

## LEGISLATIVE BILL 635

Approved by the Governor April 21, 1997

Introduced by Kristensen, 37

AN ACT relating to public records; to amend sections 37-1278, 37-1278.01, 60-106, 60-111.01, 60-308, 60-483, 60-484, 60-4,144, and 60-4,181, Revised Statutes Supplement, 1996; to adopt the Uniform Motor Vehicle Records Disclosure Act; to change provisions relating to motorboat certificates of title, motor vehicle certificates of title, motor vehicle registration certificates, motor vehicle operator's licenses, and state identification cards; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

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

Section 1. Sections 1 to 13 of this act shall be known and may be cited as the Uniform Motor Vehicle Records Disclosure Act.

Sec. 2. The purpose of the Uniform Motor Vehicle Records Disclosure Act is to implement the federal Driver's Privacy Protection Act of 1994, Title XXX of Public Law 103-322, in order to protect the interest of individuals in their personal privacy by prohibiting the disclosure and use of personal information contained in their motor vehicle records except as authorized by such individuals or by law.

Sec. 3. (1) The Legislature hereby finds that the federal Driver's Privacy Protection Act of 1994, with an effective date of September 13, 1997, provides for mandatory release in some instances and restrictions on release and use in other instances of certain personal information from state motor vehicle records and also provides numerous exceptions from those restrictions. Some of the exceptions are dependent on state legislation, and the purpose of the Uniform Motor Vehicle Records Disclosure Act is to enact choices permitted under the federal legislation in the interest of ensuring that motor vehicle record information which is a matter of public record shall remain a matter of public record in this state to the maximum extent permitted under the federal law.

(2) The Legislature intends that to the extent permitted by the federal law, Nebraska law pertaining to motor vehicle records should continue to recognize such records as public records to the extent it has done so prior to the effective date of the federal legislation and the terms of the Uniform Motor Vehicle Records Disclosure Act should be construed liberally to effect that purpose.

Sec. 4. For purposes of the Uniform Motor Vehicle Records Disclosure Act:

(1) Department means the Department of Motor Vehicles or the duly authorized agents or contractors of the department responsible to compile and maintain motor vehicle records;

(2) Disclose means to engage in any practice or conduct to make available and make known personal information contained in a motor vehicle record about a person to any other person, organization, or entity by any means of communication;

(3) Individual record means a motor vehicle record containing personal information about a designated person who is the subject of the record as identified in a request;

(4) Motor vehicle record means any record that pertains to a motor vehicle operator's or driver's license or permit, motor vehicle registration, motor vehicle certificate of title, motorboat certificate of title, or state identification card issued by the department or any other state or local agency authorized to issue any of such forms of credentials;

(5) Person means an individual, organization, or entity; and

(6) Personal information means information that identifies a person, including an individual's photograph or computerized image, social security number, driver identification number, name, address excluding zip code, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving or equipment-related violations, and driver's license or registration status.

Sec. 5. Notwithstanding any other provision of state law to the contrary, except as provided in sections 6 and 7 of this act, the department and any officer, employee, agent, or contractor of the department shall not disclose personal information about any person obtained by the department in connection with a motor vehicle record.

Sec. 6. Personal information referred to in section 5 of this act shall be disclosed by the department or any officer, employee, agent, or contractor of the department to carry out the purposes of Titles I and IV of the Anti-Car Theft Act of 1992, 15 U.S.C. 2021 et seq., the Automobile Information Disclosure Act, 15 U.S.C. 1231 et seq., the Clean Air Act, 42 U.S.C. 7401 et seq., and 49 U.S.C. chapters 301, 305, and 321 to 331, as amended, and all federal regulations enacted or adopted to implement such federal laws.

Sec. 7. The department and any officer, employee, agent, or contractor of the department having custody of a motor vehicle record shall, upon the verification of identity and purpose of a requester, disclose and make available the requested motor vehicle record, including the personal information in the record other than the social security number, for the following purposes:

(1) For use by any federal, state, or local governmental agency, including any court or law enforcement agency, in carrying out the agency's functions or by a private person or entity acting on behalf of a governmental agency in carrying out the agency's functions;

(2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; motor vehicle market research activities, including survey research; and removal of nonowner records from the original owner records of motor vehicle manufacturers;

(3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors but only:

(a) To verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

(b) If such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual;

(4) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, state, or local court or governmental agency or before any self-regulatory body, including service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court, an administrative agency, or a self-regulatory body;

(5) For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals;

(6) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, anti-fraud activities, rating, or underwriting;

(7) For use in providing notice to the owners of abandoned, towed, or impounded vehicles;

(8) For use only for a purpose permitted under this section either by a private detective, plain clothes investigator, or private investigative agency licensed under sections 71-3201 to 71-3213;

(9) For use by an employer or the employer's agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. app. 2710 et seq., or pursuant to sections 60-4.132 and 60-4.141;

(10) For use in connection with the operation of private toll transportation facilities;

(11) For any use by a requester of an individual motor vehicle record if the individual who is the subject of the record being requested has not expressly prohibited such disclosure by filing a request on a form prescribed by the department;

(12) For bulk distribution for surveys of, marketing to, or solicitations of persons who have not prohibited such disclosure by filing a request on a form prescribed by the department and if the information will be used, rented, or sold solely for bulk distribution for surveys, marketing, or solicitations and the surveys, marketing, or solicitations will not be directed at those individuals who have requested in a timely fashion on such form that the surveys, marketing, or solicitations will not be directed at them;

(13) For any use if the requester has obtained the notarized written consent of the individual who is the subject of the personal information being requested and has provided proof of receipt of such written consent to the

department or an officer, employee, agent, or contractor of the department;

(14) For use, including redisclosure through news publication, of a member of a medium of communication as defined in section 20-145 who requests such information in connection with preparing, researching, gathering, or confirming news information involving motor vehicle or driver safety or motor vehicle theft; and

(15) For any other use specifically authorized by law that is related to the operation of a motor vehicle or public safety.

Sec. 8. Disclosure of personal information required or permitted under section 6 or 7 of this act shall be subject to payment by the requester to the department of all fees for the information prescribed by statute.

Sec. 9. In addition to provision for payment of applicable fees, the department may, prior to the disclosure of personal information as permitted under section 6 or 7 of this act, require the meeting of conditions by the requester for the purposes of obtaining reasonable assurance concerning the identity of the requester and, to the extent required, that the information will only be used as authorized or that the consent of the person who is the subject of the information has been obtained. Such conditions shall include, but need not be limited to, the making and filing of a form containing such information and verification as the department may prescribe.

Sec. 10. (1) An authorized recipient of personal information disclosed under section 6 or 7 of this act, except a recipient under subdivision (11) or (12) of section 7 of this act, may resell or redisclose the information only for the uses permitted under section 7 of this act, but not including the use for bulk distribution for surveys, marketing, or solicitations as set forth in subdivision (12) of such section.

(2) An authorized recipient of an individual record or records under subdivision (11) of section 7 of this act may resell or redisclose personal information for any purpose.

(3) An authorized recipient of personal information for bulk distribution for surveys, marketing, or solicitations under subdivision (12) of section 7 of this act may resell or redisclose personal information only in accordance with the terms of such subdivision concerning the right of individuals who have so requested in a timely manner not to have such surveys, marketing, or solicitations directed at them.

(4) An authorized recipient, except a recipient of an individual record or records under subdivision (11) of section 7 of this act, who resells or rediscloses personal information shall (a) make and keep for a period of not less than five years records identifying each person who received personal information from the authorized recipient and the permitted purpose for which it was obtained and (b) make such records available for inspection and copying by a representative of the department upon request.

(5) The department may implement any safeguard which the department considers reasonable or necessary, including a bond requirement, in a memorandum of understanding executed under this section to ensure that the information provided or sold is used only for a permissible purpose and that the rights of individuals and the interest of the state are protected.

Sec. 11. The department is authorized to adopt and promulgate rules and regulations to carry out the Uniform Motor Vehicle Records Disclosure Act. The rules and regulations may include procedures under which the department, upon receiving a request for personal information that is not subject to disclosure in accordance with the exception provisions of sections 6 and 7 of this act, may mail a copy of such request to each individual who is the subject of the information, informing each such individual of the request, together with a statement to the effect that disclosure is prohibited and will not be made unless the individual affirmatively elects to waive his or her right to privacy under the act.

Sec. 12. Any person requesting the disclosure of personal information from department records who misrepresents his or her identity or makes a false statement to the department on any application required to be submitted pursuant to the Uniform Motor Vehicle Records Disclosure Act shall be guilty of a Class IV felony.

Sec. 13. An individual may file a request on a form prescribed by the department to prohibit disclosure of the personal information in his or her motor vehicle record pursuant to subdivision (11) or (12) of section 7 of this act if such disclosure is not expressly otherwise authorized by the Uniform Motor Vehicle Records Disclosure Act and the department shall accept and enforce such individual's written direction. The department shall provide notice in a clear and conspicuous manner by any appropriate means, including posting notices, of the availability of such forms. The department shall distinguish between a request by an individual to prohibit disclosure of the personal information in his or her motor vehicle record pursuant to

subdivision (11) of section 7 of this act and a similar request to prohibit disclosure of the personal information pursuant to subdivision (12) of section 7 of this act.

Sec. 14. Section 37-1278, Revised Statutes Supplement, 1996, is amended to read:

37-1278. (1) Application for a certificate of title shall be presented to the county clerk or designated county official, shall be made upon a form prescribed by the Department of Motor Vehicles, and shall be accompanied by the fee prescribed in section 37-1287. The owner of a motorboat may obtain a certificate of title at any time prior to registration under section 37-1214.

(2) If a certificate of title has previously been issued for the motorboat in this state, the application for a new certificate of title shall be accompanied by the certificate of title duly assigned. If a certificate of title has not previously been issued for the motorboat in this state, the application shall be accompanied by a certificate of number from this state, a manufacturer's or importer's certificate, a duly certified copy thereof, a certificate of title from another state, or a court order issued by a court of record, a manufacturer's certificate of origin, or an assigned registration certificate, if the motorboat was brought into this state from a state which does not have a certificate of title law. The county clerk or designated county official shall retain the evidence of title presented by the applicant on which the certificate of title is issued. When the evidence of title presented by the applicant is a certificate of title or an assigned registration certificate issued by another state, the department shall notify the state of prior issuance that the certificate has been surrendered. If a certificate of title has not previously been issued for the motorboat in this state and the applicant is unable to provide such documentation, the applicant may apply for a bonded certificate of title as prescribed in section 37-1278.01.

(3) In addition to any other required information, beginning on January 1, 1998, the application for a certificate of title shall also provide in a clear and conspicuous manner a notice that the personal information on the application is subject to disclosure as a public record unless the individual chooses to prohibit such disclosure by filing a prescribed form with the department.

(4) The county clerk or designated county official shall use reasonable diligence in ascertaining whether or not the statements in the application for a certificate of title are true by checking the application and documents accompanying the same with the records of motorboats in his or her office. If he or she is satisfied that the applicant is the owner of the motorboat and that the application is in the proper form, the county clerk or designated county official shall issue a certificate of title over his or her signature and sealed with his or her seal.

(4) (5) In the case of the sale of a motorboat, the certificate of title shall be obtained in the name of the purchaser upon application signed by the purchaser, except that for titles to be held by husband and wife, applications may be accepted by the county clerk or designated county official upon the signature of either spouse as a signature for himself or herself and as an agent for his or her spouse.

(5) (6) In all cases of transfers of motorboats, the application for a certificate of title shall be filed within thirty days after the delivery of the motorboat. A dealer need not apply for a certificate of title for a motorboat in stock or acquired for stock purposes, but upon transfer of a motorboat in stock or acquired for stock purposes, the dealer shall give the transferee a reassignment of the certificate of title on the motorboat or an assignment of a manufacturer's or importer's certificate. If all reassignments printed on the certificate of title have been used, the dealer shall obtain title in his or her name prior to any subsequent transfer.

(6) (7) 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 powers and duties of the county clerk relating to motorboat titles under sections 37-1278 to 37-1289 shall be performed by the designated county official.

Sec. 15. Section 37-1278.01, Revised Statutes Supplement, 1996, is amended to read:

37-1278.01. (1) The Department of Motor Vehicles shall issue a bonded certificate of title to an applicant who:

(a) Presents evidence reasonably sufficient to satisfy the department of the applicant's ownership of the motorboat or security interest in the motorboat;

(b) Pays a fee of fifty dollars; and

(c) Files a bond in a form prescribed by the department and executed by the applicant.

(2) In addition to any other required information, beginning on January 1, 1998, the application for a bonded certificate of title shall also provide in a clear and conspicuous manner a notice that the personal information on the application is subject to disclosure as a public record unless the individual chooses to prohibit such disclosure by filing a prescribed form with the department.

~~(2)~~ (3) The bond shall be issued by a surety company authorized to transact business in this state, in an amount equal to one and one-half times the value of the motorboat as determined by the department using reasonable appraisal methods, and conditioned to indemnify any prior owner and secured party, any subsequent purchaser and secured party, and any successor of the purchaser and secured party for any expense, loss, or damage, including reasonable attorney's fees, incurred by reason of the issuance of the certificate of title to the motorboat or any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the motorboat. An interested person may have a cause of action to recover on the bond for a breach of the conditions of the bond. The aggregate liability of the surety to all persons having a claim shall not exceed the amount of the bond.

~~(3)~~ (4) At the end of three years after the issuance of the bond, the holder of the certificate of title may apply to the department on a form prescribed by the department for the release of the bond and the removal of the notice required by subsection ~~(4)~~ (5) of this section if no claim has been made on the bond. The department may release the bond at the end of three years after the issuance of the bond if all questions as to the ownership of the motorboat have been answered to the satisfaction of the department unless the department has been notified of the pendency of an action to recover on the bond. If the currently valid certificate of title is surrendered to the department, the department may release the bond prior to the end of the three-year period.

~~(4)~~ (5) The department shall include the following statement on a bonded certificate of title issued pursuant to this section and any subsequent title issued as a result of a title transfer while the bond is in effect:

NOTICE: THIS MOTORBOAT MAY BE SUBJECT TO AN UNDISCLOSED INTEREST,  
BOND NUMBER .....

~~(5)~~ (6) The department shall recall a bonded certificate of title if the department finds that the application for the title contained a false statement or if a check presented by the applicant for fees pursuant to this section is returned uncollected by a financial institution.

~~(6)~~ (7) The department shall remit fees collected pursuant to this section to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

Sec. 16. Section 60-106, Revised Statutes Supplement, 1996, is amended to read:

60-106. (1)(a) The Department of Motor Vehicles in conjunction with the Department of Administrative Services and the counties shall develop an implementation plan to provide for adequate planning preceding a mandate for the implementation of the vehicle titling and registration component system of the statewide county automation project. The implementation plan shall include installation costs, training, and any other costs associated with the project.

(b) The Department of Motor Vehicles shall submit the implementation plan on or before December 1, 1993, to the Governor and the Clerk of the Legislature. Each member of the Legislature shall receive a copy of such report by making a request for it to the Director of Motor Vehicles or the Director of Administrative Services.

(c) Each county shall issue and file certificates of title using the vehicle titling and registration computer system prescribed by the Department of Motor Vehicles by January 1, 1996.

(2)(a) Application for a certificate of title shall be made upon a form prescribed by the Department of Motor Vehicles. All applications shall be accompanied by the fee prescribed in section 60-115.

(b) All applications for a certificate of title to a mobile home as defined in subdivision (2) of section 60-614 shall be accompanied by a mobile home transfer statement prescribed by the Tax Commissioner. The mobile home transfer statement shall be filed by the applicant with the county clerk of the county of application for title. The county clerk shall issue a certificate of title to a mobile home but shall not deliver the certificate of title unless the mobile home transfer statement accompanies the application for title, except that the failure to provide the mobile home transfer

statement shall not prevent the notation of a lien on the face of the certificate of title to the mobile home pursuant to section 60-110 and delivery to the holder of the first lien. The mobile home transfer statement and the information contained in the statement shall be confidential and only available to tax officials.

(3)(a) If the motor vehicle has tax situs in Nebraska, the application shall be filed with the county clerk of the county in which the vehicle has tax situs as defined in section 77-1238.

(b) If the applicant is a nonresident, the application shall be filed in the county in which the transaction is consummated.

(c) All applicants registering a vehicle pursuant to section 60-305.09 shall file the application for title to the vehicle with the Division of Motor Carrier Services of the Department of Motor Vehicles. The division shall deliver the certificate to the applicant if there are no liens on the vehicle. If there are any liens on the vehicle, the division shall deliver or mail the certificate of title to the holder of the first lien on the day of issuance. All certificates of title issued by the division shall be issued in the manner prescribed for the county clerk in section 60-107.

(4) If a certificate of title has previously been issued for the motor vehicle in this state, the application for a new certificate of title shall be accompanied by the certificate of title duly assigned unless otherwise provided for in sections 60-102 to 60-117. If a certificate of title has not previously been issued for the motor vehicle in this state or if a certificate of title is unavailable pursuant to subsection (4) of section 52-1801, the application, unless otherwise provided for in sections 60-102 to 60-117, shall be accompanied by a manufacturer's or importer's certificate, as provided for in such sections, a duly certified copy thereof, a certificate of title, a court order issued by a court of record, a manufacturer's certificate of origin, or an assigned registration certificate, if the law of the state from which the motor vehicle was brought into this state does not have a certificate of title law. For purposes of this subsection, certificate of title shall include a salvage certificate, a salvage certificate of title, or any other document of ownership issued by another state or jurisdiction for a salvage vehicle. Only a salvage certificate of title shall be issued to any vehicle conveyed upon a salvage certificate, a salvage certificate of title, or any other document of ownership issued by another state or jurisdiction for a salvage vehicle. If a certificate of title has not previously been issued for the vehicle in this state and the applicant is unable to provide such documentation, the applicant may apply for a bonded certificate of title as prescribed in section 60-111.01. The county clerk shall retain the evidence of title presented by the applicant and on which the certificate of title is issued. In addition to any other required information, beginning on January 1, 1998, the application shall also provide in a clear and conspicuous manner a notice that the personal information on the application is subject to disclosure as a motor vehicle record unless the individual chooses to prohibit such disclosure by filing a prescribed form with the department.

(5) The county clerk shall use reasonable diligence in ascertaining whether or not the statements in the application for a certificate of title are true by checking the application and documents accompanying the same with the records of motor vehicles in his or her office. If he or she is satisfied that the applicant is the owner of such motor vehicle and that the application is in the proper form, the county clerk shall issue a certificate of title over his or her signature and sealed with his or her seal.

(6) In the case of the sale of a motor vehicle, the certificate of title shall be obtained in the name of the purchaser upon application signed by the purchaser, except that (a) for titles to be held by husband and wife, applications may be accepted upon the signature of either one as a signature for himself or herself and as agent for his or her spouse and (b) for an applicant providing proof that he or she is a handicapped or disabled person as defined in section 18-1738, applications may be accepted upon the signature of the applicant's parent, legal guardian, foster parent, or agent.

(7) In all cases of transfers of motor vehicles, commercial trailers, semitrailers, or cabin trailers, the application for a certificate of title shall be filed within thirty days after the delivery of such vehicle or trailer. A licensed dealer need not apply for certificates of title for motor vehicles, commercial trailers, semitrailers, or cabin trailers in stock or acquired for stock purposes, but upon transfer of such vehicle or trailer in stock or acquired for stock purposes, the licensed dealer shall give the transferee a reassignment of the certificate of title on such vehicle or trailer or an assignment of a manufacturer's or importer's certificate. If all reassignments on the certificate of title have been used, the licensed dealer shall obtain title in his or her name prior to any subsequent transfer.



(8) An application for a certificate of title shall include a statement that an identification inspection has been conducted on the vehicle unless (a) the title sought is a salvage certificate of title as defined in section 60-129 or a nontransferable certificate of title provided for in section 60-131, (b) the surrendered ownership document is a Nebraska certificate of title, a manufacturer's statement of origin, an importer's statement of origin, a United States Government Certificate of Release of a motor vehicle, or a nontransferable certificate of title issued under section 60-131, (c) the application for a certificate of title contains a statement that such vehicle is to be registered under section 60-305.09, (d) the vehicle is a cabin trailer, (e) the title sought is the first title for a motor vehicle sold directly by the manufacturer of the motor vehicle to a licensed dealer franchised by the manufacturer, or (f) the vehicle was sold at an auction authorized by the manufacturer and purchased by a licensed dealer franchised by the manufacturer of the motor vehicle. The Department of Motor Vehicles shall prescribe a form to be executed by a dealer and submitted with an application for a certificate of title for vehicles exempt from inspection pursuant to subdivision (8)(e) or (f) of this section, which form shall clearly identify the vehicle and state under penalty of law that the vehicle is exempt from inspection. The statement that an identification inspection has been conducted shall be furnished by the county sheriff of any county or by any other holder of a current certificate of training issued pursuant to section 60-121 and shall be in a format as determined by the department. The county clerk shall accept a certificate of inspection, approved by the Superintendent of Law Enforcement and Public Safety, from an officer of a state police agency of another state. For each inspection a fee of ten dollars shall be paid to the county treasurer. All such fees shall be credited to the county sheriff's vehicle inspection account within the county general fund. The identification inspection required by this subsection shall include examination and notation of the current odometer reading and a comparison of the vehicle identification number with the number listed on the ownership records, except that if a lien is registered against a vehicle and recorded on the vehicle's ownership records, the county clerk shall provide a copy of the ownership records for use in making such comparison. If such numbers are not identical, if there is reason to believe further inspection is necessary, or if the inspection is for a Nebraska assigned number, the person performing the inspection shall make a further inspection of the vehicle which may include, but shall not be limited to, examination of other identifying numbers placed on the vehicle by the manufacturer and an inquiry into the numbering system used by the state issuing such ownership records to determine ownership of a vehicle. The identification inspection shall also include a statement that the vehicle identification number has been checked for entry in the National Crime Information Center and the Nebraska Crime Information Service. If there is cause to believe that odometer fraud exists, written notification shall be given to the office of the Attorney General. If after such inspection the sheriff or his or her designee determines that the vehicle is not the vehicle described by the ownership records, no statement shall be issued. In the case of an assembled vehicle such inspection shall include, but not be limited to, an examination of the records showing the date of receipt and source of each major component part as defined in section 60-2601.

(9) If a county board consolidates services under the office of a designated county official other than the county clerk pursuant to section 23-186:

(a) Applications under subsections (2) and (3) of this section shall be submitted to the designated county official;

(b) The designated county official shall perform the duties imposed on the county clerk under subsections (2) and (5) of this section;

(c) The designated county official may accept certificates of inspection under the conditions described in subsection (8) of this section; and

(d) The designated county official shall act as office of record for title documents, applications, odometer statements, certificates of inspections, and lien and cancellation of lien notations.

Sec. 17. Section 60-111.01, Revised Statutes Supplement, 1996, is amended to read:

60-111.01. (1) The Department of Motor Vehicles shall issue a bonded certificate of title to an applicant who:

(a) Presents evidence reasonably sufficient to satisfy the department of the applicant's ownership of the vehicle or security interest in the vehicle;

(b) Provides a statement that an identification inspection has been conducted pursuant to subsection (8) of section 60-106;

(c) Pays a fee of fifty dollars; and

(d) Files a bond in a form prescribed by the department and executed by the applicant.

(2) In addition to any other required information, beginning on January 1, 1998, the application for a bonded certificate of title shall also provide in a clear and conspicuous manner a notice that the personal information on the application is subject to disclosure as a motor vehicle record unless the individual chooses to prohibit such disclosure by filing a prescribed form with the department.

~~(2)~~ (3) The bond shall be issued by a surety company authorized to transact business in this state, in an amount equal to one and one-half times the value of the vehicle as determined by the department using reasonable appraisal methods, and conditioned to indemnify any prior owner and secured party, any subsequent purchaser and secured party, and any successor of the purchaser and secured party for any expense, loss, or damage, including reasonable attorney's fees, incurred by reason of the issuance of the certificate of title to the vehicle or any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the vehicle. An interested person may have a cause of action to recover on the bond for a breach of the conditions of the bond. The aggregate liability of the surety to all persons having a claim shall not exceed the amount of the bond.

~~(3)~~ (4) At the end of three years after the issuance of the bond, the holder of the certificate of title may apply to the department on a form prescribed by the department for the release of the bond and the removal of the notice required by subsection ~~(4)~~ (5) of this section if no claim has been made on the bond. The department may release the bond at the end of three years after the issuance of the bond if all questions as to the ownership of the vehicle have been answered to the satisfaction of the department unless the department has been notified of the pendency of an action to recover on the bond. If the currently valid certificate of title is surrendered to the department, the department may release the bond prior to the end of the three-year period.

~~(4)~~ (5) The department shall include the following statement on a bonded certificate of title issued pursuant to this section and any subsequent title issued as a result of a title transfer while the bond is in effect:

NOTICE: THIS VEHICLE MAY BE SUBJECT TO AN UNDISCLOSED INTEREST, BOND NUMBER .....

~~(5)~~ (6) The department shall recall a bonded certificate of title if the department finds that the application for the title contained a false statement or if a check presented by the applicant for fees pursuant to this section is returned uncollected by a financial institution.

~~(6)~~ (7) The department shall remit fees collected pursuant to this section to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

~~(7)~~ (8) The department shall adopt and promulgate rules and regulations to carry out this section.

Sec. 18. Section 60-308, Revised Statutes Supplement, 1996, 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. 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 person after receiving from the applicant person the name on the registration, the license plate number, the vehicle identification number, or the title number of a vehicle, if the person provides to the department verification of identity and purpose pursuant to section 6 or 7 of this act. 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 a person 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.

Sec. 19. Section 60-483, Revised Statutes Supplement, 1996, is amended to read:

60-483. (1) 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 by any person requesting inspection of such record who qualifies under section 6 or 7 of this act. Any person requesting such driver record information shall furnish to the Department of Motor



Vehicles (a) verification of identity and purpose that the requester is entitled under section 6 or 7 of this act to disclosure of the personal information in the record, (b) the name of the person whose record is being requested, and (c) 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 requester, furnish a certified abstract of the operating record of any person and shall charge the applicant requester 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 and shall remit one dollar and seventy-five cents of each abstract fee to the State Treasurer for credit to the General Fund.

(2) 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 the information but shall not be required to pay any other fee required by law for information. No driver record information shall be furnished to the United States Selective Service System regarding any female, nor regarding any male other than those between the ages of seventeen years and twenty-six years. The 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.

(3) 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. 20. Section 60-484, Revised Statutes Supplement, 1996, 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, the advisement language required by subsection (10) of section 60-6,197, and the following:

- (a) Do you suffer from any physical 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) In addition to the information prescribed in subsection (1) of this section, beginning on January 1, 1998, the application shall also provide in a clear and conspicuous manner a notice that the personal information on the application is subject to disclosure as a motor vehicle record unless the individual chooses to prohibit such disclosure by filing a prescribed form with the department.

(3) 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 the status 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)(e) (4)(a) 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 notarized birth registration, a certified birth registration, 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.

(b) Any individual under the age of eighteen years making an application for an operator's license or a state identification card shall provide a certified copy of his or her birth certificate, a notarized birth registration, a certified birth registration, 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. 21. Section 60-4,144, Revised Statutes Supplement, 1996, is amended to read:

60-4,144. (1) Application for any original or renewal commercial driver's license or application for any change of class of commercial motor vehicle, endorsement, or restriction shall be made upon uniform blanks prepared and furnished by the director to the examiners of the Department of Motor Vehicles. All applications shall be made under oath or affirmation of the applicant and shall include the voter registration portion pursuant to section 32-308 and the following:

- (+) (a) The full name and current mailing and residential addresses of the applicant;
- (+) (b) A physical description of the applicant, including sex, height, weight, and eye and hair colors;
- (+) (c) The applicant's date of birth;
- (+) (d) The applicant's social security number;
- (+) (e) The applicant's signature;
- (+) (f) Certification that the commercial motor vehicle in which the applicant takes any driving skills examination is representative of the class of commercial motor vehicle that the applicant operates or expects to operate;
- (+) (g) The certification required pursuant to section 60-4,145 or 60-4,146;
- (+) (h) The following specific question: Do you wish to register to vote as part of this application process?
- (+) (i) Any other information required by the director; and
- (+) (j) The following questions regarding anatomical gifts:

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

- (+) (i) Do you wish to make an anatomical gift?\*

If so, please complete the following:  
I give:

- (i) (A) any needed organs or tissues.
- (ii) (B) .... only the following organs or tissues  
.....  
(specify the organ or tissue)

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

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

Limitations or special wishes if any .....

(b) (i) 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 of Birth of Donor

.....  
Date Signed

.....  
City and State

.....  
Witness

.....  
Witness

(2) In addition to the information prescribed in subsection (1) of this section, beginning on January 1, 1998, the application shall also provide in a clear and conspicuous manner a notice that the personal information on the application is subject to disclosure as a motor vehicle record unless the individual chooses to prohibit such disclosure by filing a prescribed form with the department.

Sec. 22. Section 60-4,181, Revised Statutes Supplement, 1996, 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 the county treasurer, (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 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 of Birth of Donor
.....	.....
Date Signed	City and State
.....	.....
Witness	Witness

(3) In addition to the information prescribed in subsection (2) of this section, beginning on January 1, 1998, the application shall also provide in a clear and conspicuous manner a notice that the personal information on the application is subject to disclosure as a motor vehicle record unless the individual chooses to prohibit such disclosure by filing a prescribed form with the department.

(4) 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. 23. This act becomes operative on September 13, 1997.

Sec. 24. Original sections 37-1278, 37-1278.01, 60-106, 60-111.01, 60-308, 60-483, 60-484, 60-4,144, and 60-4,181, Revised Statutes Supplement, 1996, are repealed.

Sec. 25. Since an emergency exists, this act takes effect when passed and approved according to law.