

E AND R AMENDMENTS TO LB47

Introduced by Hansen, 26, Chairman Enrollment and Review

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,
27 neurological disease, etc.):

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

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

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

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

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

7 Please explain:

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

12 Please explain:

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

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

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

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

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

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

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

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

1 Do you wish to include your name in the Donor Registry of Nebraska
2 and donate your organs and tissues at the time of your
3 death? ...yes ...no ...elect not to answer

4 An applicant's refusal to respond to this question shall not
5 preclude the department from issuing an operator's license or state
6 identification card to the applicant.

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

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

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

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

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

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

31 (6)(a) Each individual applying for an operator's license or a state

1 identification card shall furnish proof of date of birth and identity
2 with documents containing a photograph or with nonphoto identity
3 documents which include his or her full legal name and date of birth.
4 Such documents shall be those provided in subsection (1) of section
5 60-484.04.

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

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

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

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

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

28 60-494 (1) Each operator's license and state identification card
29 shall include a special notation on the front of the license or card if
30 the licensee or cardholder is at least sixteen years of age and indicates
31 on the application or issuance ~~examiner's~~ certificate under section

1 60-484, or 60-4,144, ~~or 60-4,181~~ his or her wish to be an organ and
2 ~~donor, a tissue donor, or both.~~

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

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

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

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

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

3 60-4,144 (1) An applicant for issuance of any original or renewal
4 commercial driver's license or an applicant for a change of class of
5 commercial motor vehicle, endorsement, or restriction shall demonstrate
6 his or her knowledge and skills for operating a commercial motor vehicle
7 as prescribed in the Motor Vehicle Operator's License Act. An applicant
8 for a commercial driver's license shall provide the information and
9 documentation required by this section and section 60-4,144.01. Such
10 information and documentation shall include any additional information
11 required by 49 C.F.R. parts 383 and 391 and also include:

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

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

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

30 (b) The applicant's social security number shall not be printed on
31 the CLP-commercial learner's permit or commercial driver's license and

1 shall be used only (i) to furnish information to the United States
2 Selective Service System under section 60-483, (ii) with the permission
3 of the director in connection with the certification of the status of an
4 individual's driving record in this state or any other state, (iii) for
5 purposes of child support enforcement pursuant to section 42-358.08 or
6 43-512.06, (iv) to furnish information regarding an applicant for or
7 holder of a commercial driver's license with a hazardous materials
8 endorsement to the Transportation Security Administration of the United
9 States Department of Homeland Security or its agent, (v) to furnish
10 information to the Department of Revenue under section 77-362.02, or (vi)
11 to furnish information to the Secretary of State for purposes of the
12 Election Act.

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

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

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

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

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

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

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

31 (iv) A valid, unexpired permanent resident card issued by the United

1 States Department of Homeland Security or United States Citizenship and
2 Immigration Services;

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

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

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

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

12 (ix) A driver's license or identification card issued in compliance
13 with the standards established by the REAL ID Act of 2005, Public Law
14 109-13, division B, section 1, 119 Stat. 302; or

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

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

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

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

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

7 (b) The following are acceptable as proof of citizenship or lawful
8 status:

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

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

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

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

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

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

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

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

29 (i) If the applicant is domiciled in a foreign jurisdiction and the
30 Federal Motor Carrier Safety Administrator has not determined that the
31 commercial motor vehicle operator testing and licensing standards of that

1 jurisdiction meet the standards contained in subparts G and H of 49
2 C.F.R. part 383; or

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

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

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

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

29 (iii) Provide a mailing address to the Department of Motor Vehicles.
30 If the applicant is applying for a foreign nondomiciled CLP-commercial
31 learner's permit or foreign nondomiciled commercial driver's license, he

1 or she must provide a Nebraska mailing address and his or her employer's
2 mailing address to the Department of Motor Vehicles.

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

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

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

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

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

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

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

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

21 Do you wish to include your name in the Donor Registry of Nebraska
22 and donate your organs and tissues at the time of your
23 death? ...yes ...no ...elect not to answer

24 An applicant's refusal to respond to this question shall not
25 preclude the department from issuing a CLP-commercial learner's permit or
26 commercial driver's license to the applicant.

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

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

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

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

3 (9) 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 (10) 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. This act becomes operative on July 1, 2017.

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

20 2. On page 1, line 2, strike "and"; in line 3 strike "sections
21 60-484 and 60-4,144" and insert "section 60-484"; and in line 4 after
22 "2014" insert ", and section 60-4,144, Revised Statutes Supplement,
23 2015".