

AMENDMENTS TO LB47

(Amendments to E & R amendments, ER145)

Introduced by Watermeier, 1.

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

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

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

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

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

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

1 neurological disease, etc.):

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

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

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

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

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

8 Please explain:

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

13 Please explain:

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

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

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

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

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

26 (iii) Do you wish to include your name in the Donor Registry of
27 Nebraska and donate your organs and tissues at the time of your death ~~Do~~
28 ~~you wish to be an organ and tissue donor?~~

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

31 (v) Do you wish to donate \$1 to promote the Organ and Tissue Donor

1 Awareness and Education Fund?

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

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

19 (6)(a) Each individual applying for an operator's license or a state
20 identification card shall furnish proof of date of birth and identity
21 with documents containing a photograph or with nonphoto identity
22 documents which include his or her full legal name and date of birth.
23 Such documents shall be those provided in subsection (1) of section
24 60-484.04.

25 (b) Any individual under the age of eighteen years applying for an
26 operator's license or a state identification card shall provide a
27 certified copy of his or her birth certificate or, if such individual is
28 unable to provide a certified copy of his or her birth certificate, other
29 reliable proof of his or her identity and age, as required in subdivision
30 (6)(a) of this section, accompanied by a certification signed by a parent
31 or guardian explaining the inability to produce a copy of such birth

1 certificate. The applicant also may be required to furnish proof to
2 department personnel that the parent or guardian signing the
3 certification is in fact the parent or guardian of such applicant.

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

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

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

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

16 60-494 (1) Each operator's license and state identification card
17 shall include a special notation on the front of the license or card if
18 the licensee or cardholder is at least sixteen years of age and indicates
19 on the application or issuance ~~examiner's~~ certificate under section
20 60-484, or 60-4,144, ~~or~~ 60-4,181 his or her wish to be an organ and
21 ~~donor, a tissue donor, or both.~~

22 (2) The status as an organ and ~~donor, a tissue donor, or both~~ shall
23 continue until amended or revoked by the licensee or cardholder as
24 provided in subsection (4) of this section or section 71-4829 ~~be renewed~~
25 ~~upon renewal of each license or card if the licensee or cardholder, at~~
26 ~~the time of renewal, indicates the desire to renew the status and the~~
27 ~~notation authorized in subsection (1) of this section has been marked.~~
28 The status as an organ and ~~donor, a tissue donor, or both~~ is not changed
29 by the expiration, suspension, cancellation, revocation, or impoundment
30 of the license or card.

31 (3) Any person whose operator's license or state identification card

1 indicates his or her status as an organ and donor, ~~a~~ tissue donor, ~~or~~
2 ~~both~~ may obtain a replacement license or card without a notation of such
3 status. The fee for such replacement license or card shall be the fee
4 provided in section 60-4,115.

5 (4) A licensee or cardholder may ~~also~~ change his or her status as a
6 donor by indicating the desire that his or her name not be included in
7 the Donor Registry of Nebraska on an application for an operator's
8 license, a state identification card, or a replacement license or card
9 under subsection (3) of this section. A licensee or cardholder may also
10 change or limit the extent of his or her status as a donor by (a)
11 Internet access to the Donor Registry of Nebraska, (b) telephone request
12 to the registry, or (c) other methods approved by the federally
13 designated organ procurement organization for Nebraska.

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

20 Sec. 3. Section 60-4,144, Revised Statutes Supplement, 2015, is
21 amended to read:

22 60-4,144 (1) An applicant for issuance of any original or renewal
23 commercial driver's license or an applicant for a change of class of
24 commercial motor vehicle, endorsement, or restriction shall demonstrate
25 his or her knowledge and skills for operating a commercial motor vehicle
26 as prescribed in the Motor Vehicle Operator's License Act. An applicant
27 for a commercial driver's license shall provide the information and
28 documentation required by this section and section 60-4,144.01. Such
29 information and documentation shall include any additional information
30 required by 49 C.F.R. parts 383 and 391 and also include:

31 (a) Certification that the commercial motor vehicle in which the

1 applicant takes any driving skills examination is representative of the
2 class of commercial motor vehicle that the applicant operates or expects
3 to operate; and

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

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

18 (b) The applicant's social security number shall not be printed on
19 the CLP-commercial learner's permit or commercial driver's license and
20 shall be used only (i) to furnish information to the United States
21 Selective Service System under section 60-483, (ii) with the permission
22 of the director in connection with the certification of the status of an
23 individual's driving record in this state or any other state, (iii) for
24 purposes of child support enforcement pursuant to section 42-358.08 or
25 43-512.06, (iv) to furnish information regarding an applicant for or
26 holder of a commercial driver's license with a hazardous materials
27 endorsement to the Transportation Security Administration of the United
28 States Department of Homeland Security or its agent, (v) to furnish
29 information to the Department of Revenue under section 77-362.02, or (vi)
30 to furnish information to the Secretary of State for purposes of the
31 Election Act.

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

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

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

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

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

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

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

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

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

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

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

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

31 (ix) A driver's license or identification card issued in compliance

1 with the standards established by the REAL ID Act of 2005, Public Law
2 109-13, division B, section 1, 119 Stat. 302; or

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

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

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

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

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

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

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

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

1 Commonwealth of the Northern Mariana Islands;

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

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

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

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

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

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

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

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

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

31 (i) Complete the requirements to obtain a CLP-commercial learner's

1 permit or a commercial driver's license under the Motor Vehicle
2 Operator's License Act, except that an applicant domiciled in a foreign
3 jurisdiction must provide an unexpired employment authorization document
4 issued by the United States Citizenship and Immigration Services or an
5 unexpired foreign passport accompanied by an approved I-94 form
6 documenting the applicant's most recent admittance into the United
7 States. No proof of domicile is required;

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

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

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

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

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

29 (b) Do you wish to have the word "veteran" displayed on the front of
30 your operator's license to show that you served in the armed forces of
31 the United States? (To be eligible you must register with the Nebraska

1 Department of Veterans' Affairs registry.)

2 ~~OPTIONAL — YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING~~
3 ~~QUESTIONS:~~

4 (c) Do you wish to include your name in the Donor Registry of
5 Nebraska and donate your organs and tissues at the time of your death ~~Do~~
6 ~~you wish to be an organ and tissue donor?~~

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

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

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

17 (10) Every person who holds any commercial driver's license must
18 provide to the department medical certification as required by section
19 60-4,144.01. The department may provide notice and prescribe medical
20 certification compliance requirements for all holders of commercial
21 drivers' licenses. Holders of commercial drivers' licenses who fail to
22 meet the prescribed medical certification compliance requirements may be
23 subject to downgrade.

24 Sec. 4. This act becomes operative on July 1, 2017.

25 Sec. 5. Original section 60-494, Reissue Revised Statutes of
26 Nebraska, section 60-484, Revised Statutes Cumulative Supplement, 2014,
27 and section 60-4,144, Revised Statutes Supplement, 2015, are repealed.