

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 623**

FINAL READING

Introduced by Nordquist, 7; Baker, 30; Campbell, 25; Howard, 9; Mello, 5; Schumacher, 22; Pansing Brooks, 28; McCollister, 20; Gloor, 35; Haar, 21; Hansen, 26; Morfeld, 46; Stinner, 48; Cook, 13; Crawford, 45; Harr, 8; Kolowski, 31; Ebke, 32; Johnson, 23; Krist, 10; Sullivan, 41; Williams, 36; Chambers, 11; Schilz, 47; Davis, 43; Friesen, 34; Garrett, 3; Kolterman, 24.

Read first time January 21, 2015

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act;
- 2 to amend sections 60-484.04 and 60-484.05, Revised Statutes
- 3 Cumulative Supplement, 2014; to state findings and intent; to change
- 4 provisions relating to evidence of lawful status, operators'
- 5 licenses, and state identification cards; to repeal the original
- 6 sections; and to declare an emergency.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-484.04, Revised Statutes Cumulative  
2 Supplement, 2014, is amended to read:

3 60-484.04 (1) The Legislature finds and declares that section 202(c)  
4 (2)(B)(i) through (ix) of the federal REAL ID Act of 2005, Public Law  
5 109-13, enumerated categories of individuals who may demonstrate lawful  
6 status for the purpose of eligibility for a federally secure motor  
7 vehicle operator's license or state identification card. The Legislature  
8 further finds and declares that it was the intent of the Legislature in  
9 2011 to adopt the enumerated categories by the passage of Laws 2011, LB  
10 215. The Legislature declares that the passage of this legislative bill  
11 is for the limited purpose of reaffirming the original legislative intent  
12 of Laws 2011, LB 215. Except as provided in section 60-4,144 with respect  
13 to operators of commercial motor vehicles, before being issued any other  
14 type of operator's license or a state identification card under the Motor  
15 Vehicle Operator's License Act, the department shall require an applicant  
16 to present valid documentary evidence that he or she has lawful status in  
17 the United States as enumerated in section 202(c)(2)(B)(i) through (ix)  
18 of the federal REAL ID Act of 2005, Public Law 109-13. Lawful status may  
19 be shown by:

20 (a) A valid, unexpired United States passport;

21 (b) A certified copy of a birth certificate filed with a state  
22 office of vital statistics or equivalent agency in the individual's state  
23 of birth;

24 (c) A Consular Report of Birth Abroad (CRBA) issued by the United  
25 States Department of State, Form FS-240, DS-1350, or FS-545;

26 (d) A valid, unexpired Permanent Resident Card (Form I-551) issued  
27 by the United States Department of Homeland Security or United States  
28 Citizenship and Immigration Services;

29 (e) An unexpired employment authorization document (EAD) issued by  
30 the United States Department of Homeland Security, Form I-766 or Form  
31 I-688B;

1 (f) An unexpired foreign passport with a valid, unexpired United  
2 States visa affixed accompanied by the approved I-94 form documenting the  
3 applicant's most recent admittance into the United States;

4 (g) A Certificate of Naturalization issued by the United States  
5 Department of Homeland Security, Form N-550 or Form N-570;

6 (h) A Certificate of Citizenship, Form N-560 or Form N-561, issued  
7 by the United States Department of Homeland Security;

8 (i) A driver's license or identification card issued in compliance  
9 with the standards established by the REAL ID Act of 2005, Public Law  
10 109-13, division B, section 1, 119 Stat. 302; or

11 (j) Such other documents as the director may approve.

12 (2)(a) If an applicant presents one of the documents listed under  
13 subdivision (1)(a), (b), (c), (d), (g), or (h) of this section, the  
14 verification of the applicant's identity in the manner prescribed in  
15 section 60-484 will also provide satisfactory evidence of lawful status.

16 (b) If the applicant presents one of the identity documents listed  
17 under subdivision (1)(e), (f), or (i) of this section, the verification  
18 of the identity documents does not provide satisfactory evidence of  
19 lawful status. The applicant must also present a second document from  
20 subsection (1) of this section or documentation issued by the United  
21 States Department of Homeland Security, the United States Citizenship and  
22 Immigration Services, or other federal agencies, such as one of the types  
23 of Form I-797 used by the United States Citizenship and Immigration  
24 Services, demonstrating that the applicant has lawful status as  
25 enumerated in section 202(c)(2)(B)(i) through (ix) of the federal REAL ID  
26 Act of 2005, Public Law 109-13 ~~lawful status as determined by the United~~  
27 ~~States Citizenship and Immigration Services.~~

28 (3) An applicant may present other documents as designated by the  
29 director as proof of lawful status as enumerated in section 202(c)(2)(B)  
30 (i) through (ix) of the federal REAL ID Act of 2005, Public Law 109-13.  
31 Any documents accepted shall be recorded according to a written

1 exceptions process established by the director.

2 Sec. 2. Section 60-484.05, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 60-484.05 (1) The department shall only issue an operator's license  
5 or a state identification card that is temporary to any applicant who  
6 presents documentation under sections 60-484 and 60-484.04 that shows his  
7 or her authorized stay in the United States is temporary. An operator's  
8 license or a state identification card that is temporary shall be valid  
9 only during the period of time of the applicant's authorized stay in the  
10 United States or, if there is no definite end to the period of authorized  
11 stay, a period of one year.

12 (2) An operator's license or state identification card that is  
13 temporary shall clearly indicate that it is temporary with a special  
14 notation on the front of the license or card and shall state the date on  
15 which it expires.

16 (3) An operator's license or state identification card that is  
17 temporary may be renewed only upon presentation of valid documentary  
18 evidence that the status by which the applicant qualified for the  
19 operator's license or state identification card that is temporary has  
20 been extended by the United States Department of Homeland Security.

21 (4) If an individual has an operator's license or a state  
22 identification card issued based on approved lawful status granted under  
23 section 202(c)(2)(B)(i) through (ix) of the federal REAL ID Act of 2005,  
24 Public Law 109-13, and the basis for the approved lawful status is  
25 terminated, the individual shall return the operator's license or state  
26 identification card to the Department of Motor Vehicles.

27 Sec. 3. Original sections 60-484.04 and 60-484.05, Revised Statutes  
28 Cumulative Supplement, 2014, are repealed.

29 Sec. 4. Since an emergency exists, this act takes effect when  
30 passed and approved according to law.