

LEGISLATIVE BILL 811

Approved by the Governor March 12, 1984

Introduced by Schmit, 23

AN ACT relating to motor vehicles; to amend sections 60-308 and 60-403, Reissue Revised Statutes of Nebraska, 1943, sections 60-406.04, 60-411, and 60-415, Revised Statutes Supplement, 1982, and section 60-407, Revised Statutes Supplement, 1982, as amended by section 1, Legislative Bill 710, Eighty-eighth Legislature, Second Session, 1984; to provide for the furnishing of vehicle registration records; to change provisions relating to the issuance, replacement, and renewal of a motor vehicle operator's license or permit; to harmonize provisions; to eliminate a provision relating to color photographs; to eliminate a provision relating to obtaining a motor vehicle operator's license outside the county of residence; and to repeal the original sections, and also sections 60-405.01 and 60-406.05, Reissue Revised Statutes of Nebraska, 1943.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 60-308, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-308. The Department of Motor Vehicles shall keep a record of each vehicle registered, alphabetically by name of the owner, with cross reference in each instance to the registration number assigned to such vehicle. Any ~~Provided; that any such records record~~ may be destroyed by any public officer having custody thereof of it after three years from the date of its issuance. ~~thereof.~~

The department shall furnish a copy of the record of a registered or titled vehicle to any applicant after receiving from the applicant the name on the registration, the license plate number, the vehicle identification number, or the title number of a vehicle. A fee of one dollar shall be charged for the copy. An extract of the entire file of vehicles registered or titled in the state or updates to the entire file may be provided to an applicant upon payment of a fee of twelve dollars per thousand records. Any fee received by the department pursuant to this section shall be deposited into the Motor Vehicle Computerization Fund.

Sec. 2. That section 60-403, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-403. Except as herein otherwise provided, no

person, resident of the State of Nebraska, shall operate a motor vehicle upon the streets, alleys, or public highways of the State of Nebraska until such the person has ~~shall~~ have obtained a license for that purpose. Application for such an operator's license shall be made under oath or affirmation on uniform blanks prepared and furnished to the county treasurers, examiners of the Department of Motor Vehicles, and any local examiners by the Director of Motor Vehicles. The standard application blanks shall be sufficient in form and content to substantially carry out the purposes of this act. They shall contain, in addition to any other information and questions necessary to comply with the requirements and purposes of this act, the name, age, post office address, place of residence, date of birth, sex, and a brief description of the applicant and the following specific questions: (1) ~~How long a period prior to the date of this application have you operated a motor vehicle?~~ (2) Do you suffer from any physical defects that would detract from normal ability to safely operate a motor vehicle? (3) (2) Have you suffered dismemberment of foot, leg, hand, or arm? (4) (3) Are you subject to vertigo or fainting spells? (5) ~~Do you possess, with or without the aid of spectacles, sufficient powers of eyesight to enable you to operate a motor vehicle on the streets, alleys or public highways of this state with a reasonable degree of safety?~~ (6) Are you deaf? (7) Is your hearing seriously impaired? (8) (4) Has your operator's license ever been revoked or suspended, and if so give date and period of each such occurrence. ~~suspension and date and period of revocation?~~

Sec. 3. That section 60-406.04, Revised Statutes Supplement, 1982, be amended to read as follows:

60-406.04. (1) All motor vehicle operators' licenses, except limited, special, and learners' permits, temporary licenses and permits as provided by subsections (2) and (3) of this section and subsection (4) of section 60-415, ~~or school permits issued in the state after January 17, 1978,~~ and licenses issued pursuant to subsection (2) of this section, shall have a color photograph of the licensee affixed thereto. Such license shall be issued by the county treasurer, ~~either in person or by mail.~~ The Director of Motor Vehicles shall negotiate and enter into a contract to provide the necessary equipment, supplies, and forms for the photographs. All costs incurred by the department under this section shall be paid by the state out of appropriations made to the Department of Motor Vehicles. All costs of taking and affixing the photographs shall be paid by the county from the fees provided pursuant to section 60-409.

(2) Any person who, at the time of renewal of his or her motor vehicle operator's license, is out of the state may be issued, after proper application, a license without an affixed photograph upon payment of a fee as

provided in section 60-409, but within the United States, may apply for a Class I temporary motor vehicle operator's permit. Such application shall be made to the county treasurer of the county in which the applicant resides. Upon being satisfied that such application is in proper form, the county treasurer shall issue, upon the payment of a fee of two dollars, a temporary motor vehicle operator's permit. The temporary permit shall be valid for no longer than three months from the date of expiration of the individual's motor vehicle operator's license, except that a person who is out of the state continually for more than three months may apply for an extension of the temporary permit for up to three additional three-month periods at no charge.

(3) Any person who, at the time of renewal of his or her motor vehicle operator's license, is temporarily residing in a foreign country, may apply for a Class II temporary motor vehicle operator's permit. Such application shall be made to the county treasurer of the county in which the applicant resides. Upon being satisfied that such application is in proper form, the county treasurer shall issue, upon the payment of a fee of two dollars, a temporary motor vehicle operator's permit. The temporary permit shall be valid for no longer than one year from the date of expiration of the individual's motor vehicle operator's license. A person who is out of the United States continually for more than one year may apply for an extension of such temporary permit for up to three additional one-year periods at no charge.

(4) Any person possessing a permit pursuant to subsection (2) of this section on March 25, 1982, may apply for renewal of such temporary permit as provided in subsection (3) of this section.

Sec. 4. That section 60-407, Revised Statutes Supplement, 1982, as amended by section 1, Legislative Bill 710, Eighty-eighth Legislature, Second Session, 1984, be amended to read as follows:

60-407. (1) No license or permit to operate a motor vehicle shall be granted to any applicant until such applicant satisfies the examiner that he or she possesses, with or without the aid of glasses, sufficient powers of eyesight to enable him or her to operate a motor vehicle on the highways of this state with a reasonable degree of safety. If, from the examination given any applicant, it appears that the applicant's powers of eyesight are such that he or she cannot operate a motor vehicle on the highways of this state with a reasonable degree of safety, the examiner shall require the applicant to present a doctor's or optometrist's certificate to the effect that the applicant has sufficient powers of eyesight for such purpose before issuing a license to such the applicant. If it is indicated by such the examination by the examiner or by the doctor's or optometrist's certificate that the

applicant must wear glasses to meet the minimum visual standards set by the department, then the applicant shall have the use of any license issued to him or her restricted to wearing glasses while operating a motor vehicle. If the application to operate a motor vehicle required by this act discloses that the applicant for such license suffers from any other physical defect or defects of a character which may affect the safety of operation by such applicant of a motor vehicle, the examiner shall require such the applicant to show cause why such license should be granted and, shall require such applicant, through such personal examination and demonstration as may be prescribed by the director, to show the necessary ability to safely operate a motor vehicle on the public highways. If the examiner is satisfied, after such the demonstration, that such applicant has the ability to safely operate such a motor vehicle, an operator's license may be issued to the applicant subject, at the discretion of the director, to a limitation to operate only such motor vehicles at such time, for such purpose, and within such area as the license shall designate. The director may, at the request of a law enforcement officer or when he or she has reason to believe that such a person may be physically or mentally incompetent to operate a motor vehicle or whose a person's driving record appears to the department to justify such an examination, give notice to the holder of an operator's license to appear before an examiner for examination to operate a motor vehicle safely. A refusal to appear before an examiner for such an examination shall be unlawful. If such the license holder cannot qualify at such the examination, his or her operator's license shall be immediately surrendered to such the examiner and forwarded to the director who shall cancel his or her license and privilege to operate a motor vehicle. Refusal to appear before an examiner for examination after notice to do so or to surrender an operator's license on demand shall be unlawful and any person failing to surrender his or her operator's license as required by the provisions of this section shall be guilty of a Class III misdemeanor. No operator's license referred to in this subsection shall, under any circumstances, be issued to any person who has not attained the age of sixteen years but, upon application therefor and proof of age in the manner provided in subsection (3) of this section, any such person may take the examination required by this subsection at any time within sixty days prior to his or her sixteenth birthday.

(2) A person who has not attained the age set forth in subsection (1) of this section but is over the age of fourteen years may be issued, by the county treasurer, a limited permit to drive a motor vehicle, moped, or motorcycle to and from the school building where he or she attends school, by the nearest highway or street from his or her place of residence, if such child lives a distance

of one and one half miles or more from such school and either resides outside a metropolitan, primary, or first-class city or attends a school which is outside a metropolitan, primary, or first-class city. Such limited permit shall be used for the sole purpose of transporting such person to attend school, except that the holder of such a the permit may drive under the personal supervision of his or her parents or guardian. A permit shall not be issued until such person has appeared before an examiner to demonstrate that he or she is capable of successfully operating a motor vehicle or motorcycle and has in his or her possession an examiner's certificate authorizing the county treasurer to issue a school permit. Any such person desiring such limited permit may first obtain a learner's permit from the county treasurer, which permit shall be valid for a period of two months. While holding such a the permit, the person may operate a motor vehicle on the highways of this state if he or she has seated next to him or her a person who is a licensed operator or, in the case of a motorcycle or moped, if he or she is within visual contact with and is under the supervision of a person who, in the case of a motorcycle, is a licensed motorcycle operator and or, in the case of a moped, is a licensed motor vehicle operator. Such licensed motor vehicle or motorcycle operator shall either be a parent or guardian of the child or a person over the age of nineteen years who is authorized in writing by the child's parent or guardian to supervise the actions of the child in operating the vehicle. Prior to issuance of such a learner's permit it shall be required that such person demonstrate that he or she has sufficient powers of eyesight to safely operate a motor vehicle or motorcycle.

(3) Each individual under the age of nineteen years who is making an application for his or her first operator's license or a limited or learner's permit must furnish proof of age, either by birth certificate or written information signed by one of his or her parents or his or her guardian, to show that such applicant has attained the age, respectively, as required by subsection (1) or (2) of this section- and name by a legal document, a learner's permit, a school permit, a birth certificate, a valid operator's license from another state, military papers, passport papers, immigration papers, alien registration papers, an affidavit, or written information signed by a parent or guardian of the applicant. The applicant may be required to furnish proof to the examiner that the parent or guardian signing any written information is in fact the parent or guardian of such applicant. All licenses, and limited permits issued, as provided by pursuant to subsection (2) of this section, shall be subject to revocation under the terms of section 60-427 and any person who violates shall violate the terms of such license or limited permit shall be deemed guilty of

a Class III misdemeanor.

(4) Any person who ~~shall have~~ has attained the age of fifteen years or more may obtain a learner's permit from the county treasurer which shall be valid for a period of twelve months and he or she may operate a motor vehicle on the highways of this state if he or she is accompanied at all times by a licensed operator who is at least nineteen years of age and who is actually occupying the seat beside the driver or, in the case of a motorcycle or moped, if he or she is within visual contact with and under the supervision of, in the case of a motorcycle, a licensed motorcycle operator ~~and or~~, in the case of a moped, a licensed motor vehicle operator. Any person who has ~~shall have~~ attained the age of fourteen years may operate a motor vehicle over the highways of the state if he or she is accompanied or, in the case of a motorcycle or moped, supervised at all times by a licensed operator who shall be a high school driver training instructor certified by the Commissioner of Education.

(5) Any person who is thirteen years of age or older and resides upon a farm in this state or who is fourteen years of age or older and who is employed for compensation upon a farm in this state may obtain a special permit authorizing the operation of farm tractors and other motorized implements of farm husbandry upon the public highways and roads of this state, if the applicant for such a restricted permit furnishes to a license examiner satisfactory proof of age and satisfactorily demonstrates to the examiner that he or she has knowledge of the operation of such equipment and of the rules of the road and laws respecting the operation of motor vehicles upon the highways and public roads of this state. Any person under sixteen years of age but not less than thirteen years of age may obtain a temporary permit to operate such equipment for a six-month period after presentation to the Department of Motor Vehicles of a request for ~~such the~~ temporary permit signed by ~~such the~~ person's parent or guardian and payment of five dollars. After the expiration of ~~such the~~ six-month period it shall be unlawful for any person under sixteen years of age to operate such equipment upon the public highways and roads of this state unless he or she has been issued a special permit under the provisions of this subsection. The fee for such special permit shall be five dollars and ~~such the~~ special permit shall be subject to revocation for cause.

(6) The county treasurer shall collect a fee of three dollars from each successful applicant for a school or learner's permit.

Sec. 5. That section 60-411, Revised Statutes Supplement, 1982, be amended to read as follows:

60-411. All motor vehicle operators' licenses contemplated by this act issued after September 1, 1967, shall expire on the licensee's birthday in the first year

after issuance in which his or her age is divisible by four. The expiration date shall be stated on each license. All licenses which expire under this section may be renewed within a ninety-day period before the expiration date. The holder of a valid motor vehicle operator's license may renew his or her license prior to the ninety-day period before the expiration date on such license if such applicant furnishes positive proof that he or she will be absent from the state during the ninety-day period prior to such expiration date. The operator's license of any person serving on active duty, other than for training purposes, outside the State of Nebraska as a member of the United States armed forces, or the spouse of any such person or a person who has been with such member of the armed forces, shall be valid during such person's period of active duty and for not more than sixty days immediately following such person's date of separation from service and shall be renewed after the expiration date without examination upon written application to the county treasurer who issued the license. ~~No 7 Provided, that no person shall be permitted to renew a license in such manner more than twice. The county treasurer also shall issue a renewal license, without examination, to any person whose license expired while serving in the armed forces of the United States, or the spouse of any such person or a person who has been with such member of the armed forces, and who makes application for renewal within sixty days after his or her discharge or return to the state, whichever is later. Each individual who is applying for renewal of his or her operator's license shall submit his or her previous license to the examiner or, when the previous license is unavailable, furnish identification in accordance with subsection (3) of section 60-407.~~

Sec. 6. That section 60-415, Revised Statutes Supplement, 1982, be amended to read as follows:

60-415. (1) Except as provided in subsection (4) of this section for persons temporarily out of the state, any person duly licensed under the provisions of this act who loses his or her license or permit, may obtain a duplicate upon filing with the county treasurer an application and affidavit showing such loss and furnishing proof of identification in accordance with subsection (3) of section 60-407. Upon the officer being satisfied that the loss is genuine, the officer shall cause to be issued, upon the payment of a fee of two dollars, a duplicate license or permit. ~~No 7 Provided, that not more than two duplicates of a license may be issued in this manner. Upon 7 and provided further, that upon the issuance of any duplicate or replaced replacement license or permit, the license or permit from which the duplicate or replaced replacement license or permit is issued shall be void. Such The two-dollar fee shall be handled by the treasurers in the same manner as original or renewal license fees,~~

except that ~~7~~ Provided, such duplicate license or permit fee in each instance shall be credited, allocated, and accounted for by the county treasurer as in the cases of original and renewal motor vehicle operators' license fees as provided in section 60-409.

(2) If any person changes his or her name because of marriage, divorce, by court order, or a common law name change, he or she shall apply to the county treasurer for a replacement motor vehicle operator's license, and furnish satisfactory evidence of such change, and such proof of identification in accordance with subsection (3) of section 60-407. Such license shall be issued upon payment of a fee of two dollars. Satisfactory evidence shall include but not be limited to a marriage license, divorce decree, court order, social security card, birth certificate, or employment records. Such application shall be made within thirty days after the change of name. If any person changes his or her address, the person may shall apply to the county treasurer for a replacement motor vehicle operator's license, and furnish satisfactory evidence of such change. Such 7 and such license shall be issued upon payment of a fee of two dollars.

(3) In the event ~~of~~ a mutilated and unreadable license or permit ~~is held~~ by any person duly licensed under the provisions of this act, such person may obtain a replaced replacement license or permit upon showing the original mutilated or unreadable license or permit to the county treasurer. A replacement license may be issued, without an affixed photograph, to any person who is out of the state at the time of application for the replacement license. Such license or permit shall state on its face that it shall become invalid thirty days after such person resumes residence in the state. If the county treasurer is satisfied that the license or permit is mutilated or unreadable, the county treasurer shall cause to be issued, upon the payment of a fee of two dollars, a replaced replacement license or permit. Such The fee shall be handled by the treasurer in the same manner as the original or renewal license fee, except that the fees, Provided, such replacement license or permit fee in each instance shall be credited, allocated, and accounted for by the county treasurer as in the cases of original and renewal motor vehicle operators' license fees as provided in section 60-409.

(4) If any person duly licensed under the provisions of sections 60-401 to 60-440 loses his or her license ~~or permit~~ while temporarily out of the state, he or she may apply for a duplicate operator's license without an affixed photograph temporary motor vehicle operator's license or permit by filing with the county treasurer an application and affidavit showing such loss. Upon the officer being satisfied that the loss is genuine, the officer shall cause to be issued, upon the payment of a fee

of two dollars, a temporary motor vehicle operator's license or permit duplicate operator's license without an affixed photograph. Upon the issuance of the duplicate license, temporary motor vehicle operator's license or permit, the original license or permit shall be void. In the case of a temporary license issued pursuant to this subsection, the photograph requirement in subsection (1) of section 60-406.04 shall not apply. Temporary licenses and permits issued pursuant to this section shall be valid for no longer than three months from the date of issuance, except that a person who is out of the state continually for more than three months may apply for an extension of the temporary license or permit for up to three additional three-month periods at no charge.

A person holding a temporary license or permit issued pursuant to this subsection may, at any time, apply to the county treasurer for a duplicate of his or her original motor vehicle operator's license or permit. The provisions of subsection (1) of section 60-415, including the amount and payment of fees, shall apply to the issuance of such a duplicate license or permit, except that no affidavit of loss is required when the person applying for a duplicate license or permit is already a holder of a temporary motor vehicle operator's license or permit issued under the provisions of this subsection. Upon the issuance of such duplicate license or permit, the temporary license or permit shall be void.

(5) Any person holding a valid operator's license without an affixed photograph shall surrender such license to the treasurer of his or her county of residence within thirty days of resuming residency in this state. After the thirty-day period, such license shall be considered invalid. Upon the timely surrender of the license and payment of a fee of two dollars, such person shall be issued an operator's license with a color photograph of the licensee affixed to it.

Sec. 7. That original sections 60-308 and 60-403, Reissue Revised Statutes of Nebraska, 1943, sections 60-406.04, 60-411, and 60-415, Revised Statutes Supplement, 1982, and section 60-407, Revised Statutes Supplement, 1982, as amended by section 1, Legislative Bill 710, Eighty-eighth Legislature, Second Session, 1984, and also sections 60-405.01 and 60-406.05, Reissue Revised Statutes of Nebraska, 1943, are repealed.