

## LEGISLATIVE BILL 467

Approved by the Governor April 26, 1995

Introduced by Transportation Committee: Kristensen, 37, Chairperson;  
Avery, 3; Coordsen, 32; Day, 19; Jones, 43; Matzke, 47;  
Pedersen, 39; Pirsch, 10

AN ACT relating to motor vehicles; to amend sections 60-115, 60-308, 60-311.12, 60-479, 60-483, 60-4,115, 60-4,119, and 60-1515, Reissue Revised Statutes of Nebraska, and sections 37-1287, 60-302, 60-462, 60-484, 60-4,118, 60-4,181, 60-6,298, and 60-1513, Revised Statutes Supplement, 1994; to change the disposition of fees; to eliminate a fund; to provide for employer checks of the National Driver Register; to provide a fee; to change provisions relating to physical impairment and renewal of operator's licenses; to change provisions relating to special permits to operate vehicles on certain highways; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 60-1514, Revised Statutes Supplement, 1994; and to declare an emergency.

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

Section 1. Section 37-1287, Revised Statutes Supplement, 1994, is amended to read:

37-1287. (1) Commencing January 1, 1997, the county clerks or the Department of Motor Vehicles shall charge a fee of ten dollars for each certificate of title and a fee of three dollars for each notation of any lien on a certificate of title. The county clerks shall retain for the county four dollars of the ten dollars charged for each certificate of title and two dollars for each notation of lien. The remaining amount of the fee charged for the certificate of title and notation of lien under this subsection shall be remitted to the State Treasurer for credit to the General Fund.

(2) Commencing January 1, 1997, the county clerks or the department shall charge a fee of ten dollars for each replacement or duplicate copy of a certificate of title, and the duplicate copy issued shall show only those unreleased liens of record. A fee of four dollars shall be charged for refiling a certificate of title pursuant to section 37-1279. Such fees shall be remitted by the county or the department to the State Treasurer for credit to the General Fund.

(3) Commencing January 1, 1997, in addition to the fees prescribed in subsections (1) and (2) of this section, the county clerks or the department shall charge a fee of four dollars for each certificate of title, each replacement or duplicate copy of a certificate of title, each refiling of a certificate of title, and each notation of lien on a certificate of title. The county clerks or the department shall remit the fee charged under this subsection to the State Treasurer for credit to the Department of Motor Vehicles ~~Cash Fund, Computerization and Operations Fund.~~

(4) The county clerks shall remit fees due the State Treasurer under this section monthly and not later than the fifth day of the month following the collection thereof. The county clerks shall remit fees not due to the State Treasurer to their respective county treasurers who shall credit such fees to the county general fund.

Sec. 2. Section 60-115, Reissue Revised Statutes of Nebraska, is amended to read:

60-115. (1) The county clerks or the Department of Motor Vehicles shall charge a fee of ten dollars for each replacement or duplicate copy of a certificate of title, and the duplicate copy issued shall show only those unreleased liens of record. A fee of four dollars shall be charged for refiling a certificate of title pursuant to section 60-107.01. Such fees shall be retained by the county or the department.

(2) In addition to the fees prescribed in subsection (1) of this section, the county clerks or the department shall charge a fee of six dollars for each certificate of title and a fee of three dollars for each notation of any lien on a certificate of title. The county clerks shall retain for the county three dollars and twenty-five cents of the six dollars charged for each certificate of title and two dollars for each notation of lien. Two dollars charged for the certificate of title and the remaining one dollar charged for notation of any lien on a certificate of title shall be remitted to the State Treasurer for credit to the General Fund. Twenty cents of the fee for a certificate of title shall be remitted to the State Treasurer for credit to a

fund to be administered by the Consumer Protection Division of the Attorney General's office at the direction of the Attorney General for the purposes of the investigation and prosecution of (a) odometer and motor vehicle fraud and (b) motor vehicle licensing violations, which may be referred by the Nebraska Motor Vehicle Industry Licensing Board. Forty-five cents of the fee charged for the certificate of title shall be remitted to the State Treasurer for credit to the Nebraska State Patrol Cash Fund. The remaining ten cents of the fee charged for the certificate of title shall be remitted to the State Treasurer for credit to the Nebraska Motor Vehicle Industry Licensing Fund for the purpose of conducting preliminary investigations of motor vehicle licensing violations relating to odometer and motor vehicle fraud.

(3) In addition to the fees prescribed in subsections (1) and (2) of this section, the county clerks or the department shall charge a fee of four dollars for each certificate of title, each replacement or duplicate copy of a certificate of title, each refiling of a certificate of title, and each notation of lien on a certificate of title. The county clerks or the department shall remit the fee charged under this subsection to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Computerization and Operations Fund.

(4) The county clerks shall remit all funds due the State Treasurer under sections 60-102 to 60-117 monthly and not later than the fifth day of the month following the collection ~~thereof~~. The county clerks shall remit fees not due the State of Nebraska to their respective county treasurers who shall credit ~~such the fees so remitted~~ to the county general fund. All fees not otherwise provided for in this section received by the department pursuant to this section shall be deposited in the Interstate Registration Operations Cash Fund.

(5) If a county board consolidates services under the office of a designated county official other than the county clerk pursuant to section 23-186, the designated county official shall charge, retain, and remit the fees prescribed in this section.

Sec. 3. Section 60-302, Revised Statutes Supplement, 1994, is amended to read:

60-302. (1) No motor vehicle, trailer, semitrailer, or cabin trailer, unless otherwise expressly provided, shall be operated or parked on the highways of this state unless ~~such the~~ vehicle is registered in accordance with Chapter 60, article 3. There shall be a rebuttable presumption that any vehicle stored and kept more than thirty days in the state is being operated or parked on the highways of this state and shall be registered in accordance with Chapter 60, article 3. Every owner of a vehicle required to be registered shall make application for registration to the county treasurer of the county in which the vehicle has tax situs as defined in section 77-1238. The application shall be a copy of a certificate of title or, in the case of a renewal of a registration, the application shall be the previous registration period's certificate. A salvage certificate of title as defined in section 60-129 and a nontransferable certificate of title provided for in section 60-131 shall not be valid for registration purposes.

(2) All applications for registration of motor vehicles shall be accompanied by proof of financial responsibility. Proof of financial responsibility shall be evidenced by a copy of proof of financial responsibility filed pursuant to subdivision (2), (3), or (4) of section 60-528 bearing the seal of the Department of Motor Vehicles or by a certificate or policy of insurance. Such certificate or policy of insurance shall be written by an insurance carrier duly authorized to do business in this state and shall certify that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility in limits for bodily injury or death and for injury to or destruction of property of others set forth in section 60-509. Such certificate or policy shall give the effective dates of such motor vehicle liability policy, which dates shall be evidence that the coverage is in effect on and following the date of registration, and shall designate, by explicit description or by appropriate reference, all motor vehicles covered thereby. Such certificate or policy of motor vehicle liability insurance shall not exclude liability coverage under such certificate or policy solely because the injured person making a claim is the named insured in such certificate or policy or a spouse or relative residing in the same household with the named insured.

(3) Any nonresident owner who desires to register a vehicle or vehicles in this state shall register in the county where the vehicle is domiciled or where the owner conducts a bona fide business.

(4) Each new application shall contain, in addition to ~~such~~ other information as may be required by the department, the name and post office

address of the applicant and a description of the vehicle, including the color, the manufacturer, the identification number, and the weight of the vehicle required by Chapter 60, article 3. With ~~such~~ the application and proof of financial responsibility, the applicant shall pay the proper registration fee as provided in sections 60-305.08 to 60-339 and shall state whether the vehicle is propelled by motor vehicle fuel as defined in section 66-482, diesel fuel as defined in section 66-654, or alternative fuel as defined in section 66-686 and, if alternative fuel, the type of fuel. The form shall also contain a notice that bulk fuel purchasers may be subject to federal excise tax liability. The department shall prescribe a form, containing ~~such~~ the notice, for supplying the information for vehicles to be registered. The county assessor shall include the form in each mailing made pursuant to section 77-1240.01.

(5) The county treasurer or his or her agent shall collect, in addition to the registration fees, one dollar and fifty cents for each ~~and every~~ certificate issued and shall remit one dollar and fifty cents of each additional fee collected to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. ~~Computerization and Operations Fund.~~

(6) The county treasurer or his or her agent shall collect, in addition to other registration fees, ~~the sum of~~ one dollar and fifty cents for each ~~and every~~ certificate issued; ~~which fee shall be remitted by the county treasurer and shall remit the fee to the State Treasurer for credit to the State Recreation Road Fund.~~

(7) If a citation is issued to an owner of a vehicle for a violation of this section and the owner, within ten days of issuance of the citation, properly registers and licenses the vehicle not in compliance, pays all taxes and fees due, and provides proof of such registration to the prosecuting attorney, no prosecution for the offense cited shall occur.

(8) If a county board consolidates services under the office of a designated county official other than the county treasurer pursuant to section 23-186, the powers and duties of the county treasurer relating to registration under sections 60-301 to 60-347 shall be performed by the designated county official.

Sec. 4. Section 60-308, Reissue Revised Statutes of Nebraska, is amended to read:

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 such~~ The record may be destroyed by any public officer having custody of it after three years from the date of its issuance.

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 Department of Motor Vehicles Cash Fund. Motor Vehicle Computerization Fund.

Sec. 5. Section 60-311.12, Reissue Revised Statutes of Nebraska, is amended to read:

60-311.12. Application for personalized message license plates shall be made to the Department of Motor Vehicles. The department shall make available through each county treasurer or designated county official as provided in section 60-302 forms to be used for such applications.

Each initial application shall be accompanied by a fee of thirty dollars for a full year or two dollars and fifty cents per month for the remainder of the vehicle registration period. Each application for renewal of a license number previously approved and issued shall be accompanied by a fee of thirty dollars. ~~All such~~ The fees shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Computerization and Operations Fund.

Sec. 6. Section 60-462, Revised Statutes Supplement, 1994, is amended to read:

60-462. Sections 60-462 to 60-4,188 and section 8 of this act shall be known and may be cited as the Motor Vehicle Operator's License Act.

Sec. 7. Section 60-479, Reissue Revised Statutes of Nebraska, is amended to read:

60-479. Sections 60-480 to 60-4,111 and 60-4,182 to 60-4,188 and section 8 of this act shall apply to any operator's license issued pursuant to the Motor Vehicle Operator's License Act.

Sec. 8. An employer may apply to the Department of Motor Vehicles

for a file check from the National Driver Register on a current or prospective employee. The employer shall pay a fee of two dollars for each check. Upon receipt of the application and fee, the department shall furnish the check to the employer and remit the fees to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

Sec. 9. Section 60-483, Reissue Revised Statutes of Nebraska, is amended to read:

60-483. The director shall assign a distinguishing number to each operator's license issued and shall keep a record of the same which shall be open to public inspection. Any person requesting such driver record information shall furnish to the department Department of Motor Vehicles the name of the person whose record is being requested, and when the name alone is insufficient to identify the correct record, the department may request additional identifying information. The department shall, upon request of any applicant, furnish a certified abstract of the operating record of any person and shall charge ~~such~~ the applicant a fee of two dollars per abstract. The department shall remit twenty-five cents of each abstract fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund Computerization and Operations Fund and shall remit one dollar and seventy-five cents of each abstract fee to the State Treasurer for credit to the General Fund.

The director shall, upon receiving a request and an agreement from the United States Selective Service System to comply with requirements of this section and the rules and regulations adopted and promulgated to carry out this section, furnish driver record information to the United States Selective Service System to include the name, post office address, date of birth, sex, and social security number of licensees. The United States Selective Service System shall pay all costs incurred by the department in providing ~~such~~ the information but shall not be required to pay any other fee required by law for ~~such~~ information. No driver record information shall be furnished regarding any female, nor regarding any male other than those between the ages of seventeen years and twenty-six years. ~~The Such~~ information shall only be used in the fulfillment of the required duties of the United States Selective Service System and shall not be furnished to any other person. The director may adopt and promulgate rules and regulations concerning the preparation, transmittal, safeguarding, and disposition of such information.

The director shall also keep a record of all applications for operators' licenses that are disapproved with a brief statement of the reason for disapproval of the application.

Sec. 10. Section 60-484, Revised Statutes Supplement, 1994, is amended to read:

60-484. (1) Except as otherwise provided in the Motor Vehicle Operator's License Act, no resident of the State of Nebraska shall operate a motor vehicle upon the alleys or highways of the State of Nebraska until the person has obtained an operator's license for that purpose. Application for an operator's license shall be made under oath or affirmation on uniform blanks prepared and furnished by the director to the county treasurers, the examiners of the Department of Motor Vehicles, and any local examiners. The standard application blanks shall be sufficient in form and content to substantially carry out the purposes of the act. In addition to any other information and questions necessary to comply with the requirements and purposes of the act, the application shall include the name, age, post office address, place of residence, date of birth, sex, social security number, and brief description of the applicant, the voter registration portion pursuant to section 32-308, and the following:

(a) Do you suffer from any physical ~~defects~~ impairment that would detract from normal ability to safely operate a motor vehicle?

(b) Have you suffered dismemberment of foot, leg, hand, or arm?

(c) Are you subject to vertigo or fainting spells?

(d) Has your operator's license ever been revoked or suspended in Nebraska or in any other state or jurisdiction in the United States and, if so, give date and period of and reason for each such occurrence.

(e) Do you wish to register to vote as part of this application process?

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

(f) Do you wish to make an anatomical gift?\*

If so, please complete the following:

I give:

(i) ..... any needed organs or tissues.

(ii) ..... only the following organs or tissues

.....  
(specify the organ or tissue)

for transplantation, therapy, or medical or dental education or research.

(iii) ..... my body for anatomical study if needed.\*\*

Limitations or special wishes if any .....

(g) Do you wish to receive any additional specific information regarding anatomical gifts?

\*An anatomical gift means a gift of all or any part of your body for transplantation, therapy, or medical or dental education or research. For purposes of an anatomical gift, parts of your body include organs, tissues, eyes, bones, arteries, blood, other fluids, and other portions of a human body. You may make an anatomical gift if you are of sound mind. The anatomical gift is effective upon your death and the consent of your next of kin, guardian, or other person as listed in section 71-4802.

\*\*In order for you to donate your body to the State Anatomical Board, you must complete a bequeathal form which is available from the board.

Signature of Donor

Date of Birth of Donor

Date Signed

City and State

Witness

Witness

(2) The social security number shall not be printed on the operator's license and shall be used only (a) to furnish driver record information to the United States Selective Service System under section 60-483, (b) with the permission of the director in connection with the verification of an individual's driving record in this state or any other state, or (c) for purposes of child support enforcement pursuant to section 42-358.08 or 43-512.06.

(3) Except for an individual under the age of eighteen years, each individual making an application for an operator's license or a state identification card shall furnish proof of date of birth and identity by a valid Nebraska operator's license, a valid Nebraska learner's permit, a valid Nebraska school permit, a valid operator's license from another state or jurisdiction of the United States, a certified birth certificate, a valid United States passport, a valid United States military identification card, United States military discharge papers, or other United States-based identification as approved by the director. Any individual under the age of eighteen years making an application for an operator's license or a state identification card shall provide either a certified copy of his or her birth certificate or other reliable proof of his or her identity and age accompanied by an affidavit signed by a parent or guardian explaining the inability to produce a copy of such birth certificate. 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.

Sec. 11. Section 60-4,115, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,115. The applications for operators' licenses, school permits, farm permits, LPD-learners' permits, or LPE-learners' permits shall be filed with the county treasurer who is required to transmit the same them weekly to the director. The application shall be accompanied by a fee of fifteen dollars from each successful applicant for an original or renewal Class O or M operator's license issued under the Motor Vehicle Operator's License Act, except that the fee for licenses which will be valid for one year or less shall be three dollars and seventy-five cents, the fee for licenses which will be valid for more than one year but less than two years shall be seven dollars and fifty cents, and the fee for licenses which will be valid for two years or more but less than three years shall be eleven dollars and twenty-five cents. Two dollars and seventy-five cents of each of the original and renewal fees for operators' licenses and twenty-five cents of each of the fees for school permits, farm permits, LPD-learners' permits, or LPE-learners' permits shall be credited immediately to the general fund of the county and shall be included by the county treasurer in his or her report of fees as provided by law. The county treasurer shall remit four dollars of each of the original and renewal fees for Class O or M operator's licenses to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund, ~~Computerization and Operations Fund~~, except that for licenses which will be valid for more than one year but less than two years, one dollar and fifty cents of each fee shall be credited to the fund, and for licenses which will be valid for two years or more but less than three years, two dollars and fifty cents of each fee shall be credited to the fund. An amount equal to two dollars and fifty cents times the number of original or renewal Class M licenses issued pursuant to section 60-4,127 during the previous year shall be transferred to the Motorcycle Safety Education Fund. The balance of the original and renewal operator's

license, school permit, farm permit, LPD-learner's permit, or LPE-learner's permit fees shall be remitted by the county treasurer to the State Treasurer and shall be credited to the General Fund.

Sec. 12. Section 60-4,118, Revised Statutes Supplement, 1994, is amended to read:

60-4,118. (1) No operator's license shall be granted to any applicant until such applicant satisfies the examiner that he or she possesses sufficient powers of eyesight to enable him or her to obtain a Class O license and to operate a motor vehicle on the highways of this state with a reasonable degree of safety. The Department of Motor Vehicles, with the advice of the Health Advisory Board, shall adopt and promulgate rules and regulations:

(a) Requiring a minimum acuity level of vision. Such level may be obtained through the use of standard eyeglasses, contact lenses, or bioptic or telescopic lenses which are specially constructed vision correction devices which include a lens system attached to or used in conjunction with a carrier lens; and

(b) Requiring a minimum field of vision. Such field of vision may be obtained through standard eyeglasses, contact lenses, or the carrier lens of the bioptic or telescopic lenses.

(2) If a vision aid is used by the applicant to meet the vision requirements of this section, the operator's license of the applicant shall be restricted to the use of such vision aid when operating the motor vehicle. If the applicant fails to meet the vision requirements, the examiner shall require the applicant to present an optometrist's or ophthalmologist's statement certifying the vision reading obtained when testing the applicant within ninety days of the applicant's license examination. If the vision reading meets the vision requirements prescribed by the department, the vision requirements of this section shall have been met.

(3) If the application for an operator's license discloses that the applicant for such license suffers from any other physical defect or defects of a character impairment which may affect the safety of operation by such applicant of a motor vehicle, the examiner shall require the applicant to show cause why such license should be granted and, through such personal examination and demonstration as may be prescribed by the director with the advice of the Health Advisory Board, to show the necessary ability to safely operate a motor vehicle on the highways. The director may also require the person to appear before the board or a designee of the board. If the examiner, board, or designee is then satisfied that such applicant has the ability to safely operate 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.

(4)(a) The director may, when requested by a law enforcement officer, when the director has reason to believe that a person may be physically or mentally incompetent to operate a motor vehicle, or when a person's driving record appears to the department to justify an examination, request the advice of the Health Advisory Board and may give notice to the person to appear before an examiner, the board, or a designee of the director for examination concerning the person's ability to operate a motor vehicle safely.

(b) A refusal to appear before an examiner, the board, or a designee of the director for an examination after notice to do so shall be unlawful and shall result in the immediate cancellation of the person's operator's license by the director.

(c) If the person cannot qualify at the examination by an examiner, his or her operator's license shall be immediately surrendered to the examiner and forwarded to the director who shall cancel the person's operator's license.

(d) If in the opinion of the board the person cannot qualify at the examination by the board, the board shall advise the director. If the director determines after consideration of the advice of the board that the person lacks the physical or mental ability to operate a motor vehicle, the director shall notify the person in writing of the decision. Upon receipt of the notice, the person shall immediately surrender his or her operator's license to the director who shall cancel the person's operator's license.

(e) Refusal 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 this subsection shall be guilty of a Class III misdemeanor.

(5) No operator's license referred to in this section 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 section 60-484, any such person may take the examination required

by this section at any time within sixty days prior to his or her sixteenth birthday.

(6)(a) Upon receipt of a certified copy of a court order issued pursuant to section 60-6,211.05 and of sufficient evidence that the defendant has surrendered his or her operator's license to the department and installed an approved ignition interlock device in accordance with such court order and upon payment by the defendant of the fee provided in section 60-4,115, the director shall issue to the defendant a Class O license restricted to the operation of a motor vehicle equipped with an ignition interlock device.

(b) Upon expiration of the court order issued pursuant to section 60-6,211.05, the defendant may apply to the department in writing for issuance of an operator's license which does not contain such restriction. If the license surrendered by the defendant under subdivision (a) of this subsection has not expired, the director shall return such license to the defendant. If such license has expired, the defendant shall reapply for an operator's license pursuant to the Motor Vehicle Operator's License Act.

Sec. 13. Section 60-4,119, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,119. (1) All state identification cards and operators' licenses, except farm permits, school bus operators' permits, replacement and duplicate licenses as provided by subsections (3) and (4) of section 60-4,120, and licenses issued pursuant to subsection (2) of this section, shall include a color photograph of the cardholder or licensee. State identification cards and operators' licenses shall be issued by the county treasurer. The director shall negotiate and enter into a contract to provide the necessary equipment, supplies, and forms for the photographs. All costs incurred by the Department of Motor Vehicles under this section shall be paid by the state out of appropriations made to the department. All costs of taking the photographs shall be paid by the county from the fees provided pursuant to sections 60-4,115 and 60-4,181.

(2) ~~Any person who, A person who is out of the state at the time of renewal of his or her operator's license, is out of the state may be issued, after proper application, may apply for a license without a photograph upon payment of a fee as provided in section 60-4,115. The license may be issued at any time within six months after the expiration of the original license.~~ Such application shall be made to the county treasurer of the county in which the applicant resides.

(3) Any operator's license and any state identification card issued to a minor as defined in section 53-103, as such definition may be amended from time to time by the Legislature, shall be of a distinct designation, of a type prescribed by the director, from the operator's license or state identification card of a person who is not a minor. When a person is no longer a minor, he or she may apply for a replacement license or card with the distinct designation used for persons who are not minors. The fee for such replacement license or card shall be the same as the fee for a replacement license issued for a change of address pursuant to subsection (2) of section 60-4,120.

Sec. 14. Section 60-4,181, Revised Statutes Supplement, 1994, is amended to read:

60-4,181. (1) A state identification card shall be issued by the county treasurer after the person requesting the card (a) files an application with an examining officer, (b) furnishes two forms of proof of identification described in section 60-484, and (c) pays a fee to the county treasurer of fifteen dollars for a card which will be valid for three years or more, eleven dollars and twenty-five cents for a card which will be valid two years or more but less than three years, seven dollars and fifty cents for a card which will be valid for one year or more but less than two years, and three dollars and seventy-five cents for a card which will be valid for less than one year. Two dollars and seventy-five cents of the fee shall be credited to the general fund of the county and shall be included in the report of fees required by law by the county treasurer. An amount of the fee shall be remitted to the State Treasurer by the county treasurer for credit to the Department of Motor Vehicles Cash Fund Computerization and Operations Fund as follows: Four dollars for a card which will be valid for three years or more; two dollars and fifty cents for a card which will be valid two years or more but less than three years; and one dollar and fifty cents for a card which will be valid for one year or more but less than two years. The balance of the fee shall be remitted to the State Treasurer by the county treasurer and credited to the General Fund. The state identification card shall contain the anatomical gift information specified in section 60-494.

(2) The application shall include the name, age, post office address, place of residence, date of birth, sex, and physical description of

the applicant, the voter registration portion pursuant to section 32-308, and the following: Do you wish to register to vote as part of this application process?

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

(a) Do you wish to make an anatomical gift?\*

If so, please complete the following:

I give:

(i) ..... any needed organs or tissues.

(ii) ..... only the following organs or tissues

.....  
(specify the organ or tissue)

for transplantation, therapy, or medical or dental education or research.

(iii) ..... my body for anatomical study if needed.\*\*

Limitations or special wishes if any .....

(b) Do you wish to receive any additional specific information regarding anatomical gifts?

\*An anatomical gift means a gift of all or any part of your body for transplantation, therapy, or medical or dental education or research. For purposes of an anatomical gift, parts of your body include organs, tissues, eyes, bones, arteries, blood, other fluids, and other portions of the human body. You may make an anatomical gift if you are of sound mind. The anatomical gift is effective upon your death and the consent of your next of kin, guardian, or other person as listed in section 71-4802.

\*\*In order for you to donate your body to the State Anatomical Board, you must complete a bequeathal form which is available from the board.

.....  
Signature of Donor  
.....  
Date Signed  
.....  
Witness  
.....

.....  
Date of Birth of Donor  
.....  
City and State  
.....  
Witness  
.....

(3) The director may summarily cancel any state identification card, and any judge or magistrate may order a state identification card canceled in a judgment of conviction, if the application for the card contains any false or fraudulent statements which were deliberately and knowingly made as to any matter material to the issuance of the card or if the application does not contain required or correct information. Any state identification card so obtained shall be void from the date of issuance. Any judgment of conviction ordering cancellation of a state identification card shall be transmitted to the director who shall cancel the card.

Sec. 15. Section 60-6,298, Revised Statutes Supplement, 1994, is amended to read:

60-6,298. (1)(a) The Department of Roads or the Nebraska State Patrol, with respect to highways under its jurisdiction including the National System of Interstate and Defense Highways, and local authorities, with respect to highways under their jurisdiction, may in their discretion upon application and good cause being shown therefor issue a special permit or a continuous permit in writing authorizing the applicant or his or her designee:

(i) To operate or move a vehicle, a combination of vehicles, or objects of a size or weight of vehicle or load exceeding the maximum specified by law when such permit is necessary:

(A) To further the national defense or the general welfare;  
(B) To permit movement of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment; or

(C) Because of an emergency, an unusual circumstance, or a very special situation; or

(ii) To operate vehicles, for a distance up to seventy miles, loaded up to fifteen percent greater than the maximum weight specified by law, up to ten percent greater than the maximum length specified by law, or both, when carrying grain or other seasonally harvested products from the field where such grain or products are harvested to storage, market, or stockpile in the field or from stockpile to market or factory when failure to move such grain or products in abundant quantities would cause an economic loss to the person or persons whose grain or products are being transported or when failure to move such grain or products in as large quantities as possible would not be in the best interests of the national defense or general welfare. Except for farm trucks as provided in subdivision (b) of this subsection, no permit shall authorize a weight greater than twenty thousand pounds on any single axle; or

(iii) To transport an implement of husbandry which does not exceed twelve and one-half feet in width during daylight hours, except that the permit shall not allow transport on holidays.

(b) Any farm truck as defined in section 60-301 with not more than



two axles may operate with a special permit for a distance of up to forty miles with an excess axle load of not more than five percent in excess of the maximum load permitted for a single axle by section 60-6,294 when such truck is being used for carrying grain or other seasonally harvested products from the field where such grain or products are harvested to storage, market, or stockpile in the field, except that such truck shall not operate on the National System of Interstate and Defense Highways.

(c) No permit shall be issued under subdivision (a)(i) of this subsection for a vehicle carrying a load unless such vehicle is loaded with an object which exceeds the size or weight limitations, which cannot be dismantled or reduced in size or weight without great difficulty, and which of necessity must be moved over the highways to reach its intended destination. No permit shall be required for the temporary movement on highways other than dustless-surfaced state highways and for necessary access to points on such highways during daylight hours of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment when such temporary movement is necessary and for a reasonable distance.

(2) The application for any such permit shall specifically describe the vehicle, the load to be operated or moved, whenever possible the particular highways for which permit to operate is requested, and whether such permit is requested for a single trip or for continuous operation.

(3) The department or local authority is authorized to issue or withhold such permit at its discretion or, if such permit is issued, to limit the number of days during which the permit is valid, to limit the number of trips, to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or to issue a continuing permit for use only on all highways, including highways other than the National System of Interstate and Defense Highways. The permits are subject to a manufacturer or its carrier covering all similar vehicles or products produced by such manufacturer, subject to reasonable conditions as to periodic renewal of such permit and as to operation or movement of such vehicles. The department or local authority may ~~or to~~ otherwise limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces, or structures or undue danger to the public safety. ~~The~~ ~~and~~ the department or local authority may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(4) Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer, carrier enforcement officer, or authorized agent of any authority granting such permit. Each such permit shall state the maximum weight permissible on a single axle or combination of axles and the total gross weight allowed. No person shall violate any of the terms or conditions of such special permit. In case of any violation, the permit shall be deemed automatically revoked and the penalty of the original limitations shall be applied unless:

(a) The violation consists solely of exceeding the size or weight specified by the permit, in which case only the penalty of the original size or weight limitation exceeded shall be applied; or

(b) The total gross load is within the maximum authorized by the permit, no axle is more than ten percent in excess of the maximum load for such axle or group of axles authorized by the permit, and such load can be shifted to meet the weight limitations of wheel and axle loads authorized by such permit. Such shift may be made without penalty if it is made at the state or commercial scale designated in the permit. The vehicle may travel from its point of origin to such designated scale without penalty, and a scale ticket from such scale, showing the vehicle to be properly loaded and within the gross and axle weights authorized by the permit, shall be reasonable evidence of compliance with the terms of the permit.

(5) The department or local authority issuing a permit as provided in this section may adopt and promulgate rules and regulations with respect to the issuance of permits provided for in this section.

(6) The department shall make available applications for permits authorized pursuant to subdivisions (1)(a)(ii), ~~(1)(a)(iii)~~, and (1)(b) of this section in the office of each county treasurer. The department may make available applications for all other permits authorized by this section to the office of the county treasurer and may make available applications for all permits authorized by this section to any other location chosen by the department.

(7) The department or local authority issuing a permit may require a permit fee of not to exceed ten dollars, except that:

(a) The fee for a continuing permit may not exceed twenty-five

dollars for a ninety-day period, fifty dollars for a one-hundred-eighty-day period, or one hundred dollars for a one-year period; and

(b) The fee for permits issued pursuant to subdivisions (1)(a)(ii) and (1)(b) of this section shall be twenty-five dollars for a thirty-day permit and fifty dollars for a sixty-day permit. Permits issued pursuant to such subdivisions shall be valid for thirty days or sixty days and shall be renewable for a total number of days not to exceed one hundred and twenty days per year.

A vehicle or combination of vehicles for which an application for a permit is requested pursuant to this section shall be registered under section 60-305.09 or 60-331 for the maximum gross vehicle weight that is permitted pursuant to section 60-6,294 before a permit shall be issued except as provided in subdivision (1)(b) of this section.

Sec. 16. Section 60-1513, Revised Statutes Supplement, 1994, is amended to read:

60-1513. The Department of Motor Vehicles Cash Fund is hereby created. The fund shall be used by the Department of Motor Vehicles to carry out its duties as deemed necessary by the Director of Motor Vehicles. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Any money in the Department of Motor Vehicles Computerization and Operations Fund on July 1, 1995, shall be transferred to the Department of Motor Vehicles Cash Fund on such date.

Sec. 17. Section 60-1515, Reissue Revised Statutes of Nebraska, is amended to read:

60-1515. (1) The Legislature hereby finds and declares that a statewide system for the collection, storage, and transfer of data on vehicle titles and registration and the cooperation of state and local government in implementing such a system is essential to the efficient operation of state and local government in vehicle titling and registration.

(2) It is therefore the intent of the Legislature that the Department of Motor Vehicles shall use a portion of the fees appropriated by the Legislature to the Department of Motor Vehicles Cash Fund Computerization and Operations Fund as follows:

(a) To pay for the cost of issuing motor vehicle titles and registrations on a system designated by the department. The costs shall include, but not be limited to, software and software maintenance, programming, processing charges, and equipment including such terminals, printers, or other devices as deemed necessary by the department after consultation with the county to support the issuance of motor vehicle titles and registrations. The costs shall not include the cost of county personnel or physical facilities provided by the counties;

(b) To furnish to the counties the certificate of registration forms specified in section 60-312. The certificate of registration form shall be prescribed by the department; and

(c) To pay for the costs of an operator's license system as specified in section 60-4,119 and designated by the department. The costs shall be limited to such terminals, printers, software, programming, and other equipment or devices as deemed necessary by the department to support the issuance of such licenses in the counties.

Sec. 18. Sections 1 to 5, 9, 11, 14, 16, 17, 19, and 21 of this act become operative on July 1, 1995. The other sections of this act become operative on their effective date.

Sec. 19. Original sections 60-115, 60-308, 60-311.12, 60-483, 60-4,115, and 60-1515, Reissue Revised Statutes of Nebraska, and sections 37-1287, 60-302, 60-4,181, and 60-1513, Revised Statutes Supplement, 1994, are repealed.

Sec. 20. Original sections 60-479 and 60-4,119, Reissue Revised Statutes of Nebraska, and sections 60-462, 60-484, 60-4,118, and 60-6,298, Revised Statutes Supplement, 1994, are repealed.

Sec. 21. The following section is outright repealed: Section 60-1514, Revised Statutes Supplement, 1994.

Sec. 22. Since an emergency exists, this act takes effect when passed and approved according to law.