

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 786

Introduced by Crawford, 45.

Read first time January 10, 2014

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Department of Motor Vehicles; to amend
2 section 60-2907, Reissue Revised Statutes of Nebraska,
3 and section 84-712.05, Revised Statutes Supplement, 2013;
4 to adopt the Emergency Contact Registry Act; to provide
5 penalties; to change provisions relating to public
6 records; to harmonize provisions; to provide an operative
7 date; and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 6 of this act shall be known and
2 may be cited as the Emergency Contact Registry Act.

3 Sec. 2. The Legislature finds that:

4 (1) Emergency contact registries aid in the swift
5 notification and reunification of families following motor vehicle
6 accidents, natural disasters, or other emergencies;

7 (2) Emergency contact registries save law enforcement
8 time and resources spent tracking down next of kin after a motor
9 vehicle accident, natural disaster, or other emergency; and

10 (3) States nationwide provide emergency contact
11 registries in order to aid law enforcement with family notification
12 and reunification following a motor vehicle accident, natural
13 disaster, or other emergency.

14 Sec. 3. For purposes of the Emergency Contact Registry
15 Act:

16 (1) Department means the Department of Motor Vehicles;
17 and

18 (2) Emergency contact person means a person nineteen
19 years of age or older whom the holder of a Nebraska motor vehicle
20 operator's license or permit or state identification card has
21 designated to be contacted by law enforcement personnel when the
22 holder of a Nebraska operator's license or permit or state
23 identification card is rendered unable to communicate due to a motor
24 vehicle accident, natural disaster, or other emergency resulting in
25 his or her serious bodily injury, death, or incapacitation.

1 Sec. 4. (1) The Emergency Contact Registry Program is
2 created within the department to provide assistance to law
3 enforcement personnel and families when a victim of a motor vehicle
4 accident, natural disaster, or other emergency is unable to
5 communicate due to serious bodily injury, death, or incapacitation or
6 the imminent risk or threat of serious bodily injury, death, or
7 incapacitation.

8 (2) The department shall develop the Emergency Contact
9 Registry Program. The program shall be accessible through the
10 department's web site. Under the program, the department shall
11 establish and maintain an automated statewide Internet registry known
12 as the Emergency Contact Registry which shall be capable of storing
13 emergency contact person information accessible by law enforcement
14 personnel for the purposes established in the Emergency Contact
15 Registry Act. The department may establish a partnership with the
16 Nebraska Commission on Law Enforcement and Criminal Justice to
17 provide law enforcement personnel access to the Emergency Contact
18 Registry.

19 (3) The holder of a Nebraska motor vehicle operator's
20 license or permit or state identification card may electronically
21 access the Emergency Contact Registry Program through the
22 department's web site using his or her license or permit or state
23 identification card number and date of birth. There shall be no
24 charge for use of the program. The license or permit holder or state
25 identification card holder may then submit the name, address, and up

1 to two telephone numbers of up to two emergency contact persons to be
2 stored in the Emergency Contact Registry. When submitting emergency
3 contact person information, the license or permit holder or state
4 identification card holder shall indicate that he or she has received
5 permission from the persons named as emergency contact persons to do
6 so. An emergency contact person may or may not be the next-of-kin of
7 the applicant or holder of a Nebraska motor vehicle operator's
8 license or permit or state identification card, except that if the
9 applicant or holder under the age of nineteen years and is not
10 emancipated, at least one emergency contact person shall be a parent
11 or guardian. The license or permit holder or state identification
12 card holder shall have the opportunity to revise or update the
13 emergency contact person information at any time.

14 (4)(a) Information in the Emergency Contact Registry
15 shall be available for the exclusive use of law enforcement personnel
16 and employees of the department who are designated by the department
17 for the purposes of discharging their duties pursuant to the
18 Emergency Contact Registry Act. Emergency contact person information
19 submitted to the department shall not be considered public records
20 for purposes of sections 84-712 to 84-712.09, and shall not be
21 discoverable as a public record by any person, entity, or
22 governmental agency, except upon a subpoena issued by a grand jury or
23 court order in a criminal matter.

24 (b) The department shall develop the Emergency Contact
25 Registry such that individual page views are time stamped and

1 recorded. This information shall be available to the Auditor of
2 Public Accounts.

3 (5) If a person involved in a motor vehicle accident,
4 natural disaster, or other emergency is unable to contact someone on
5 his or her own or communicate an emergency contact to law
6 enforcement, law enforcement personnel shall make a good faith effort
7 to notify an emergency contact person of the situation.

8 (6) The department shall make a good faith effort to
9 maintain accurate data as provided by the motor vehicle operator's
10 license or permit or state identification card holder and to provide
11 that information to law enforcement personnel as provided in the act.

12 Sec. 5. (1)(a) The department and employees of the
13 department discharging their duties under the Emergency Contact
14 Registry Act shall not be liable to any person for civil damages or
15 be subject to criminal prosecution resulting from or caused by:

16 (i) Any disruption or failure of Internet service caused
17 by any accident, malfunction, act of sabotage, act of God, or any
18 other condition or circumstance that the department has not, directly
19 or indirectly, caused and which results in or prevents the holder of
20 a Nebraska motor vehicle operator's license or permit or state
21 identification card from accessing or inputting information into the
22 Emergency Contact Registry or which results in or prevents the
23 department and designated department employees or law enforcement
24 personnel from accessing, establishing, or maintaining the Emergency
25 Contact Registry;

1 (ii) Any failure or omission to input accurate
2 information or the inputting of inaccurate or outdated information
3 into the Emergency Contact Registry by any applicant for or holder of
4 a Nebraska motor vehicle operator's license or permit or state
5 identification card; or

6 (iii) The inability of law enforcement personnel to make
7 contact, whether acting in good faith or with a malicious purpose or
8 a wanton and willful disregard for the safety of persons or property,
9 with a designated emergency contact person.

10 (b) This limitation of liability is inapplicable if such
11 failure or omission resulted from a malicious purpose or a wanton and
12 willful disregard for the safety of persons or property by department
13 personnel. Such a violation is a Class I misdemeanor.

14 (2)(a) Law enforcement personnel discharging their duties
15 under the Emergency Contact Registry Act shall not be liable to any
16 person for civil damages or be subject to criminal prosecution
17 resulting from or caused by:

18 (i) Any disruption or failure of Internet service caused
19 by any accident, malfunction, act of sabotage, act of God, or any
20 other condition or circumstance that the employing law enforcement
21 agency has not, directly or indirectly, caused and which results in
22 or prevents the applicant for or holder of a Nebraska motor vehicle
23 operator's license or permit or state identification card from
24 accessing or inputting information into the Emergency Contact
25 Registry or which results in or prevents the department and

1 designated department employees or law enforcement officers from
2 accessing, establishing, or maintaining the Emergency Contact
3 Registry;

4 (ii) Any failure or omission to input accurate
5 information or the inputting of inaccurate or outdated information
6 into the Emergency Contact Registry by any applicant for or holder of
7 a Nebraska motor vehicle operator's license or permit or state
8 identification card; or

9 (iii) The inability of law enforcement personnel to make
10 contact, acting in good faith, with a designated emergency contact
11 person.

12 (b) This limitation of liability is inapplicable if such
13 failure or omission resulted from a malicious purpose or a wanton and
14 willful disregard for the safety of persons or property by law
15 enforcement personnel. Such a violation is a Class I misdemeanor.

16 (3) The department and employees of the department who
17 are designated by the department for the purposes of discharging
18 their duties pursuant to the Emergency Contact Registry Act or any
19 law enforcement personnel shall be liable to any person for civil
20 damages and subject to criminal prosecution resulting from or caused
21 by any intentional misuse of the Emergency Contact Registry. Such
22 intentional misuse is a Class I misdemeanor.

23 Sec. 6. The department may adopt and promulgate rules and
24 regulations to carry out the Emergency Contact Registry Act.

25 Sec. 7. Section 60-2907, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 60-2907 The department and any officer, employee, agent,
3 or contractor of the department having custody of a motor vehicle
4 record shall, upon the verification of identity and purpose of a
5 requester, disclose and make available the requested motor vehicle
6 record, including the personal information in the record, for the
7 following purposes:

8 (1) For use by any federal, state, or local governmental
9 agency, including any court or law enforcement agency, in carrying
10 out the agency's functions or by a private person or entity acting on
11 behalf of a governmental agency in carrying out the agency's
12 functions;

13 (2) For use in connection with matters of motor vehicle
14 or driver safety and theft; motor vehicle emissions; motor vehicle
15 product alterations, recalls, or advisories; performance monitoring
16 of motor vehicles, motor vehicle parts, and dealers; motor vehicle
17 market research activities, including survey research; and removal of
18 nonowner records from the original owner records of motor vehicle
19 manufacturers;

20 (3) For use in the normal course of business by a
21 legitimate business or its agents, employees, or contractors but
22 only:

23 (a) To verify the accuracy of personal information
24 submitted by the individual to the business or its agents, employees,
25 or contractors; and

1 (b) If such information as so submitted is not correct or
2 is no longer correct, to obtain the correct information, but only for
3 the purposes of preventing fraud by, pursuing legal remedies against,
4 or recovering on a debt or security interest against, the individual;

5 (4) For use in connection with any civil, criminal,
6 administrative, or arbitral proceeding in any federal, state, or
7 local court or governmental agency or before any self-regulatory
8 body, including service of process, investigation in anticipation of
9 litigation, and execution or enforcement of judgments and orders, or
10 pursuant to an order of a federal, state, or local court, an
11 administrative agency, or a self-regulatory body;

12 (5) For use in research activities, and for use in
13 producing statistical reports, so long as the personal information is
14 not published, redisclosed, or used to contact individuals;

15 (6) For use by any insurer or insurance support
16 organization, or by a self-insured entity, or its agents, employees,
17 or contractors, in connection with claims investigation activities,
18 anti-fraud activities, rating, or underwriting;

19 (7) For use in providing notice to the owners of
20 abandoned, towed, or impounded vehicles;

21 (8) For use only for a purpose permitted under this
22 section either by a private detective, plain clothes investigator, or
23 private investigative agency licensed under sections 71-3201 to
24 71-3213;

25 (9) For use by an employer or the employer's agent or

1 insurer to obtain or verify information relating to a holder of a
2 commercial driver's license that is required under the Commercial
3 Motor Vehicle Safety Act of 1986, 49 U.S.C. 31301 et seq., or
4 pursuant to sections 60-4,132 and 60-4,141;

5 (10) For use in connection with the operation of private
6 toll transportation facilities;

7 (11) For bulk distribution for surveys of, marketing to,
8 or solicitations of persons who have expressly consented to such
9 disclosure if the requester has obtained the notarized written
10 consent of the individual who is the subject of the personal
11 information being requested and has provided proof of receipt of such
12 written consent to the department or an officer, employee, agent, or
13 contractor of the department on a form prescribed by the department;

14 (12) For any use if the requester has obtained the
15 notarized written consent of the individual who is the subject of the
16 personal information being requested and has provided proof of
17 receipt of such written consent to the department or an officer,
18 employee, agent, or contractor of the department;

19 (13) For use, including redisclosure through news
20 publication, of a member of a medium of communication as defined in
21 section 20-145 who requests such information in connection with
22 preparing, researching, gathering, or confirming news information
23 involving motor vehicle or driver safety or motor vehicle theft;

24 (14) For use by the federally designated organ
25 procurement organization for Nebraska to establish and maintain the

1 Donor Registry of Nebraska as provided in section 71-4822; ~~and~~
2 (15) For use as provided in the Emergency Contact
3 Registry Act; and

4 ~~(15)~~(16) For any other use specifically authorized by
5 law that is related to the operation of a motor vehicle or public
6 safety.

7 Sec. 8. Section 84-712.05, Revised Statutes Supplement,
8 2013, is amended to read:

9 84-712.05 The following records, unless publicly
10 disclosed in an open court, open administrative proceeding, or open
11 meeting or disclosed by a public entity pursuant to its duties, may
12 be withheld from the public by the lawful custodian of the records:

13 (1) Personal information in records regarding a student,
14 prospective student, or former student of any educational institution
15 or exempt school that has effectuated an election not to meet state
16 approval or accreditation requirements pursuant to section 79-1601
17 when such records are maintained by and in the possession of a public
18 entity, other than routine directory information specified and made
19 public consistent with 20 U.S.C. 1232g, as such section existed on
20 ~~February 1, 2013,~~ January 1, 2014, and regulations adopted
21 thereunder;

22 (2) Medical records, other than records of births and
23 deaths and except as provided in subdivision (5) of this section, in
24 any form concerning any person; records of elections filed under
25 section 44-2821; and patient safety work product under the Patient

1 Safety Improvement Act;

2 (3) Trade secrets, academic and scientific research work
3 which is in progress and unpublished, and other proprietary or
4 commercial information which if released would give advantage to
5 business competitors and serve no public purpose;

6 (4) Records which represent the work product of an
7 attorney and the public body involved which are related to
8 preparation for litigation, labor negotiations, or claims made by or
9 against the public body or which are confidential communications as
10 defined in section 27-503;

11 (5) Records developed or received by law enforcement
12 agencies and other public bodies charged with duties of investigation
13 or examination of persons, institutions, or businesses, when the
14 records constitute a part of the examination, investigation,
15 intelligence information, citizen complaints or inquiries, informant
16 identification, or strategic or tactical information used in law
17 enforcement training, except that this subdivision shall not apply to
18 records so developed or received relating to the presence of and
19 amount or concentration of alcohol or drugs in any body fluid of any
20 person;

21 (6) Appraisals or appraisal information and negotiation
22 records concerning the purchase or sale, by a public body, of any
23 interest in real or personal property, prior to completion of the
24 purchase or sale;

25 (7) Personal information in records regarding personnel

1 of public bodies other than salaries and routine directory
2 information;

3 (8) Information solely pertaining to protection of the
4 security of public property and persons on or within public property,
5 such as specific, unique vulnerability assessments or specific,
6 unique response plans, either of which is intended to prevent or
7 mitigate criminal acts the public disclosure of which would create a
8 substantial likelihood of endangering public safety or property;
9 computer or communications network schema, passwords, and user
10 identification names; guard schedules; lock combinations; or public
11 utility infrastructure specifications or design drawings the public
12 disclosure of which would create a substantial likelihood of
13 endangering public safety or property, unless otherwise provided by
14 state or federal law;

15 (9) The security standards, procedures, policies, plans,
16 specifications, diagrams, access lists, and other security-related
17 records of the Lottery Division of the Department of Revenue and
18 those persons or entities with which the division has entered into
19 contractual relationships. Nothing in this subdivision shall allow
20 the division to withhold from the public any information relating to
21 amounts paid persons or entities with which the division has entered
22 into contractual relationships, amounts of prizes paid, the name of
23 the prize winner, and the city, village, or county where the prize
24 winner resides;

25 (10) With respect to public utilities and except as

1 provided in sections 43-512.06 and 70-101, personally identified
2 private citizen account payment and customer use information, credit
3 information on others supplied in confidence, and customer lists;

4 (11) Records or portions of records kept by a publicly
5 funded library which, when examined with or without other records,
6 reveal the identity of any library patron using the library's
7 materials or services;

8 (12) Correspondence, memoranda, and records of telephone
9 calls related to the performance of duties by a member of the
10 Legislature in whatever form. The lawful custodian of the
11 correspondence, memoranda, and records of telephone calls, upon
12 approval of the Executive Board of the Legislative Council, shall
13 release the correspondence, memoranda, and records of telephone calls
14 which are not designated as sensitive or confidential in nature to
15 any person performing an audit of the Legislature. A member's
16 correspondence, memoranda, and records of confidential telephone
17 calls related to the performance of his or her legislative duties
18 shall only be released to any other person with the explicit approval
19 of the member;

20 (13) Records or portions of records kept by public bodies
21 which would reveal the location, character, or ownership of any known
22 archaeological, historical, or paleontological site in Nebraska when
23 necessary to protect the site from a reasonably held fear of theft,
24 vandalism, or trespass. This section shall not apply to the release
25 of information for the purpose of scholarly research, examination by

1 other public bodies for the protection of the resource or by
2 recognized tribes, the Unmarked Human Burial Sites and Skeletal
3 Remains Protection Act, or the federal Native American Graves
4 Protection and Repatriation Act;

5 (14) Records or portions of records kept by public bodies
6 which maintain collections of archaeological, historical, or
7 paleontological significance which reveal the names and addresses of
8 donors of such articles of archaeological, historical, or
9 paleontological significance unless the donor approves disclosure,
10 except as the records or portions thereof may be needed to carry out
11 the purposes of the Unmarked Human Burial Sites and Skeletal Remains
12 Protection Act or the federal Native American Graves Protection and
13 Repatriation Act;

14 (15) Job application materials submitted by applicants,
15 other than finalists, who have applied for employment by any public
16 body as defined in section 84-1409. For purposes of this subdivision,
17 (a) job application materials means employment applications, resumes,
18 reference letters, and school transcripts and (b) finalist means any
19 applicant (i) who reaches the final pool of applicants, numbering
20 four or more, from which the successful applicant is to be selected,
21 (ii) who is an original applicant when the final pool of applicants
22 numbers less than four, or (iii) who is an original applicant and
23 there are four or fewer original applicants;

24 (16) Records obtained by the Public Employees Retirement
25 Board pursuant to section 84-1512;

1 (17) Social security numbers; credit card, charge card,
2 or debit card numbers and expiration dates; and financial account
3 numbers supplied to state and local governments by citizens; ~~and~~

4 (18) Information exchanged between a jurisdictional
5 utility and city pursuant to section 66-1867; and -

6 (19) Emergency contact person information under the
7 Emergency Contact Registry Act.

8 Sec. 9. This act becomes operative on January 1, 2015.

9 Sec. 10. Original section 60-2907, Reissue Revised
10 Statutes of Nebraska, and section 84-712.05, Revised Statutes
11 Supplement, 2013, are repealed.