

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 769

Introduced by Fischer, 43; Hadley, 37.

Read first time January 04, 2012

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend section 60-4,142,
2 Reissue Revised Statutes of Nebraska, and sections
3 60-4,116 and 60-4,120, Revised Statutes Supplement, 2011;
4 to change provisions relating to application for and
5 issuance of operators' licenses and state identification
6 cards; to provide an operative date; to repeal the
7 original sections; and to declare an emergency.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-4,116, Revised Statutes Supplement,
2 2011, is amended to read:

3 60-4,116 Prior to the issuance of any original or renewal
4 operator's license, the issuance of a replacement or duplicate
5 operator's license, or the reissuance of any such license with a
6 change of any classification, endorsement, or restriction, the
7 department shall:

8 (1) Check the driving record of the applicant as
9 maintained by the department or by any other state which has issued
10 an operator's license to the applicant;

11 (2) Contact the Commercial Driver License Information
12 System to determine whether the applicant possesses any valid
13 commercial driver's license issued by any other state, whether such
14 license or the applicant's privilege to operate a commercial motor
15 vehicle has been suspended, revoked, or canceled, or whether the
16 applicant has been disqualified from operating a commercial motor
17 vehicle; and

18 (3) Contact the National Driver Register to determine if
19 the applicant (a) has been disqualified from operating any motor
20 vehicle, (b) has had an operator's license suspended, revoked, or
21 canceled, (c) is not eligible, or (d) is deceased.

22 Sec. 2. Section 60-4,120, Revised Statutes Supplement,
23 2011, is amended to read:

24 60-4,120 (1) Except as provided in subsection (4) of this
25 section for persons temporarily out of the state, any person duly

1 licensed or holding a valid state identification card issued under
2 the Motor Vehicle Operator's License Act who loses his or her
3 operator's license or card may ~~obtain a duplicate upon filing with~~
4 make application to the county treasurer or the department an
5 application showing reporting such loss and furnishing proof of
6 identification in accordance with section 60-484. ~~If satisfied that~~
7 ~~the loss is genuine, the issuer~~ The department shall cause to be
8 issued, upon the payment of the fee prescribed in section 60-4,115, a
9 duplicate license or card. Upon the issuance of any duplicate or
10 replacement license or card, the license or card from which the
11 duplicate or replacement is issued shall be void.

12 (2) If any person changes his or her name because of
13 marriage or divorce or by court order or a common-law name change, he
14 or she shall apply to the ~~county treasurer~~ department for a
15 replacement operator's license or state identification card and
16 furnish proof of identification in accordance with section 60-484. If
17 any person changes his or her address, the person shall apply to the
18 ~~county treasurer~~ department for a replacement operator's license or
19 state identification card and furnish satisfactory evidence of such
20 change. The application shall be made within sixty days after the
21 change of name or address. The license or card shall be issued upon
22 payment of the fee prescribed in section 60-4,115.

23 (3) In the event a mutilated and unreadable operator's
24 license is held by any person duly licensed under the act or a
25 mutilated and unreadable state identification card which was issued

1 under the act is held by a person, such person may obtain a
2 replacement license or card upon showing the original mutilated or
3 unreadable license or card to the ~~county treasurer.~~ department. A
4 replacement license or card may be issued, without a photograph, to
5 any person who is out of the state at the time of application for the
6 replacement license or card. Such license or card shall state on its
7 face that it shall become invalid thirty days after such person
8 resumes residence in the state. If the ~~county treasurer~~ department is
9 satisfied that the license or card is mutilated or unreadable, the
10 ~~county treasurer~~ department shall cause to be issued, upon the
11 payment of the fee prescribed in section 60-4,115, a replacement
12 license or card.

13 (4) If any person duly licensed under the act loses his
14 or her operator's license or if any holder of a state identification
15 card loses his or her card while temporarily out of the state, he or
16 she may ~~apply~~ make application to the department for a duplicate
17 operator's license or card without a photograph by ~~filing with the~~
18 ~~county treasurer an application and affidavit showing~~ applying to the
19 department and reporting such loss. Upon ~~the officer being satisfied~~
20 ~~that the loss is genuine,~~ receipt of a correctly completed
21 application, the ~~officer~~ department shall cause to be issued, upon
22 the payment of the fee prescribed in section 60-4,115, a duplicate
23 operator's license or card without a photograph. Upon the issuance of
24 the duplicate, the original license or card shall be void.

25 (5) Any person holding a valid operator's license or

1 state identification card without a photograph shall surrender such
2 license or card to the ~~treasurer of his or her county of residence~~
3 department within thirty days after resuming residency in this state.
4 After the thirty-day period, such license or card shall be considered
5 invalid. Upon the timely surrender of the license or card and payment
6 of the fee prescribed in section 60-4,115, such person shall be
7 issued an operator's license or card with a color photograph or
8 digital image of the licensee included.

9 (6) An application form for a replacement or duplicate
10 operator's license or state identification card shall include a voter
11 registration portion pursuant to section 32-308 and the following
12 specific question: Do you wish to register to vote as part of this
13 application process?

14 (7) An applicant may obtain a replacement or duplicate
15 operator's license or state identification card pursuant to
16 subsection (1), (3), or (4) of this section by electronic means in a
17 manner prescribed by the department. If the applicant has a digital
18 image and digital signature preserved in the digital system, the
19 replacement or duplicate shall be issued with the preserved digital
20 image and digital signature.

21 Sec. 3. Section 60-4,142, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 60-4,142 Any resident may obtain, ~~on a form to be~~
24 ~~prescribed by the director,~~ an LPC-learner's permit from the ~~county~~
25 ~~treasurer~~ department by making application to an examiner of the

1 ~~Department of Motor Vehicles.~~ department. An applicant shall present
2 proof to the examiner that he or she holds a valid Class O license or
3 commercial driver's license or shall successfully complete the
4 requirements for the Class O license before an LPC-learner's permit
5 is issued. An applicant shall also successfully complete the
6 commercial driver's license general knowledge examination under
7 section 60-4,155. Upon application, the examination may be waived if
8 the applicant presents a Nebraska commercial driver's license which
9 is valid or has been expired for less than one year, presents a valid
10 commercial driver's license from another state, or is renewing an
11 LPC-learner's permit. The LPC-learner's permit shall be valid for a
12 period of six months and shall be renewed only once within any two-
13 year period. The county treasurer shall charge the fee prescribed in
14 section 60-4,115 for the issuance or renewal of an LPC-learner's
15 permit.

16 Sec. 4. This act becomes operative on May 1, 2012.

17 Sec. 5. Original section 60-4,142, Reissue Revised
18 Statutes of Nebraska, and sections 60-4,116 and 60-4,120, Revised
19 Statutes Supplement, 2011, are repealed.

20 Sec. 6. Since an emergency exists, this act takes effect
21 when passed and approved according to law.