

LEGISLATIVE BILL 1008

Approved by the Governor March 13, 2006

Introduced by Stuthman, 22; Price, 26

AN ACT relating to motor vehicle operator's licenses; to amend section 60-4,118, Reissue Revised Statutes of Nebraska, and sections 60-490 and 60-4,115, Revised Statutes Supplement, 2005; to change the expiration date of certain operators' licenses; to change fees; to harmonize provisions; to provide operative dates; and to repeal the original sections.

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

Section 1. Section 60-490, Revised Statutes Supplement, 2005, is amended to read:

60-490 (1) Operators' licenses issued to persons required to use bioptic or telescopic lenses as provided in section 60-4,118 shall expire annually on the licensee's birthday for all such licenses issued prior to January 1, 2007, and on the licensee's birthday in the second year after issuance, unless specifically restricted to a shorter renewal period as determined under section 60-4,118, for all such licenses issued on or after January 1, 2007.

(2) Except for state identification cards issued to persons less than twenty-one years of age, all state identification cards expire on the cardholder's birthday in the fifth year after issuance. A state identification card issued to a person who is less than twenty-one years of age expires on his or her twenty-first birthday or on his or her birthday in the fifth year after issuance, whichever comes first.

(3) Except as otherwise provided in subsection (1) of this section and section 60-4,147.05 and except for operators' licenses issued to persons less than twenty-one years of age, operators' licenses issued pursuant to the Motor Vehicle Operator's License Act expire on the licensee's birthday in the fifth year after issuance. An operator's license issued to a person less than twenty-one years of age expires on his or her twenty-first birthday. Except as otherwise provided in section 60-4,147.05, the Department of Motor Vehicles shall mail out a renewal notice for each operator's license at least thirty days before the expiration of the operator's license.

(4)(a) The expiration date shall be stated on each operator's license or state identification card.

(b) Except as otherwise provided in section 60-4,147.05, licenses and state identification cards issued to persons who are twenty-one years of age or older which expire under this section may be renewed within a ninety-day period before the expiration date. Any person who is twenty-one years of age or older and who is the holder of a valid operator's license or state identification card may renew his or her license or card prior to the ninety-day period before the expiration date on such license or card if such applicant furnishes proof that he or she will be absent from the state during the ninety-day period prior to such expiration date.

(c) A person who is twenty years of age may apply for an operator's license or a state identification card within sixty days prior to his or her twenty-first birthday. The operator's license or state identification card may be issued within ten days prior to such birthday.

(d) A person who is under twenty years of age and who holds a state identification card may apply for renewal within a ninety-day period prior to the expiration date.

Sec. 2. Section 60-4,115, Revised Statutes Supplement, 2005, is amended to read:

60-4,115 (1) Fees for operators' licenses and state identification cards shall be collected and distributed according to the table in subsection (2) of this section. County officials shall remit the county portion of the fees collected to the county treasurer for placement in the county general fund. All other fees collected shall be remitted to the State Treasurer for credit to the appropriate fund. The State Treasurer shall transfer an amount equal to three 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 from the Department of Motor Vehicles Cash Fund to the Motorcycle Safety Education Fund.

(2) The fees provided in this subsection in the following dollar amounts apply for operators' licenses and state identification cards.

Document	Total Fee	Department		
		County General Fund	of Motor Vehicles Cash Fund	State General Fund
State identification card:				
Valid for 1 year or less	4.75	2.75	1.00	1.00
Valid for more than 1 year but not more than 2 years	9.50	2.75	3.50	3.25
Valid for more than 2 years but not more than 3 years	14.25	2.75	5.50	6.00
Valid for more than 3 years but not more than 4 years	19.00	2.75	8.00	8.25
Valid for more than 4 years for person under 21	23.75	2.75	10.00	11.00
Valid for 5 years	23.75	3.50	10.00	10.25
Duplicate or replacement	11.25	2.75	6.25	2.25
Class O or M operator's license:				
Valid for 1 year or less	4.75	2.75	1.00	1.00
Valid for more than 1 year but not more than 2 years	9.50	2.75	3.50	3.25
Valid for more than 2 years but not more than 3 years	14.25	2.75	5.50	6.00
Valid for more than 3 years but not more than 4 years	19.00	2.75	8.00	8.25
Valid for 5 years	23.75	3.50	10.00	10.25
<u>Bioptic or telescopic lens restriction:</u>				
<u>lens restriction</u>	<u>4.75</u>	<u>0</u>	<u>4.75</u>	<u>0</u>
<u>Valid for 1 year or less</u>	<u>4.75</u>	<u>0</u>	<u>4.75</u>	<u>0</u>
<u>Valid for more than 1 year but not more than 2 years</u>	<u>9.50</u>	<u>2.75</u>	<u>3.50</u>	<u>3.25</u>

Duplicate or replacement	11.25	2.75	6.25	2.25
Change of class or restriction	5.00	0	5.00	0
Provisional operator's permit:				
Original	15.00	2.75	12.25	0
<u>Bioptic or telescopic lens restriction:</u>				
<u>lens restriction</u>	<u>4.75</u>	<u>0</u>	<u>4.75</u>	<u>0</u>
<u>Valid for 1 year or less</u>	<u>4.75</u>	<u>0</u>	<u>4.75</u>	<u>0</u>
<u>Valid for more than 1 year</u>				
<u>but not more than 2 years</u>	<u>15.00</u>	<u>2.75</u>	<u>12.25</u>	<u>0</u>
Duplicate or replacement	11.25	2.75	6.25	2.25
LPD-learner's permit:				
Original	8.00	.25	5.00	2.75
Duplicate or replacement	11.25	2.75	6.25	2.25
LPE-learner's permit:				
Original	8.00	.25	5.00	2.75
Duplicate or replacement	11.25	2.75	6.25	2.25
School permit:				
Original	8.00	.25	5.00	2.75
Duplicate	11.25	2.75	6.25	2.25
Farm permit:				
Original or renewal	5.00	.25	0	4.75
Duplicate	5.00	.25	0	4.75
Temporary	5.00	.25	0	4.75
Driving permits:				
Employment	45.00	0	5.00	40.00
Medical hardship	45.00	0	5.00	40.00
Commercial driver's license:				
Valid for 1 year or less	11.00	1.75	5.00	4.25
Valid for more than 1 year				
but not more than 2 years	22.00	1.75	5.00	15.25

Valid for more than 2 years				
but not more than 3 years	33.00	1.75	5.00	26.25
Valid for more than 3 years				
but not more than 4 years	44.00	1.75	5.00	37.25
Valid for 5 years	55.00	1.75	5.00	48.25
<u>Bioptic or telescopic lens restriction:</u>				
<u>Valid for one year or less</u>	<u>11.00</u>	<u>1.75</u>	<u>5.00</u>	<u>4.25</u>
<u>Valid for more than 1 year</u>				
<u>but not more than 2 years</u>	<u>22.00</u>	<u>1.75</u>	<u>5.00</u>	<u>15.25</u>
lens restriction	11.00	1.75	5.00	4.25
Duplicate or replacement	11.25	2.75	6.25	2.25
Change of class, endorsement,				
or restriction	10.00	1.75	5.00	3.25
LPC-learner's permit:				
Original or renewal	10.00	.25	5.00	4.75
Duplicate or replacement	10.00	.25	5.00	4.75
Change of class, endorsement,				
or restriction	10.00	.25	5.00	4.75
Seasonal permit:				
Original or renewal	10.00	.25	5.00	4.75
Duplicate or replacement	10.00	.25	5.00	4.75
Change of class, endorsement,				
or restriction	10.00	.25	5.00	4.75

(3) If the Department of Motor Vehicles issues an operator's license or a state identification card, the department shall remit the county portion of the fees to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

Sec. 3. Section 60-4,118, Reissue Revised Statutes of Nebraska, 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. If the vision reading demonstrates that the applicant is required to use bioptic or telescopic lenses to operate a motor vehicle, the statement from the optometrist or ophthalmologist shall also indicate when the applicant needs to be reexamined for purposes of meeting the vision requirements for an operator's license as prescribed by the department. If such time period is two years or more after the date of the application, the license shall be valid for two years. If such time period is less than two years, the license shall be valid for such time period.

(3) If the applicant for an operator's license discloses that he or she has any other physical 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. Any such request by a law enforcement officer shall be accompanied by written justification for such request and shall be approved by a supervisory law enforcement officer, police chief, or county sheriff.

(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.

Sec. 4. Sections 2, 3, 6 of this act become operative on January 1, 2007. The other sections of this act become operative on their effective date.

Sec. 5. Original section 60-490, Revised Statutes Supplement, 2005, is repealed.

Sec. 6. Original section 60-4,118, Reissue Revised Statutes of Nebraska, and section 60-4,115, Revised Statutes Supplement, 2005, are repealed.