------|-------|------|------|-------|

|                   |       |      |      |       |
|-------------------|-------|------|------|-------|
| Valid for 5 years | 18.75 | 3.50 | 5.00 | 10.25 |
|-------------------|-------|------|------|-------|

|                       |  |  |  |  |
|-----------------------|--|--|--|--|
| Bioptic or telescopic |  |  |  |  |
|-----------------------|--|--|--|--|

|                  |      |      |   |      |
|------------------|------|------|---|------|
| lens restriction | 3.75 | 2.75 | 0 | 1.00 |
|------------------|------|------|---|------|

|                          |      |      |      |      |
|--------------------------|------|------|------|------|
| Duplicate or replacement | 6.25 | 2.75 | 1.25 | 2.25 |
|--------------------------|------|------|------|------|

~~Provisional operator's permit:~~

|          |       |      |      |   |
|----------|-------|------|------|---|
| Original | 10.00 | 2.75 | 7.25 | 0 |
|----------|-------|------|------|---|

|                          |      |      |      |      |
|--------------------------|------|------|------|------|
| Duplicate or replacement | 6.25 | 2.75 | 1.25 | 2.25 |
|--------------------------|------|------|------|------|

~~LPD-learner's permit:~~

|          |      |     |   |      |
|----------|------|-----|---|------|
| Original | 3.00 | .25 | 0 | 2.75 |
|----------|------|-----|---|------|

|                          |      |      |      |      |
|--------------------------|------|------|------|------|
| Duplicate or replacement | 6.25 | 2.75 | 1.25 | 2.25 |
|--------------------------|------|------|------|------|

~~LPE-learner's permit:~~

|          |      |     |   |      |
|----------|------|-----|---|------|
| Original | 3.00 | .25 | 0 | 2.75 |
|----------|------|-----|---|------|

|                          |      |      |      |      |
|--------------------------|------|------|------|------|
| Duplicate or replacement | 6.25 | 2.75 | 1.25 | 2.25 |
|--------------------------|------|------|------|------|

~~School permit:~~

|          |      |     |   |      |
|----------|------|-----|---|------|
| Original | 3.00 | .25 | 0 | 2.75 |
|----------|------|-----|---|------|

|                               |       |      |      |       |
|-------------------------------|-------|------|------|-------|
| Duplicate                     | 6.25  | 2.75 | 1.25 | 2.25  |
| Farm permit:                  |       |      |      |       |
| Original or renewal           | 5.00  | .25  | 0    | 4.75  |
| Duplicate                     | 5.00  | .25  | 0    | 4.75  |
| Temporary                     | 5.00  | .25  | 0    | 4.75  |
| Driving permits:              |       |      |      |       |
| Employment                    | 40.00 | 0    | 0    | 40.00 |
| Medical hardship              | 40.00 | 0    | 0    | 40.00 |
| Commercial driver's license:  |       |      |      |       |
| Valid for 1 year or less      | 14.00 | 1.75 | 0    | 12.25 |
| Valid for more than 1 year    |       |      |      |       |
| but not more than 2 years     | 22.00 | 1.75 | 0    | 20.25 |
| Valid for more than 2 years   |       |      |      |       |
| but not more than 3 years     | 32.00 | 1.75 | 0    | 30.25 |
| Valid for more than 3 years   |       |      |      |       |
| but not more than 4 years     | 40.00 | 1.75 | 0    | 38.25 |
| Valid for more than 4 years   |       |      |      |       |
| for person under 21           | 50.00 | 1.75 | 0    | 48.25 |
| Valid for 5 years             | 50.00 | 1.75 | 0    | 48.25 |
| Duplicate or replacement      | 6.25  | 2.75 | 1.25 | 2.25  |
| Change of class, endorsement, |       |      |      |       |
| or restriction                | 5.00  | 1.75 | 0    | 3.25  |
| LPC-learner's permit:         |       |      |      |       |
| Original or renewal           | 5.00  | .25  | 0    | 4.75  |
| Duplicate or replacement      | 5.00  | .25  | 0    | 4.75  |

~~Change of class, endorsement,~~

|                           |      |     |   |      |
|---------------------------|------|-----|---|------|
| <del>or restriction</del> | 5.00 | .25 | 0 | 4.75 |
|---------------------------|------|-----|---|------|

~~Seasonal permit:~~

|                                |      |     |   |      |
|--------------------------------|------|-----|---|------|
| <del>Original or renewal</del> | 5.00 | .25 | 0 | 4.75 |
|--------------------------------|------|-----|---|------|

|                                     |      |     |   |      |
|-------------------------------------|------|-----|---|------|
| <del>Duplicate or replacement</del> | 5.00 | .25 | 0 | 4.75 |
|-------------------------------------|------|-----|---|------|

~~Change of class, endorsement,~~

|                           |      |     |   |      |
|---------------------------|------|-----|---|------|
| <del>or restriction</del> | 5.00 | .25 | 0 | 4.75 |
|---------------------------|------|-----|---|------|

(3) The fees provided in this subsection in the following dollar amounts shall apply beginning on the implementation date prescribed by the director in section 60-484.01 for operators' licenses and state identification cards.

| Document                    | Total | Department |           |         |
|-----------------------------|-------|------------|-----------|---------|
|                             |       | County     | of Motor  | State   |
|                             |       | General    | Vehicles  | General |
|                             | Fee   | Fund       | Cash Fund | Fund    |
| State identification card:  |       |            |           |         |
| Valid for 1 year of less    | 4.75  | 2.75       | 1.00      | 1.00    |
| Valid for more than 1 year  |       |            |           |         |
| but not more than 2 years   | 9.50  | 2.75       | 3.50      | 3.25    |
| Valid for more than 2 years |       |            |           |         |
| but not more than 3 years   | 14.25 | 2.75       | 5.50      | 6.00    |
| Valid for more than 3 years |       |            |           |         |
| but not more than 4 years   | 19.00 | 2.75       | 8.00      | 8.25    |
| Valid for more than 4 years |       |            |           |         |
| for person under 21         | 23.75 | 2.75       | 10.00     | 11.00   |
| Valid for 5 years           | 23.75 | 3.50       | 10.00     | 10.25   |
| Duplicate or replacement    | 11.25 | 2.75       | 6.25      | 2.25    |

Class O or M operator's license:

| LB 1                           |       |      |       | LB 1  |
|--------------------------------|-------|------|-------|-------|
| Valid for 1 year or less       | 4.75  | 2.75 | 1.00  | 1.00  |
| Valid for more than 1 year     |       |      |       |       |
| but not more than 2 years      | 9.50  | 2.75 | 3.50  | 3.25  |
| Valid for more than 2 years    |       |      |       |       |
| but not more than 3 years      | 14.25 | 2.75 | 5.50  | 6.00  |
| Valid for more than 3 years    |       |      |       |       |
| but not more than 4 years      | 19.00 | 2.75 | 8.00  | 8.25  |
| Valid for 5 years              | 23.75 | 3.50 | 10.00 | 10.25 |
| Bioptic or telescopic          |       |      |       |       |
| lens restriction               | 4.75  | 0    | 4.75  | 0     |
| Duplicate or replacement       | 11.25 | 2.75 | 6.25  | 2.25  |
| Change of class or restriction | 5.00  | 0    | 5.00  | 0     |
| Provisional operator's permit: |       |      |       |       |
| Original                       | 15.00 | 2.75 | 12.25 | 0     |
| Bioptic or telescopic          |       |      |       |       |
| lens restriction               | 4.75  | 0    | 4.75  | 0     |
| Duplicate or replacement       | 11.25 | 2.75 | 6.25  | 2.25  |
| LPD-learner's permit:          |       |      |       |       |
| Original                       | 8.00  | .25  | 5.00  | 2.75  |
| Duplicate or replacement       | 11.25 | 2.75 | 6.25  | 2.25  |
| LPE-learner's permit:          |       |      |       |       |
| Original                       | 8.00  | .25  | 5.00  | 2.75  |
| Duplicate or replacement       | 11.25 | 2.75 | 6.25  | 2.25  |
| School permit:                 |       |      |       |       |
| Original                       | 8.00  | .25  | 5.00  | 2.75  |
| Duplicate                      | 11.25 | 2.75 | 6.25  | 2.25  |



## Farm permit:

|                     |      |     |   |      |
|---------------------|------|-----|---|------|
| Original or renewal | 5.00 | .25 | 0 | 4.75 |
| Duplicate           | 5.00 | .25 | 0 | 4.75 |
| Temporary           | 5.00 | .25 | 0 | 4.75 |

## Driving permits:

|                  |       |   |      |       |
|------------------|-------|---|------|-------|
| Employment       | 45.00 | 0 | 5.00 | 40.00 |
| Medical hardship | 45.00 | 0 | 5.00 | 40.00 |

## Commercial driver's license:

|  |       |      |      |       |
|--|-------|------|------|-------|
| Valid for 1 year or less                                 | 11.00 | 1.75 | 5.00 | 4.25  |
| Valid for more than 1 year<br>but not more than 2 years  | 22.00 | 1.75 | 5.00 | 15.25 |
| Valid for more than 2 years<br>but not more than 3 years | 33.00 | 1.75 | 5.00 | 26.25 |
| Valid for more than 3 years<br>but not more than 4 years | 44.00 | 1.75 | 5.00 | 37.25 |
| Valid for 5 years  | 55.00 | 1.75 | 5.00 | 48.25 |
| Bioptic or telescopic<br>lens restriction                | 11.00 | 1.75 | 5.00 | 4.25  |
| Duplicate or replacement                                 | 11.25 | 2.75 | 6.25 | 2.25  |
| Change of class, endorsement,<br>or restriction          | 10.00 | 1.75 | 5.00 | 3.25  |

## LPC-learner's permit:

|   |       |     |      |      |
|---|-------|-----|------|------|
| Original or renewal                             | 10.00 | .25 | 5.00 | 4.75 |
| Duplicate or replacement                        | 10.00 | .25 | 5.00 | 4.75 |
| Change of class, endorsement,<br>or restriction | 10.00 | .25 | 5.00 | 4.75 |

Seasonal permit:

|   |       |     |      |      |
|---|-------|-----|------|------|
| Original or renewal                             | 10.00 | .25 | 5.00 | 4.75 |
| Duplicate or replacement                        | 10.00 | .25 | 5.00 | 4.75 |
| Change of class, endorsement,<br>or restriction | 10.00 | .25 | 5.00 | 4.75 |

~~(4) Beginning on the implementation date prescribed by the director in section 60-484.01, if~~ (3) If the Department of Motor Vehicles issues an operator's license or a state identification card, the department shall remit the county portion of the fees to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

Sec. 6. Section 60-4,119, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,119. (1) All state identification cards and operators' licenses, except farm permits and except as otherwise provided in subsection (2) of this section and section 60-4,120, shall include a color photograph or a digital image of the cardholder or licensee as provided in section 60-484.02. 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 taking the photographs or digital images 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 his or her operator's license may apply for a license without a photograph 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 ~~county treasurer of the county in which the applicant resides until such time as the department establishes the appropriate procedures for statewide licensing at which time the application shall be made to the department,~~ and the department shall issue the license. ~~The department shall establish such procedures not later than January 1, 2003.~~

(3) Any operator's license and any state identification card issued to a minor as defined in section 53-103, 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. ~~Until March 31, 2003, if a person is no longer a minor, he or she may apply for a replacement license or card with the distinct designation used for persons who are not minors. The fee for such replacement license or card is established in section 60-4,115.~~

Sec. 7. Section 60-4,120, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,120. (1) Except as provided in subsection (4) of this section for persons temporarily out of the state, any person duly licensed or holding a valid state identification card issued under the Motor Vehicle Operator's License Act who loses his or her operator's license or card may obtain a duplicate upon filing with the county treasurer or the Department of Motor Vehicles an application showing such loss and furnishing proof of identification in accordance with section 60-484. If satisfied that the loss is genuine, the issuer shall cause to be issued, upon the payment of the fee prescribed in section 60-4,115, a duplicate license or card. No more than two duplicates of a license or card may be issued in this manner. Upon the issuance of any duplicate or replacement license or card, the license or card from which the duplicate or replacement is issued shall be void.

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

or address. The license or card shall be issued upon payment of the fee prescribed in section 60-4,115.

(3) In the event a mutilated and unreadable operator's license is held by any person duly licensed under the act or a mutilated and unreadable state identification card which was issued under the act is held by a person, such person may obtain a replacement license or card upon showing the original mutilated or unreadable license or card to the county treasurer. A replacement license or card may be issued, without a photograph, to any person who is out of the state at the time of application for the replacement license or card. Such license or card shall state on its face that it shall become invalid thirty days after such person resumes residence in the state. If the county treasurer is satisfied that the license or card is mutilated or unreadable, the county treasurer shall cause to be issued, upon the payment of the fee prescribed in section 60-4,115, a replacement license or card.

(4) If any person duly licensed under the act loses his or her operator's license or if any holder of a state identification card loses his or her card while temporarily out of the state, he or she may apply for a duplicate operator's license or card without a photograph by filing with the county treasurer an application and affidavit showing such loss. Upon the officer being satisfied that the loss is genuine, the officer shall cause to be issued, upon the payment of the fee prescribed in section 60-4,115, a duplicate operator's license or card without a photograph. Upon the issuance of the duplicate, the original license or card shall be void.

(5) Any person holding a valid operator's license or state identification card without a photograph shall surrender such license or card to the treasurer of his or her county of residence within thirty days after resuming residency in this state. After the thirty-day period, such license or card shall be considered invalid. Upon the timely surrender of the license or card and payment of the fee prescribed in section 60-4,115, such person shall be issued an operator's license or card with a color photograph or digital image of the licensee included.

(6) An application form for a replacement or duplicate operator's license or state identification card shall include a voter registration portion pursuant to section 32-308 and the following specific question: Do you wish to register to vote as part of this application process?

~~(7) Beginning August 1, 1998, for those persons who have had the expiration date of their operators' licenses or state identification cards extended, the county treasurer may issue extended operators' licenses and state identification cards with the extended date printed on them. Such extended operators' licenses and state identification cards shall be issued if a person files an application with the county for an extended replacement license or state identification card or files an application with the county and an affidavit showing a loss of an operator's license or state identification card for an extended duplicate operator's license or state identification card, whichever application is appropriate. A fee of six dollars and twenty-five cents shall be charged. Three dollars of the fee shall be credited to the general fund of the county and shall be included by the county treasurer in the report of fees as required by law. One dollar and twenty-five cents of the fee shall be remitted to the State Treasurer by the county treasurer for credit to the Department of Motor Vehicles Cash Fund. The balance of the fee shall be remitted to the State Treasurer by the county treasurer for credit to the General Fund. This subsection terminates on January 1, 2003.~~

~~(8) Beginning on the implementation date designated pursuant to section 60-484.01, an An applicant may obtain a replacement or duplicate operator's license or state identification card pursuant to subsection (1), (3), or (4) of this section by electronic means in a manner prescribed by the department. If the applicant has a digital image and digital signature preserved in the digital system, the replacement or duplicate shall be issued with the preserved digital image and digital signature.~~

Sec. 8. Section 60-4,120.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,120.01. (1) 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. 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 his or her 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 to the examiner (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, 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 an examiner of the department. The written examination shall be waived if the applicant surrenders a Nebraska LPD-learner's permit issued after January 1, 1999, and such permit is valid or has expired no more than one year prior to surrender. 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 permit. Upon presentation to the examiner by the applicant of a form prescribed by the department showing successful completion of the driver safety course, the examiner shall waive the written examination and driving test. Upon presentation to the examiner of the certificate, the examiner shall waive the written examination but not the driving test. The examiner 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) 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 he or she is en route to or from his or her residence to his or her 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.

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

Sec. 9. Section 60-4,150, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,150. (1) Any person holding a commercial driver's license who loses his or her license, who requires issuance of a replacement license because of a change of name or address, or whose license is mutilated or unreadable may obtain a duplicate or replacement commercial driver's license by filing with an examiner of the Department of Motor Vehicles an application and affidavit and by furnishing proof of identification in accordance with section 60-484.

(2) The application for a replacement license because of a change of name or address shall be made within sixty days after the change of name or address.

(3) Upon the examiner being satisfied that a duplicate or replacement commercial driver's license should be issued, the applicant shall receive such license upon payment of the fee prescribed in section 60-4,115 to the county treasurer.

(4) Duplicate and replacement commercial drivers' licenses shall be issued in the manner provided for the issuance of original and renewal commercial drivers' licenses as provided for by section 60-4,149. ~~Prior to January 1, 1999, no more than two duplicate commercial drivers' licenses shall be issued to any applicant in any four-year period. Beginning January 1, 1999,~~ No more than two duplicate commercial drivers' licenses shall be issued to any applicant in any five-year period. Upon issuance of any duplicate or replacement commercial driver's license, the commercial driver's license for which the duplicate or replacement license is issued shall be void.

~~(5) Beginning August 1, 1998, for those persons who have had the expiration date of their commercial drivers' licenses extended, the county treasurer may issue extended commercial drivers' licenses with the extended date printed on them. Such extended commercial drivers' licenses shall be issued if a person files an application with the examiner for an extended~~

replacement commercial driver's license or files an application with the examiner and an affidavit showing a loss of a commercial driver's license for an extended duplicate commercial driver's license, whichever application is appropriate, and proof of identification in accordance with section 60-484. A fee of six dollars and twenty-five cents shall be charged. Three dollars of the fee shall be credited to the general fund of the county and shall be included by the county treasurer in the report of fees as required by law. One dollar and twenty-five cents of the fee shall be remitted to the State Treasurer by the county treasurer for credit to the Department of Motor Vehicles Cash Fund. The balance of the fee shall be remitted to the State Treasurer by the county treasurer for credit to the General Fund. This subsection terminates on January 1, 2003.

Sec. 10. Original sections 60-484 to 60-484.02, 60-490, 60-4,115, 60-4,119, 60-4,120, 60-4,120.01, and 60-4,150, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 11. The following section is outright repealed: Section 60-1516, Reissue Revised Statutes of Nebraska.