

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 351**

Introduced by McCollister, 20; Brewer, 43; Crawford, 45; Kolowski, 31;  
Krist, 10; Lowe, 37; Smith, 14.

Read first time January 12, 2017

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to motor vehicles; to amend section 80-414,
- 2 Reissue Revised Statutes of Nebraska, and sections 60-484, 60-4,117,
- 3 60-4,144, and 60-4,189, Revised Statutes Cumulative Supplement,
- 4 2016; to change provisions relating to veteran designations on
- 5 operators' licenses and state identification cards; to harmonize
- 6 provisions; to provide an operative date; and to repeal the original
- 7 sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-484, Revised Statutes Cumulative Supplement,  
2 2016, is amended to read:

3 60-484 (1) Except as otherwise provided in the Motor Vehicle  
4 Operator's License Act, no resident of the State of Nebraska shall  
5 operate a motor vehicle upon the alleys or highways of this state until  
6 the person has obtained an operator's license for that purpose.

7 (2) Application for an operator's license or a state identification  
8 card shall be made in a manner prescribed by the department.

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

19 (i) Have you within the last three months (e.g. due to diabetes,  
20 epilepsy, mental illness, head injury, stroke, heart condition,  
21 neurological disease, etc.):

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

23 (B) experienced vertigo or multiple episodes of dizziness or  
24 fainting ... yes ... no

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

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

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

28 Please explain: .....

29 (ii) Do you experience any condition which affects your ability to  
30 operate a motor vehicle? (e.g. due to loss of, or impairment of, foot,  
31 leg, hand, arm; neurological or neuromuscular disease, etc.) ... yes ...

1 no

2 Please explain: .....

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

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

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

9 (ii) Do you wish to have a veteran designation ~~the word "veteran"~~  
10 displayed on the front of your operator's license or state identification  
11 card to show that you served in the armed forces of the United States?  
12 (To be eligible you must register with the Nebraska Department of  
13 Veterans' Affairs registry.)

14 (iii) Do you wish to include your name in the Donor Registry of  
15 Nebraska and donate your organs and tissues at the time of your death?

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

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

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

24 (5) The social security number shall not be printed on the  
25 operator's license or state identification card and shall be used only  
26 (a) to furnish information to the United States Selective Service System  
27 under section 60-483, (b) with the permission of the director in  
28 connection with the verification of the status of an individual's driving  
29 record in this state or any other state, (c) for purposes of child  
30 support enforcement pursuant to section 42-358.08 or 43-512.06, (d) to  
31 furnish information regarding an applicant for or holder of a commercial

1 driver's license with a hazardous materials endorsement to the  
2 Transportation Security Administration of the United States Department of  
3 Homeland Security or its agent, (e) to furnish information to the  
4 Department of Revenue under section 77-362.02, or (f) to furnish  
5 information to the Secretary of State for purposes of the Election Act.

6 (6)(a) Each individual applying for an operator's license or a state  
7 identification card shall furnish proof of date of birth and identity  
8 with documents containing a photograph or with nonphoto identity  
9 documents which include his or her full legal name and date of birth.  
10 Such documents shall be those provided in subsection (1) of section  
11 60-484.04.

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

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

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

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

1           Sec. 2. Section 60-4,117, Revised Statutes Cumulative Supplement,  
2 2016, is amended to read:

3           60-4,117 (1) An applicant shall present an issuance certificate to  
4 the county treasurer for an operator's license or state identification  
5 card. Department personnel or the county treasurer shall collect the  
6 applicable fee and surcharge as prescribed in section 60-4,115 and issue  
7 a receipt which is valid for up to thirty days. If there is cause for an  
8 operator's license to be issued, the receipt shall also authorize driving  
9 privileges for such thirty-day period. The license or card shall be  
10 delivered as provided in section 60-4,113.

11           (2) The operator's license and state identification card shall be in  
12 a form prescribed by the department. The license and card may include  
13 security features prescribed by the department. The license and card  
14 shall be conspicuously marked Nebraska Operator's License or Nebraska  
15 Identification Card, shall be, to the maximum extent practicable, tamper  
16 and forgery proof, and shall include the following information:

17           (a) The full legal name and principal residence address of the  
18 holder;

19           (b) The holder's full facial digital image;

20           (c) A physical description of the holder, including gender, height,  
21 weight, and eye and hair colors;

22           (d) The holder's date of birth;

23           (e) The holder's signature;

24           (f) The class of motor vehicle which the holder is authorized to  
25 operate and any applicable endorsements or restrictions;

26           (g) The issuance and expiration date of the license or card;

27           (h) The organ and tissue donation information specified in section  
28 60-494;

29           (i) A veteran designation ~~notation of the word "veteran"~~ as provided  
30 in section 60-4,189; and

31           (j) Such other marks and information as the director may determine.

1 (3) Each operator's license and state identification card shall  
2 contain the following encoded, machine-readable information: The holder's  
3 full legal name; date of birth; gender; race or ethnicity; document issue  
4 date; document expiration date; principal residence address; unique  
5 identification number; revision date; inventory control number; and state  
6 of issuance.

7 Sec. 3. Section 60-4,144, Revised Statutes Cumulative Supplement,  
8 2016, is amended to read:

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

18 (a) Certification that the commercial motor vehicle in which the  
19 applicant takes any driving skills examination is representative of the  
20 class of commercial motor vehicle that the applicant operates or expects  
21 to operate; and

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

25 (2)(a) Before being issued a CLP-commercial learner's permit or  
26 commercial driver's license, the applicant shall provide (i) his or her  
27 full legal name, date of birth, mailing address, gender, race or  
28 ethnicity, and social security number, (ii) two forms of proof of address  
29 of his or her principal residence unless the applicant is a program  
30 participant under the Address Confidentiality Act, except that a  
31 nondomiciled applicant for a CLP-commercial learner's permit or

1 nondomiciled commercial driver's license holder does not have to provide  
2 proof of residence in Nebraska, (iii) evidence of identity as required by  
3 this section, and (iv) a brief physical description of himself or  
4 herself.

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (ix) A driver's license or identification card issued in compliance  
19 with the standards established by the REAL ID Act of 2005, Public Law  
20 109-13, division B, section 1, 119 Stat. 302; or

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

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

26 (d) If the applicant presents one of the identity documents listed  
27 under subdivision (b)(v), (vi), or (ix) of this subsection, the  
28 verification of the identity documents does not provide satisfactory  
29 evidence of lawful status. The applicant must also present a second  
30 document from subdivision (4)(b) of this section, a document from  
31 subsection (5) of this section, or documentation issued by the United

1 States Department of Homeland Security or other federal agencies  
2 demonstrating lawful status as determined by the United States  
3 Citizenship and Immigration Services.

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

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

13 (b) The following are acceptable as proof of citizenship or lawful  
14 status:

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

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

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

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

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

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

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

1 director.

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

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

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

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

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

26 (ii) After receipt of the nondomiciled CLP-commercial learner's  
27 permit or nondomiciled commercial driver's license and, for as long as  
28 the permit or license is valid, notify the Department of Motor Vehicles  
29 of any adverse action taken by any jurisdiction or governmental agency,  
30 foreign or domestic, against his or her driving privileges. Such adverse  
31 actions include, but are not limited to, license disqualification or

1 disqualification from operating a commercial motor vehicle for the  
2 convictions described in 49 C.F.R. 383.51. Notifications must be made  
3 within the time periods specified in 49 C.F.R. 383.33; and

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

9 (c) An applicant for a nondomiciled CLP-commercial learner's permit  
10 or nondomiciled commercial driver's license who holds a foreign  
11 operator's license is not required to surrender his or her foreign  
12 operator's license.

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

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

17 (b) Do you wish to have a veteran designation ~~the word "veteran"~~  
18 displayed on the front of your operator's license to show that you served  
19 in the armed forces of the United States? (To be eligible you must  
20 register with the Nebraska Department of Veterans' Affairs registry.)

21 (c) Do you wish to include your name in the Donor Registry of  
22 Nebraska and donate your organs and tissues at the time of your death?

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

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

27 (9) Application for a CLP-commercial learner's permit or commercial  
28 driver's license shall include a signed oath, affirmation, or declaration  
29 of the applicant that the information provided on the application for the  
30 permit or license is true and correct.

31 (10) Any person applying for a CLP-commercial learner's permit or

1 commercial driver's license must make one of the certifications in  
2 section 60-4,144.01 and any certification required under section 60-4,146  
3 and must provide such certifications to the Department of Motor Vehicles  
4 in order to be issued a CLP-commercial learner's permit or a commercial  
5 driver's license.

6 (11) Every person who holds any commercial driver's license must  
7 provide to the department medical certification as required by section  
8 60-4,144.01. The department may provide notice and prescribe medical  
9 certification compliance requirements for all holders of commercial  
10 drivers' licenses. Holders of commercial drivers' licenses who fail to  
11 meet the prescribed medical certification compliance requirements may be  
12 subject to downgrade.

13 Sec. 4. Section 60-4,189, Revised Statutes Cumulative Supplement,  
14 2016, is amended to read:

15 60-4,189 (1) An operator's license or a state identification card  
16 shall include a veteran designation ~~notation of the word "veteran"~~ on the  
17 front of the license or card as directed by the department if the  
18 individual applying for such license or card is eligible for the license  
19 or card and:

20 (a)(i) Has ~~(a) has served in the United States Army, United States~~  
21 Army Reserve, United States Navy, United States Navy Reserve, United  
22 States Marine Corps, United States Marine Corps Reserve, United States  
23 Coast Guard, United States Coast Guard Reserve, United States Air Force,  
24 United States Air Force Reserve, or National Guard on active duty in the  
25 armed forces of the United States, other than active duty for training,  
26 and was discharged or otherwise separated with a characterization of  
27 honorable or general (under honorable conditions) from such service; or ~~or~~

28 (ii) Has served in the United States Public Health Service or the  
29 National Oceanic and Atmospheric Administration, was detailed to any  
30 branch of the armed forces of the United States for service on active or  
31 reserve duty, and was discharged or otherwise separated with a

1 characterization of honorable or general (under honorable conditions) as  
2 proven with valid orders from the United States Department of Defense, a  
3 statement of service provided by the United States Public Health Service,  
4 or a report of transfer or discharge provided by the National Oceanic and  
5 Atmospheric Administration;

6 (b) Registers registers with the Department of Veterans' Affairs  
7 pursuant to section 80-414 as verification of such service; ~~7~~ and

8 (c) Indicates indicates on the application under section 60-484 his  
9 or her wish to include such veteran designation notation on his or her  
10 license or card.

11 (2) The Department of Motor Vehicles shall consult the registry  
12 established pursuant to section 80-414 before placing the veteran  
13 designation notation ~~of the word "veteran"~~ on the operator's license or  
14 state identification card issued to the applicant. Such designation  
15 ~~notation~~ shall not be authorized unless the registry verifies the  
16 applicant's eligibility. If eligible, the designation to be placed on the  
17 applicant's license or card shall be as follows:

18 (a) The words "Guard-Veteran" for any veteran of the National Guard;

19 (b) The words "Reserve-Veteran" for any veteran who served on  
20 reserve duty; or

21 (c) The word "Veteran" for all other veterans.

22 (3) If the Director of Motor Vehicles discovers evidence of fraud in  
23 an application under this section, the director may summarily cancel the  
24 license or state identification card and send notice of the cancellation  
25 to the licensee or cardholder. If the Department of Motor Vehicles has  
26 information that an individual is no longer eligible for the veteran  
27 designation notation, the department may summarily cancel the license and  
28 send notice of the cancellation to the licensee or cardholder. The  
29 veteran designation notation shall not be restored until the Department  
30 of Motor Vehicles subsequently verifies the applicant's eligibility by  
31 consulting the registry of the Department of Veterans' Affairs.

1           (4) ~~(3)~~ The veteran designation notation authorized in subsection  
2 ~~(1)~~ of this section shall continue to be included on the license or card  
3 upon renewal of such license or card if the licensee or cardholder, at  
4 the time of renewal, indicates the desire to include the veteran  
5 designation notation.

6           (5) ~~(4)~~ An individual may obtain a replacement operator's license or  
7 state identification card to add or remove the veteran designation  
8 notation authorized in subsection ~~(1)~~ of this section by applying to the  
9 Department of Motor Vehicles for such replacement license or card and, if  
10 adding the veteran designation notation, by meeting the requirements of  
11 subsection (1) of this section. The fee for such replacement license or  
12 card shall be the fee provided in section 60-4,115.

13           Sec. 5. Section 80-414, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15           80-414 (1) The Department of Veterans' Affairs shall create and  
16 maintain a registry of residents of Nebraska who meet the requirements of  
17 subdivision (1)(a) or (b) of section 60-3,122.04 or subsection (1) of  
18 section 60-4,189. The Department of Veterans' Affairs may adopt and  
19 promulgate rules and regulations governing the establishment and  
20 maintenance of the registry. The registry may be used to assist the  
21 department in carrying out the duties of the department and shall provide  
22 for the collection of sufficient information to identify an individual  
23 who qualifies for Military Honor Plates or a veteran designation notation  
24 ~~of "veteran"~~ on his or her operator's license or state identification  
25 card issued by the Department of Motor Vehicles. The registry may include  
26 information such as identifying information on an individual, an  
27 individual's records on active duty or reserve duty in the armed forces  
28 of the United States, or an individual's status of active duty, reserve  
29 duty, retired, discharged, or other.

30           (2) Any resident of Nebraska who meets the requirements of  
31 subdivision (1)(a) or (b) of section 60-3,122.04 or subsection (1) of

1 section 60-4,189 shall register with the Department of Veterans' Affairs  
2 using the registry created by this section before being eligible for  
3 Military Honor Plates or a veteran designation ~~notation of "veteran"~~ on  
4 his or her operator's license or state identification card issued by the  
5 Department of Motor Vehicles. No person shall be deemed eligible until  
6 his or her status has been verified on the registry.

7 (3) The Department of Motor Vehicles may adopt and promulgate rules  
8 and regulations governing use of the registry of the Department of  
9 Veterans' Affairs for determination of eligibility for the issuance of  
10 Military Honor Plates or a veteran designation ~~the notation of "veteran"~~  
11 on operators' licenses and state identification cards.

12 Sec. 6. This act becomes operative on January 1, 2018.

13 Sec. 7. Original section 80-414, Reissue Revised Statutes of  
14 Nebraska, and sections 60-484, 60-4,117, 60-4,144, and 60-4,189, Revised  
15 Statutes Cumulative Supplement, 2016, are repealed.