

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 517

Introduced by Hunt, 8.

Read first time January 19, 2021

Committee: Judiciary

1 A BILL FOR AN ACT relating to government documents; to amend sections
2 60-490, 60-491, and 71-604.01, Reissue Revised Statutes of Nebraska,
3 and sections 60-484, 60-484.02, 60-484.04, 60-484.05, 60-486,
4 60-487, 60-4,114.01, 60-4,117, 60-4,118, 60-4,118.03, 60-4,118.05,
5 60-4,119, 60-4,120, 60-4,120.01, 60-4,120.02, 60-4,121, 60-4,122,
6 60-4,123, 60-4,123.01, 60-4,124, 60-4,125, 60-4,126, and 60-4,144,
7 Revised Statutes Cumulative Supplement, 2020; to change provisions
8 relating to the gender designated on drivers' licenses and state
9 identification cards; to change gender-related language as
10 prescribed; to provide a procedure for amendment of a birth
11 certificate; to harmonize provisions; and to repeal the original
12 sections.
13 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-484, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 60-484 (1) Except as otherwise provided in the Motor Vehicle
4 Operator's License Act, no resident of the State of Nebraska shall
5 operate a motor vehicle upon the alleys or highways of this state until
6 the person has obtained an operator's license for that purpose.

7 (2) Application for an operator's license or a state identification
8 card shall be made in a manner prescribed by the department.

9 (3) The applicant shall provide the applicant's ~~his or her~~ full
10 legal name, date of birth, mailing address, gender, race or ethnicity,
11 and social security number, two forms of proof of address of the
12 applicant's ~~his or her~~ principal residence unless the applicant is a
13 program participant under the Address Confidentiality Act, evidence of
14 identity as required by subsection (6) of this section, and a brief
15 physical description of such applicant ~~himself or herself~~. Beginning on
16 an implementation date designated by the director, which date shall be on
17 or before January 1, 2022, the applicant's gender shall be indicated as
18 female, male, or not specified and no documentation of gender shall be
19 required. The applicant (a) may also complete the voter registration
20 portion pursuant to section 32-308, (b) shall be provided the advisement
21 language required by subsection (5) of section 60-6,197, (c) shall answer
22 the following:

23 (i) Have you within the last three months (e.g. due to diabetes,
24 epilepsy, mental illness, head injury, stroke, heart condition,
25 neurological disease, etc.):

26 (A) lost voluntary control or consciousness ... yes ... no

27 (B) experienced vertigo or multiple episodes of dizziness or
28 fainting ... yes ... no

29 (C) experienced disorientation ... yes ... no

30 (D) experienced seizures ... yes ... no

31 (E) experienced impairment of memory, memory loss ... yes ... no

1 Please explain:

2 (ii) Do you experience any condition which affects your ability to
3 operate a motor vehicle? (e.g. due to loss of, or impairment of, foot,
4 leg, hand, arm; neurological or neuromuscular disease, etc.) ... yes ...
5 no

6 Please explain:

7 (iii) Since the issuance of your last driver's license/permit, has
8 your health or medical condition changed or worsened? ... yes ... no

9 Please explain, including how the above affects your ability to
10 drive:, and (d) may answer the following:

11 (i) Do you wish to register to vote as part of this application
12 process?

13 (ii) Do you wish to have a veteran designation displayed on the
14 front of your operator's license or state identification card to show
15 that you served in the armed forces of the United States? (To be eligible
16 you must register with the Nebraska Department of Veterans' Affairs
17 registry.)

18 (iii) Do you wish to include your name in the Donor Registry of
19 Nebraska and donate your organs and tissues at the time of your death?

20 (iv) Do you wish to receive any additional specific information
21 regarding organ and tissue donation and the Donor Registry of Nebraska?

22 (v) Do you wish to donate \$1 to promote the Organ and Tissue Donor
23 Awareness and Education Fund?

24 (4) Application for an operator's license or state identification
25 card shall include a signed oath, affirmation, or declaration of the
26 applicant that the information provided on the application for the
27 license or card is true and correct.

28 (5) The social security number shall not be printed on the
29 operator's license or state identification card and shall be used only

30 (a) to furnish information to the United States Selective Service System
31 under section 60-483, (b) with the permission of the director in

1 connection with the verification of the status of an individual's driving
2 record in this state or any other state, (c) for purposes of child
3 support enforcement pursuant to section 42-358.08 or 43-512.06, (d) to
4 furnish information regarding an applicant for or holder of a commercial
5 driver's license with a hazardous materials endorsement to the
6 Transportation Security Administration of the United States Department of
7 Homeland Security or its agent, (e) to furnish information to the
8 Department of Revenue under section 77-362.02, or (f) to furnish
9 information to the Secretary of State for purposes of the Election Act.

10 (6)(a) Each individual applying for an operator's license or a state
11 identification card shall furnish proof of date of birth and identity
12 with documents containing a photograph or with nonphoto identity
13 documents which include such individual's ~~his or her~~ full legal name and
14 date of birth. Such documents shall be those provided in subsection (1)
15 of section 60-484.04.

16 (b) Any individual under the age of eighteen years applying for an
17 operator's license or a state identification card shall provide a
18 certified copy of such individual's ~~his or her~~ birth certificate or, if
19 such individual is unable to provide a certified copy of such ~~his or her~~
20 birth certificate, other reliable proof of ~~his or her~~ identity and age,
21 as required in subdivision (6)(a) of this section, accompanied by a
22 certification signed by a parent or guardian explaining the inability to
23 produce a copy of such birth certificate. The applicant also may be
24 required to furnish proof to department personnel that the parent or
25 guardian signing the certification is in fact the parent or guardian of
26 such applicant.

27 (c) An applicant may present other documents as proof of
28 identification and age designated by the director. Any documents accepted
29 shall be recorded according to a written exceptions process established
30 by the director.

31 (7) Any individual applying for an operator's license or a state

1 identification card who wishes ~~indicated his or her wish~~ to have a
2 veteran designation displayed on the front of such license or card shall
3 comply with section 60-4,189.

4 (8) No individual ~~person~~ shall be a holder of an operator's license
5 and a state identification card at the same time. An individual ~~A person~~
6 who has a digital image and digital signature on file with the department
7 may apply electronically to change such individual's ~~his or her~~ Class 0
8 operator's license to a state identification card.

9 Sec. 2. Section 60-484.02, Revised Statutes Cumulative Supplement,
10 2020, is amended to read:

11 60-484.02 (1) A digital image of each ~~Each~~ applicant for an
12 operator's license or state identification card shall be ~~have his or her~~
13 ~~digital image~~ captured. Digital images shall be preserved for use as
14 prescribed in sections 60-4,119, 60-4,151, and 60-4,180. The images shall
15 be used for issuing operators' licenses and state identification cards.
16 The images may be retrieved only by the Department of Motor Vehicles for
17 issuing renewal and replacement operators' licenses and state
18 identification cards and may not be otherwise released except in
19 accordance with subsection (3) of this section.

20 (2) Each ~~Upon~~ application for an operator's license or state
21 identification card, ~~each applicant~~ shall include the applicant's ~~provide~~
22 ~~his or her~~ signature in a form prescribed by the department. Digital
23 signatures shall be preserved for use on original, renewal, and
24 replacement operators' licenses and state identification cards and may
25 not be otherwise released except in accordance with subsection (4) of
26 this section.

27 (3) No officer, employee, agent, or contractor of the department or
28 law enforcement officer shall release a digital image except to a
29 federal, state, or local law enforcement agency, a certified law
30 enforcement officer employed in an investigative position by a federal,
31 state, or local agency, or a driver licensing agency of another state for

1 the purpose of carrying out the functions of the agency or assisting
2 another agency in carrying out its functions upon the verification of the
3 identity of the person requesting the release of the information and the
4 verification of the purpose of the requester in requesting the release.
5 Any officer, employee, agent, or contractor of the department or law
6 enforcement officer that knowingly discloses or knowingly permits
7 disclosure of a digital image or digital signature in violation of this
8 section shall be guilty of a Class I misdemeanor.

9 (4) No officer, employee, agent, or contractor of the department or
10 law enforcement officer shall release a digital signature except (a) to a
11 federal, state, or local law enforcement agency, a certified law
12 enforcement officer employed in an investigative position by a state or
13 federal agency, or a driver licensing agency of another state for the
14 purpose of carrying out the functions of the agency or assisting another
15 agency in carrying out its functions upon the verification of the
16 identity of the person requesting the release of the information and the
17 verification of the purpose of the requester in requesting the release or
18 (b) to the office of the Secretary of State for the purpose of voter
19 registration as described in section 32-304, 32-308, or 32-309 upon the
20 verification of the identity of the person requesting the release of the
21 information and the verification of the purpose of the requester in
22 requesting the release. No employee or official in the office of the
23 Secretary of State shall release a digital signature except to a federal,
24 state, or local law enforcement agency, a certified law enforcement
25 officer employed in an investigative position by a state or federal
26 agency, or a driver licensing agency of another state for the purpose of
27 carrying out the functions of the agency or assisting another agency in
28 carrying out its functions upon the verification of the identity of the
29 person requesting the release of the information and the verification of
30 the purpose of the requester in requesting the release. Any officer,
31 employee, agent, or contractor of the department, law enforcement

1 officer, or employee or official in the office of the Secretary of State
2 that knowingly discloses or knowingly permits disclosure of a digital
3 signature in violation of this section shall be guilty of a Class I
4 misdemeanor.

5 Sec. 3. Section 60-484.04, Revised Statutes Cumulative Supplement,
6 2020, is amended to read:

7 60-484.04 (1) The Legislature finds and declares that section 202(c)
8 (2)(B)(i) through (x) of the federal REAL ID Act of 2005, Public Law
9 109-13, enumerated categories of individuals who may demonstrate lawful
10 status for the purpose of eligibility for a federally secure motor
11 vehicle operator's license or state identification card. The Legislature
12 further finds and declares that it was the intent of the Legislature in
13 2011 to adopt the enumerated categories by the passage of Laws 2011,
14 LB215. The Legislature declares that the passage of Laws 2015, LB623, is
15 for the limited purpose of reaffirming the original legislative intent of
16 Laws 2011, LB215. Except as provided in section 60-4,144 with respect to
17 operators of commercial motor vehicles, before being issued any other
18 type of operator's license or a state identification card under the Motor
19 Vehicle Operator's License Act, the department shall require an applicant
20 to present valid documentary evidence that such applicant ~~he or she~~ has
21 lawful status in the United States as enumerated in section 202(c)(2)(B)
22 (i) through (x) of the federal REAL ID Act of 2005, Public Law 109-13.
23 Lawful status may be shown by:

24 (a) A valid, unexpired United States passport;

25 (b) A certified copy of a birth certificate filed with a state
26 office of vital statistics or equivalent agency in the individual's state
27 of birth;

28 (c) A Consular Report of Birth Abroad (CRBA) issued by the United
29 States Department of State, Form FS-240, DS-1350, or FS-545;

30 (d) A valid, unexpired Permanent Resident Card (Form I-551) issued
31 by the United States Department of Homeland Security or United States

1 Citizenship and Immigration Services;

2 (e) An unexpired employment authorization document (EAD) issued by
3 the United States Department of Homeland Security, Form I-766 or Form
4 I-688B;

5 (f) An unexpired foreign passport with a valid, unexpired United
6 States visa affixed accompanied by the approved I-94 form documenting the
7 applicant's most recent admittance into the United States;

8 (g) A Certificate of Naturalization issued by the United States
9 Department of Homeland Security, Form N-550 or Form N-570;

10 (h) A Certificate of Citizenship, Form N-560 or Form N-561, issued
11 by the United States Department of Homeland Security;

12 (i) A driver's license or identification card issued in compliance
13 with the standards established by the REAL ID Act of 2005, Public Law
14 109-13, division B, section 1, 119 Stat. 302; or

15 (j) Such other documents as the director may approve.

16 (2)(a) If an applicant presents one of the documents listed under
17 subdivision (1)(a), (b), (c), (d), (g), or (h) of this section, the
18 verification of the applicant's identity in the manner prescribed in
19 section 60-484 will also provide satisfactory evidence of lawful status.

20 (b) If the applicant presents one of the identity documents listed
21 under subdivision (1)(e), (f), or (i) of this section, the verification
22 of the identity documents does not provide satisfactory evidence of
23 lawful status. The applicant must also present a second document from
24 subsection (1) of this section or documentation issued by the United
25 States Department of Homeland Security, the United States Citizenship and
26 Immigration Services, or other federal agencies, such as one of the types
27 of Form I-797 used by the United States Citizenship and Immigration
28 Services, demonstrating that the applicant has lawful status as
29 enumerated in section 202(c)(2)(B)(i) through (x) of the federal REAL ID
30 Act of 2005, Public Law 109-13.

31 (3) An applicant may present other documents as designated by the

1 director as proof of lawful status as enumerated in section 202(c)(2)(B)
2 (i) through (x) of the federal REAL ID Act of 2005, Public Law 109-13.
3 Any documents accepted shall be recorded according to a written
4 exceptions process established by the director.

5 Sec. 4. Section 60-484.05, Revised Statutes Cumulative Supplement,
6 2020, is amended to read:

7 60-484.05 (1) The department shall only issue an operator's license
8 or a state identification card that is temporary to any applicant who
9 presents documentation under sections 60-484 and 60-484.04 that shows
10 such applicant's ~~his or her~~ authorized stay in the United States is
11 temporary. An operator's license or a state identification card that is
12 temporary shall be valid only during the period of time of the
13 applicant's authorized stay in the United States or, if there is no
14 definite end to the period of authorized stay, a period of one year.

15 (2) An operator's license or state identification card that is
16 temporary shall clearly indicate that it is temporary with a special
17 notation on the front of the license or card and shall state the date on
18 which it expires.

19 (3) An operator's license or state identification card that is
20 temporary may be renewed only upon presentation of valid documentary
21 evidence that the status by which the applicant qualified for the
22 operator's license or state identification card that is temporary has
23 been extended by the United States Department of Homeland Security.

24 (4) If an individual has an operator's license or a state
25 identification card issued based on approved lawful status granted under
26 section 202(c)(2)(B)(i) through (x) of the federal REAL ID Act of 2005,
27 Public Law 109-13, and the basis for the approved lawful status is
28 terminated, the individual shall return the operator's license or state
29 identification card to the Department of Motor Vehicles.

30 Sec. 5. Section 60-486, Revised Statutes Cumulative Supplement,
31 2020, is amended to read:

1 60-486 (1) No person shall be licensed to operate a motor vehicle by
2 the State of Nebraska if such person has an operator's license currently
3 under suspension or revocation in this state or any other state or
4 jurisdiction in the United States.

5 (2) If a license is issued to a person while such person's ~~his or~~
6 ~~her~~ operator's license was suspended or revoked in this state or any
7 other state or jurisdiction, the Department of Motor Vehicles may cancel
8 the license upon forty-five days' written notice by regular United States
9 mail to the licensee's last-known address. The cancellation may be
10 appealed as provided in section 60-4,105.

11 (3) When such a person presents to the department an official notice
12 from the state or jurisdiction that suspended or revoked the ~~his or her~~
13 motor vehicle operator's license that such suspension or revocation has
14 been terminated, such person ~~he or she~~ may then be licensed to operate a
15 motor vehicle by the State of Nebraska.

16 Sec. 6. Section 60-487, Revised Statutes Cumulative Supplement,
17 2020, is amended to read:

18 60-487 (1) If any magistrate or judge finds in a ~~his or her~~ judgment
19 of conviction that the application or issuance certificate pursuant to
20 which the director has issued an operator's license under the Motor
21 Vehicle Operator's License Act contains any false or fraudulent statement
22 deliberately and knowingly made to any officer as to any matter material
23 to the issuance of such license or does not contain required or correct
24 information or that the person to whom the license was issued was not
25 eligible to receive such license, then the license shall be absolutely
26 void from the date of issue and such motor vehicle operator shall be
27 deemed to be not licensed to operate a motor vehicle. Such license shall
28 be at once canceled of record in the director's ~~his or her~~ office by the
29 director upon receipt of a copy of such judgment of conviction. The
30 director may, upon the director's ~~his or her~~ own motion, summarily cancel
31 any license for any of the reasons set forth in this section if such

1 reason or reasons affirmatively appear on the director's ~~his or her~~
2 official records.

3 (2) If the director determines, in a check of an applicant's license
4 status and record prior to issuing a CLP-commercial learner's permit or
5 commercial driver's license, or at any time after the CLP-commercial
6 learner's permit or commercial driver's license is issued, that the
7 applicant falsified information contained in the application or in the
8 medical examiner's certificate, the director may summarily cancel the
9 person's CLP-commercial learner's permit or commercial driver's license
10 or such person's ~~his or her~~ pending application as provided in subsection
11 (1) of this section and disqualify the person from operating a commercial
12 motor vehicle for sixty days.

13 Sec. 7. Section 60-490, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 60-490 (1) Operators' licenses issued to persons required to use
16 bioptic or telescopic lenses as provided in section 60-4,118 shall expire
17 annually on the licensee's birthday for all such licenses issued prior to
18 January 1, 2007, and on the licensee's birthday in the second year after
19 issuance, unless specifically restricted to a shorter renewal period as
20 determined under section 60-4,118, for all such licenses issued on or
21 after January 1, 2007.

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

29 (3) Except as otherwise provided in subsection (1) of this section
30 and section 60-4,147.05 and except for operators' licenses issued to
31 persons less than twenty-one years of age, operators' licenses issued

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

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

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

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

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

28 Sec. 8. Section 60-491, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 60-491 It shall be unlawful for any person:

31 (1) To display or cause or permit to be displayed or have in such

1 person's ~~his or her~~ possession any canceled, revoked, suspended,
2 impounded, fictitious, or fraudulently altered operator's license or
3 state identification card issued by the State of Nebraska or any other
4 state;

5 (2) To lend such person's ~~his or her~~ operator's license or state
6 identification card to any other person or knowingly permit the use
7 thereof by another;

8 (3) To display or represent as one's own any operator's license or
9 state identification card not issued to such person ~~him or her~~ by the
10 State of Nebraska or any other state;

11 (4) To fail or refuse to surrender to the director upon the
12 director's ~~his or her~~ lawful demand any operator's license or state
13 identification card which has been suspended, revoked, or canceled;

14 (5) To use a false or fictitious name in applying for an operator's
15 license or state identification card or knowingly to make a false
16 statement or knowingly to conceal a material fact or otherwise commit a
17 fraud in applying for an operator's license or state identification card;

18 (6) To permit any unlawful use of an operator's license or state
19 identification card issued to such person ~~him or her~~ by the State of
20 Nebraska or any other state;

21 (7) To do any act forbidden or fail to perform any act required by
22 the Motor Vehicle Operator's License Act;

23 (8) To make any false affidavit or knowingly to swear or affirm
24 falsely to any matter or thing required by the terms of the act to be
25 sworn to or affirmed. Such person shall be guilty of perjury and, upon
26 conviction thereof, shall be punished as other persons committing perjury
27 are punishable;

28 (9) To cause or knowingly permit such person's ~~his or her~~ child or
29 ward under the age of sixteen years to drive a motor vehicle upon any
30 highway when such minor is not authorized under the act or is in
31 violation of any of the provisions of the act;

1 (10) To authorize or knowingly permit a motor vehicle owned by such
2 person ~~him or her~~ or under such person's ~~his or her~~ control to be driven
3 upon any highway by any person who is not authorized under the act or is
4 in violation of any of the provisions of the act; or

5 (11) To manufacture any fraudulent state identification card whether
6 of the State of Nebraska or any other state.

7 Sec. 9. Section 60-4,114.01, Revised Statutes Cumulative Supplement,
8 2020, is amended to read:

9 60-4,114.01 An applicant for a Class O or Class M license that fails
10 three successive tests of the ~~his or her~~ ability to drive and maneuver a
11 motor vehicle safely as provided in subdivision (3)(b) of section
12 60-4,114 may be issued an LPD-learner's permit. The applicant shall not
13 be eligible to reapply for the Class O or Class M license and retake such
14 test until such applicant ~~he or she~~ presents proof of successful
15 completion of a department-approved driver training school or until such
16 applicant ~~he or she~~ has held an LPD-learner's permit for at least ninety
17 days.

18 Sec. 10. Section 60-4,117, Revised Statutes Cumulative Supplement,
19 2020, is amended to read:

20 60-4,117 (1) An applicant shall present an issuance certificate to
21 the county treasurer for an operator's license or state identification
22 card. Department personnel or the county treasurer shall collect the
23 applicable fee and surcharge as prescribed in section 60-4,115 and issue
24 a receipt which is valid for up to thirty days. If there is cause for an
25 operator's license to be issued, the receipt shall also authorize driving
26 privileges for such thirty-day period. The license or card shall be
27 delivered as provided in section 60-4,113.

28 (2) The operator's license and state identification card shall be in
29 a form prescribed by the department. The license and card may include
30 security features prescribed by the department. The license and card
31 shall be conspicuously marked Nebraska Operator's License or Nebraska

1 Identification Card, shall be, to the maximum extent practicable, tamper
2 and forgery proof, and shall include the following information:

3 (a) The full legal name and principal residence address of the
4 holder;

5 (b) The holder's full facial digital image;

6 (c) A physical description of the holder, including ~~gender~~, height,
7 weight, and eye and hair colors;

8 (d) The holder's gender. Beginning on an implementation date
9 designated by the director, which date shall be on or before January 1,
10 2022, the holder's gender shall be indicated on the license or card as
11 "F" for female, "M" for male, or "X" for not specified;

12 (e) ~~(d)~~ The holder's date of birth;

13 (f) ~~(e)~~ The holder's signature;

14 (g) ~~(f)~~ The class of motor vehicle which the holder is authorized to
15 operate and any applicable endorsements or restrictions;

16 (h) ~~(g)~~ The issuance and expiration date of the license or card;

17 (i) ~~(h)~~ The organ and tissue donation information specified in
18 section 60-494;

19 (j) ~~(i)~~ A veteran designation as provided in section 60-4,189; and

20 (k) ~~(j)~~ Such other marks and information as the director may
21 determine.

22 (3) Each operator's license and state identification card shall
23 contain the following encoded, machine-readable information: The holder's
24 full legal name; date of birth; gender; race or ethnicity; document issue
25 date; document expiration date; principal residence address; unique
26 identification number; revision date; inventory control number; and state
27 of issuance.

28 Sec. 11. Section 60-4,118, Revised Statutes Cumulative Supplement,
29 2020, is amended to read:

30 60-4,118 (1)(a) No operator's license shall be granted to any
31 applicant until such applicant satisfies the examiner that such applicant

1 ~~he or she~~ possesses sufficient powers of eyesight to enable such
2 applicant ~~him or her~~ to obtain a Class 0 license and to operate a motor
3 vehicle on the highways of this state with a reasonable degree of safety,
4 including:

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

10 (ii) A minimum field of vision. Such field of vision may be obtained
11 through standard eyeglasses, contact lenses, or the carrier lens of the
12 bioptic or telescopic lenses.

13 (b) The department may adopt and promulgate rules and regulations
14 specifying such requirements.

15 (2) If a vision aid is used by the applicant to meet the vision
16 requirements of this section, the operator's license of the applicant
17 shall be restricted to the use of such vision aid when operating the
18 motor vehicle. If the applicant fails to meet the vision requirements,
19 the examiner shall require the applicant to present an optometrist's or
20 ophthalmologist's statement certifying the vision reading obtained when
21 testing the applicant within ninety days of the applicant's license
22 examination. If the vision reading meets the vision requirements
23 prescribed by the department, the vision requirements of this section
24 shall have been met. If the vision reading demonstrates that the
25 applicant is required to use bioptic or telescopic lenses to operate a
26 motor vehicle, the statement from the optometrist or ophthalmologist
27 shall also indicate when the applicant needs to be reexamined for
28 purposes of meeting the vision requirements for an operator's license as
29 prescribed by the department. If such time period is two years or more
30 after the date of the application, the license shall be valid for two
31 years. If such time period is less than two years, the license shall be

1 valid for such time period.

2 (3) If the applicant for an operator's license discloses ~~that he or~~
3 ~~she has~~ any other physical impairment which may affect the safety of
4 operation by such applicant of a motor vehicle, the examiner shall
5 require the applicant to show cause why such license should be granted
6 and, through such personal examination and demonstration as may be
7 prescribed by the director, to show the necessary ability to safely
8 operate a motor vehicle on the highways. If the examiner is then
9 satisfied that such applicant has the ability to safely operate a motor
10 vehicle, an operator's license may be issued to the applicant subject, at
11 the discretion of the director, to a limitation to operate only such
12 motor vehicles at such time, for such purpose, and within such area as
13 the license shall designate.

14 (4)(a) The director may, when requested by a law enforcement
15 officer, when the director has reason to believe that a person may be
16 physically or mentally incompetent to operate a motor vehicle, or when a
17 person's driving record appears to the department to justify an
18 examination, give notice to the person to appear before an examiner or a
19 designee of the director for examination concerning the person's ability
20 to operate a motor vehicle safely. Any such request by a law enforcement
21 officer shall be accompanied by written justification for such request
22 and shall be approved by a supervisory law enforcement officer, police
23 chief, or county sheriff.

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

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

1 (d) If the director determines that the person lacks the physical or
2 mental ability to operate a motor vehicle, the director shall notify the
3 person in writing of the decision. Upon receipt of the notice, the person
4 shall immediately surrender the person's ~~his or her~~ operator's license to
5 the director who shall cancel the person's operator's license.

6 (e) Refusal to surrender an operator's license on demand shall be
7 unlawful, and any person failing to surrender an ~~his or her~~ operator's
8 license as required by this subsection shall be guilty of a Class III
9 misdemeanor.

10 Sec. 12. Section 60-4,118.03, Revised Statutes Cumulative
11 Supplement, 2020, is amended to read:

12 60-4,118.03 Whenever the director reviews the denial or cancellation
13 of an operator's license because of mental, medical, or vision problems
14 that may affect the person's ability to safely operate a motor vehicle as
15 provided in sections 60-4,114 and 60-4,118, the director may consider
16 records and reports from a qualified physician. The applicant or licensee
17 may cause a written report to be forwarded to the director by a physician
18 chosen by the applicant or licensee ~~of his or her choice~~ pursuant to an
19 immediate appeal to the director under section 60-4,114. The director
20 shall grant reasonable time for the applicant or licensee to submit such
21 records. The director shall give due consideration to any such report.

22 Reports received by the director for the purpose of assisting the
23 director in determining whether a person is qualified to be licensed
24 shall be for the confidential use of the director and any designees of
25 the director and may not be divulged to any person other than the
26 applicant or licensee or used in evidence in any legal proceeding, except
27 that a report may be admitted in an appeal of an order of the director
28 based on the report. Any person aggrieved by a decision of the director
29 made pursuant to this section may appeal the decision as provided in
30 section 60-4,105.

31 No person examining any applicant or licensee shall be liable in

1 tort or otherwise for any opinion, recommendation, or report presented to
2 the director if such action was taken in good faith and without malice.

3 Sec. 13. Section 60-4,118.05, Revised Statutes Cumulative
4 Supplement, 2020, is amended to read:

5 60-4,118.05 (1) No operator's license referred to in section
6 60-4,118 shall, under any circumstances, be issued to any person who has
7 not attained the age of seventeen years.

8 (2) No operator's license shall be issued to a person under eighteen
9 years of age applying for an operator's license under section 60-4,118
10 unless such person:

11 (a) Has possessed a valid provisional operator's permit for at least
12 a twelve-month period beginning on the date of issuance of such person's
13 provisional operator's permit; and

14 (b) Has not accumulated three or more points pursuant to section
15 60-4,182 during the twelve-month period immediately preceding the date of
16 the application for the operator's license.

17 (3) The department may waive the written examination and the driving
18 test required under section 60-4,118 for any person seventeen to twenty-
19 one years of age applying for an ~~his or her~~ initial operator's license if
20 such person ~~he or she~~ has been issued a provisional operator's permit.
21 The department shall not waive the written examination and the driving
22 test required under this section if the person is applying for a CLP-
23 commercial learner's permit or commercial driver's license or if the
24 operator's license being applied for contains a class or endorsement
25 which is different from the class or endorsement of the provisional
26 operator's permit.

27 Sec. 14. Section 60-4,119, Revised Statutes Cumulative Supplement,
28 2020, is amended to read:

29 60-4,119 (1) All state identification cards and operators' licenses,
30 except farm permits, shall include a digital image and a digital
31 signature of the cardholder or licensee as provided in section 60-484.02.

1 Receipts for state identification cards and operators' licenses shall be
2 issued by the county treasurer or the Department of Motor Vehicles. The
3 director shall negotiate and enter into a contract to provide the
4 necessary equipment, supplies, and forms for the issuance of the licenses
5 and cards. All costs incurred by the Department of Motor Vehicles under
6 this section shall be paid by the state out of appropriations made to the
7 department. All costs of capturing the digital images and digital
8 signatures shall be paid by the issuer from the fees provided to the
9 issuer pursuant to section 60-4,115.

10 (2) A person who is out of the state at the time of renewal of such
11 person's ~~his or her~~ operator's license may apply for a license upon
12 payment of a fee as provided in section 60-4,115. The license may be
13 issued at any time within one year after the expiration of the original
14 license. Such application shall be made to the department, and the
15 department shall issue the license.

16 (3) Any operator's license and any state identification card issued
17 to a minor as defined in section 53-103.23, as such definition may be
18 amended from time to time by the Legislature, shall be of a distinct
19 designation, of a type prescribed by the director, from the operator's
20 license or state identification card of a person who is not a minor.

21 Sec. 15. Section 60-4,120, Revised Statutes Cumulative Supplement,
22 2020, is amended to read:

23 60-4,120 (1) If any ~~Any~~ person duly licensed or holding a valid
24 state identification card issued under the Motor Vehicle Operator's
25 License Act ~~who~~ loses such person's ~~his or her~~ operator's license or
26 card, such person may make application to the department for a
27 replacement license or card.

28 (2) If any person's ~~person changes his or her name~~ changes because
29 of marriage or divorce or by court order or a common-law name change,
30 such person ~~he or she~~ shall apply to the department for a replacement
31 operator's license or state identification card and furnish proof of

1 identification in accordance with section 60-484. If any person's ~~person~~
2 ~~changes his or her address~~ changes, the person shall apply to the
3 department for a replacement operator's license or state identification
4 card and furnish satisfactory evidence of such change. The application
5 shall be made within sixty days after the change of name or address.

6 (3) In the event a mutilated or unreadable operator's license is
7 held by any person duly licensed under the act or a mutilated or
8 unreadable state identification card which was issued under the act is
9 held by a person, such person may obtain a replacement license or card.
10 Upon report of the mutilated or unreadable license or card and
11 application for a replacement license or card, a replacement license or
12 card may be issued if the department is satisfied that the original
13 license or card is mutilated or unreadable.

14 (4) If any person duly licensed under the act loses such person's
15 ~~his or her~~ operator's license or if any holder of a state identification
16 card loses such holder's ~~his or her~~ card while temporarily out of the
17 state, such person or holder ~~he or she~~ may make application to the
18 department for a replacement operator's license or card by applying to
19 the department and reporting such loss. Upon receipt of a correctly
20 completed application, the department shall cause to be issued a
21 replacement operator's license or card.

22 (5) Any person who holds a valid operator's license or state
23 identification card without a digital image shall surrender such license
24 or card to the department within thirty days after resuming residency in
25 this state. After the thirty-day period, such license or card shall be
26 considered invalid and no license or card shall be issued until the
27 individual has made application for replacement or renewal.

28 (6) Application for a replacement operator's license or state
29 identification card shall include the information required under sections
30 60-484 and 60-484.04.

31 (7) An applicant may obtain a replacement operator's license or

1 state identification card pursuant to subsection (1) or (3) of this
2 section by electronic means in a manner prescribed by the department. No
3 replacement license or card shall be issued unless the applicant has a
4 digital image and digital signature preserved in the digital system.

5 (8) Each replacement operator's license or state identification card
6 shall be issued with the same expiration date as the license or card for
7 which the replacement is issued. The replacement license or card shall
8 also state the new issuance date. Upon issuance of any replacement
9 license or card, the license or card for which the replacement is issued
10 shall be void.

11 (9) A replacement operator's license or state identification card
12 issued under this section shall be delivered to the applicant as provided
13 in section 60-4,113 after the county treasurer or department collects the
14 fee and surcharge prescribed in section 60-4,115 and issues the applicant
15 a receipt with driving privileges which is valid for up to thirty days.

16 Sec. 16. Section 60-4,120.01, Revised Statutes Cumulative
17 Supplement, 2020, is amended to read:

18 60-4,120.01 (1)(a) Any person who is at least sixteen years of age
19 but less than eighteen years of age may be issued a provisional
20 operator's permit by the Department of Motor Vehicles. The provisional
21 operator's permit shall expire on the applicant's eighteenth birthday.

22 (b) No provisional operator's permit shall be issued to any person
23 unless such person:

24 (i) Has possessed a valid LPD-learner's permit, LPE-learner's
25 permit, or SCP-school permit for at least a six-month period beginning on
26 the date of issuance of such person's LPD-learner's permit, LPE-learner's
27 permit, or SCP-school permit; and

28 (ii) Has not accumulated three or more points pursuant to section
29 60-4,182 during the six-month period immediately preceding the date of
30 the application for the provisional operator's permit.

31 (c) The requirements for the provisional operator's permit

1 prescribed in subdivisions (2)(a) and (b) of this section may be
2 completed prior to the applicant's sixteenth birthday. A person may apply
3 for a provisional operator's permit and take the driving test and the
4 written examination, if required, at any time within sixty days prior to
5 such person's ~~his or her~~ sixteenth birthday upon proof of age in the
6 manner provided in section 60-484.

7 (2) In order to obtain a provisional operator's permit, the
8 applicant shall present (a)(i) proof of successful completion of a
9 department-approved driver safety course which includes behind-the-wheel
10 driving specifically emphasizing (A) the effects of the consumption of
11 alcohol on a person operating a motor vehicle, (B) occupant protection
12 systems, (C) risk assessment, and (D) railroad crossing safety and (ii)
13 proof of successful completion of a written examination and driving test
14 administered by a driver safety course instructor or (b) a certificate in
15 a form prescribed by the department, signed by a parent, guardian, or
16 licensed driver at least twenty-one years of age, verifying that the
17 applicant has completed fifty hours of lawful motor vehicle operation
18 including at least ten hours of motor vehicle operation between sunset
19 and sunrise, under conditions that reflect department-approved driver
20 safety course curriculum, with a parent, guardian, or adult at least
21 twenty-one years of age, who has a current Nebraska operator's license or
22 who is licensed in another state. If the applicant presents such a
23 certificate, the applicant shall be required to successfully complete a
24 driving test administered by the department. The written examination
25 shall be waived if the applicant has been issued a Nebraska LPD-learner's
26 permit or has been issued a Nebraska LPE-learner's permit and such permit
27 is valid or has been expired for no more than one year. However, the
28 department shall not waive the written examination if the provisional
29 operator's permit being applied for contains a class or endorsement which
30 is different from the class or endorsement of the LPD-learner's or LPE-
31 learner's permit. Upon presentation by the applicant of a form prescribed

1 by the department showing successful completion of the driver safety
2 course, the written examination and driving test may be waived. Upon
3 presentation of the certificate, the written examination but not the
4 driving test may be waived. Licensing staff shall waive the written
5 examination and the driving test if the applicant has been issued a
6 school permit and such permit is valid or has expired no more than one
7 year prior to application. The written examination shall not be waived if
8 the provisional operator's permit being applied for contains a class or
9 endorsement which is different from the class or endorsement of the
10 school permit.

11 (3)(a) The holder of a provisional operator's permit shall only
12 operate a motor vehicle on the highways of this state during the period
13 beginning at 6 a.m. and ending at 12 midnight except when the holder he
14 ~~or she~~ is en route to or from such holder's ~~his or her~~ residence to such
15 holder's ~~his or her~~ place of employment or a school activity. The holder
16 of a provisional operator's permit may operate a motor vehicle on the
17 highways of this state at any hour of the day or night if accompanied by
18 a parent, guardian, or adult at least twenty-one years of age, who has a
19 current Nebraska operator's license or who is licensed in another state.

20 (b) The holder of a provisional operator's permit shall only operate
21 a motor vehicle on the highways of this state during the first six months
22 of holding the permit with no more than one passenger who is not an
23 immediate family member and who is under nineteen years of age.

24 (c) The holder of a provisional operator's permit shall not use any
25 type of interactive wireless communication device while operating a motor
26 vehicle on the highways of this state.

27 (d) Enforcement of subdivisions (a), (b), and (c) of this subsection
28 shall be accomplished only as a secondary action when the holder of the
29 provisional operator's permit has been cited or charged with a violation
30 of some other law.

31 (4) Department personnel or the county treasurer shall collect the

1 fee and surcharge prescribed in section 60-4,115 for the issuance of each
2 provisional operator's permit.

3 Sec. 17. Section 60-4,120.02, Revised Statutes Cumulative
4 Supplement, 2020, is amended to read:

5 60-4,120.02 (1) Any person convicted of violating a provisional
6 operator's permit issued pursuant to section 60-4,120.01 by operating a
7 motor vehicle in violation of subsection (3) of such section shall be
8 guilty of an infraction, and such person's ~~may have his or her~~
9 provisional operator's permit may be revoked by the court pursuant to
10 section 60-496 for a time period specified by the court. Before such
11 person applies for another provisional operator's permit, such person ~~he~~
12 ~~or she~~ shall pay a reinstatement fee as provided in section 60-499.01
13 after the period of revocation has expired.

14 (2) A copy of an abstract of the court's conviction, including an
15 adjudication, shall be transmitted to the director pursuant to sections
16 60-497.01 to 60-497.04.

17 (3) Any person who holds a provisional operator's permit and has
18 violated subdivision (3)(b) or (c) of section 28-306, subdivision (3)(b)
19 or (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197,
20 60-6,197.06, or 60-6,198 shall not be eligible for an ignition interlock
21 permit.

22 (4) For purposes of this section, conviction includes any
23 adjudication of a juvenile.

24 Sec. 18. Section 60-4,121, Revised Statutes Cumulative Supplement,
25 2020, is amended to read:

26 60-4,121 (1) The operator's license of any person serving on active
27 duty, other than members of the National Guard or reserves activated for
28 training purposes only, outside the State of Nebraska as a member of the
29 United States Armed Forces, or the spouse of any such person or a
30 dependent of such member of the armed forces, shall be valid during such
31 person's period of active duty and for not more than sixty days

1 immediately following such person's date of separation from service.

2 (2) Each individual who is applying for renewal of an ~~his or her~~
3 operator's license shall submit such individual's ~~his or her~~ previous
4 license to the department personnel or, when the previous license is
5 unavailable, furnish proof of identification in accordance with section
6 60-484.

7 Sec. 19. Section 60-4,122, Revised Statutes Cumulative Supplement,
8 2020, is amended to read:

9 60-4,122 (1) Except as otherwise provided in subsections (2), (3),
10 and (8) of this section, no original or renewal operator's license shall
11 be issued to any person until such person has demonstrated the ~~his or her~~
12 ability to operate a motor vehicle safely as provided in section
13 60-4,114.

14 (2) Except as otherwise provided in this section and section
15 60-4,127, any person who renews a ~~his or her~~ Class O or Class M license
16 shall demonstrate the ~~his or her~~ ability to drive and maneuver a motor
17 vehicle safely as provided in subdivision (3)(b) of section 60-4,114 only
18 at the discretion of department personnel, except that a person required
19 to use bioptic or telescopic lenses shall be required to demonstrate the
20 ~~his or her~~ ability to drive and maneuver a motor vehicle safely each time
21 such person ~~he or she~~ renews such person's ~~his or her~~ license.

22 (3) Any person who renews a ~~his or her~~ Class O or Class M license
23 prior to or within one year after its expiration may not be required to
24 demonstrate such person's ~~his or her~~ knowledge of the motor vehicle laws
25 of this state as provided in subdivision (3)(c) of section 60-4,114 if
26 such person's ~~his or her~~ driving record abstract maintained in the
27 computerized records of the department shows that such person's license
28 is not impounded, suspended, revoked, or canceled.

29 (4) Except for operators' licenses issued to persons required to use
30 bioptic or telescopic lenses, any person who renews an ~~his or her~~
31 operator's license which has been valid for fifteen months or less shall

1 not be required to take any examination required under section 60-4,114.

2 (5) Any person who renews a state identification card shall appear
3 before department personnel and present such person's ~~his or her~~ current
4 state identification card or shall follow the procedure for electronic
5 renewal in subsection (9) of this section. Proof of identification shall
6 be required as prescribed in sections 60-484 and 60-4,181 and the
7 information and documentation required by section 60-484.04.

8 (6) A nonresident who applies for an initial operator's license in
9 this state and who holds a valid operator's license from another state
10 which is such person's ~~his or her~~ state of residence may not be required
11 to demonstrate ~~his or her~~ knowledge of the motor vehicle laws of this
12 state if such person ~~he or she~~ surrenders to the department such person's
13 ~~his or her~~ valid out-of-state operator's license.

14 (7) An applicant for an original operator's license may not be
15 required to demonstrate ~~his or her~~ knowledge of the motor vehicle laws of
16 this state if such applicant ~~he or she~~ has been issued a Nebraska LPD-
17 learner's permit that is valid or has been expired for no more than one
18 year. The written examination shall not be waived if the original
19 operator's license being applied for contains a class or endorsement
20 which is different from the class or endorsement of the Nebraska LPD-
21 learner's permit.

22 (8)(a) A qualified licensee as determined by the department who is
23 twenty-one years of age or older, whose license expires prior to such
24 licensee's ~~his or her~~ seventy-second birthday, and who has a digital
25 image and digital signature preserved in the digital system may renew a
26 ~~his or her~~ Class O or Class M license twice by electronic means in a
27 manner prescribed by the department using the preserved digital image and
28 digital signature without taking any examination required under section
29 60-4,114 if such renewal is prior to or within one year after the
30 expiration of the license, if such licensee's ~~his or her~~ driving record
31 abstract maintained in the records of the department shows that such

1 licensee's ~~person's~~ license is not impounded, suspended, revoked, or
2 canceled, and if such licensee's ~~his or her~~ driving record indicates that
3 such licensee ~~he or she~~ is otherwise eligible. Every licensee, including
4 a licensee who is out of the state at the time of renewal, must apply for
5 renewal in person at least once every sixteen years and have a new
6 digital image and digital signature captured.

7 (b) In order to allow for an orderly progression through the various
8 types of operators' licenses issued to persons under twenty-one years of
9 age, a qualified holder of an operator's license who is under twenty-one
10 years of age and who has a digital image and digital signature preserved
11 in the digital system may apply for an operator's license by electronic
12 means in a manner prescribed by the department using the preserved
13 digital image and digital signature if the applicant has passed any
14 required examinations prior to application, if such applicant's ~~his or~~
15 ~~her~~ driving record abstract maintained in the records of the department
16 shows that such applicant's ~~person's~~ operator's license is not impounded,
17 suspended, revoked, or canceled, and if such applicant's ~~his or her~~
18 driving record indicates that such applicant ~~he or she~~ is otherwise
19 eligible.

20 (9) Any person who is twenty-one years of age or older and who has
21 been issued a state identification card with a digital image and digital
22 signature may electronically renew such person's ~~his or her~~ state
23 identification card by electronic means in a manner prescribed by the
24 department using the preserved digital image and digital signature. Every
25 person renewing a state identification card under this subsection,
26 including a person who is out of the state at the time of renewal, must
27 apply for renewal in person at least once every sixteen years and have a
28 new digital image and digital signature captured.

29 (10) In addition to services available at driver license offices,
30 the department may develop requirements for using electronic means for
31 online issuance of operators' licenses and state identification cards to

1 qualified holders as determined by the department.

2 Sec. 20. Section 60-4,123, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 60-4,123 (1) Any person who is at least fifteen years of age may
5 apply for an LPD-learner's permit from the department. In order to obtain
6 an LPD-learner's permit, the applicant shall successfully complete a
7 written examination. A person may take the written examination beginning
8 sixty days prior to such person's ~~his or her~~ fifteenth birthday but shall
9 not be issued a permit until such person ~~he or she~~ is fifteen years of
10 age. The written examination may be waived for any person who has been
11 issued an LPE-learner's permit, LPD-learner's permit, or SCP-school
12 permit that has been expired for no more than one year.

13 (2) Upon successful completion of the written examination and the
14 payment of a fee and surcharge as prescribed in section 60-4,115, the
15 applicant shall be issued an LPD-learner's permit as provided in section
16 60-4,113. The permit shall be valid for twelve months.

17 (3)(a) The holder of an LPD-learner's permit shall only operate a
18 motor vehicle on the highways of this state if such holder ~~he or she~~ is
19 accompanied at all times by a licensed operator who is at least twenty-
20 one years of age and who has been licensed by this state or another state
21 and if (i) for all motor vehicles other than autocycles, motorcycles, or
22 mopeds, such holder ~~he or she~~ is actually occupying the seat beside the
23 licensed operator, (ii) in the case of an autocycle, such holder ~~he or~~
24 ~~she~~ is actually occupying the seat beside or in front of the licensed
25 operator, or (iii) in the case of a motorcycle, other than an autocycle,
26 or a moped, such holder ~~he or she~~ is within visual contact of and under
27 the supervision of, in the case of a motorcycle, a licensed motorcycle
28 operator or, in the case of a moped, a licensed motor vehicle operator.

29 (b) The holder of an LPD-learner's permit shall not use any type of
30 interactive wireless communication device while operating a motor vehicle
31 on the highways of this state. Enforcement of this subdivision shall be

1 accomplished only as a secondary action when the holder of the LPD-
2 learner's permit has been cited or charged with a violation of some other
3 law.

4 (4) Department personnel or the county treasurer shall collect the
5 fee and surcharge prescribed in section 60-4,115 for the issuance of each
6 LPD-learner's permit.

7 Sec. 21. Section 60-4,123.01, Revised Statutes Cumulative
8 Supplement, 2020, is amended to read:

9 60-4,123.01 For purposes of driver training, any person who has
10 attained or will attain the age of fourteen years on or before October 15
11 of the current year may operate a motor vehicle, other than an autocycle,
12 upon the highways of this state if such person ~~he or she~~ is accompanied
13 or, in the case of a motorcycle, other than an autocycle, or a moped,
14 supervised at all times by a licensed operator who is a driver training
15 instructor certified by the Commissioner of Education.

16 Sec. 22. Section 60-4,124, Revised Statutes Cumulative Supplement,
17 2020, is amended to read:

18 60-4,124 (1) A person who is younger than sixteen years and three
19 months of age but is older than fourteen years and two months of age may
20 be issued a school permit if such person either resides outside a city of
21 the metropolitan, primary, or first class or attends a school which is
22 outside a city of the metropolitan, primary, or first class and if such
23 person has held an LPE-learner's permit for two months. A school permit
24 shall not be issued until such person has demonstrated that such person
25 ~~he or she~~ is capable of successfully operating a motor vehicle, moped, or
26 motorcycle and has in such person's ~~his or her~~ possession an issuance
27 certificate authorizing the county treasurer to issue a school permit. In
28 order to obtain an issuance certificate, the applicant shall present (a)
29 proof of successful completion of a department-approved driver safety
30 course which includes behind-the-wheel driving specifically emphasizing
31 (i) the effects of the consumption of alcohol on a person operating a

1 motor vehicle, (ii) occupant protection systems, (iii) risk assessment,
2 and (iv) railroad crossing safety and (b)(i) proof of successful
3 completion of a written examination and driving test administered by a
4 driver safety course instructor or (ii) a certificate in a form
5 prescribed by the department, signed by a parent, guardian, or licensed
6 driver at least twenty-one years of age, verifying that the applicant has
7 completed fifty hours of lawful motor vehicle operation, under conditions
8 that reflect department-approved driver safety course curriculum, with a
9 parent, guardian, or adult at least twenty-one years of age, who has a
10 current Nebraska operator's license or who is licensed in another state.
11 The department may waive the written examination if the applicant has
12 been issued an LPE-learner's permit or LPD-learner's permit and if such
13 permit is valid or has expired no more than one year prior to
14 application. The written examination shall not be waived if the permit
15 being applied for contains a class or endorsement which is different from
16 the class or endorsement of the LPE-learner's permit.

17 (2) A person holding a school permit may operate a motor vehicle,
18 moped, or motorcycle or an autocycle:

19 (a) To and from where such person ~~he or she~~ attends school, or
20 property used by the school such person ~~he or she~~ attends for purposes of
21 school events or functions, over the most direct and accessible route by
22 the nearest highway from such person's ~~his or her~~ place of residence to
23 transport such person or any family member who resides with such person
24 to attend duly scheduled courses of instruction and extracurricular or
25 school-related activities at the school such person ~~he or she~~ attends or
26 on property used by the school such person ~~he or she~~ attends; or

27 (b) Under the personal supervision of a licensed operator. Such
28 licensed operator shall be at least twenty-one years of age and licensed
29 by this state or another state and shall (i) for all motor vehicles other
30 than autocycles, motorcycles, or mopeds, actually occupy the seat beside
31 the permitholder, (ii) in the case of an autocycle, actually occupy the

1 seat beside or behind the permitholder, or (iii) in the case of a
2 motorcycle, other than an autocycle, or a moped, if the permitholder is
3 within visual contact of and under the supervision of, in the case of a
4 motorcycle, a licensed motorcycle operator or, in the case of a moped, a
5 licensed motor vehicle operator.

6 (3) The holder of a school permit shall not use any type of
7 interactive wireless communication device while operating a motor vehicle
8 on the highways of this state. Enforcement of this subsection shall be
9 accomplished only as a secondary action when the holder of the school
10 permit has been cited or charged with a violation of some other law.

11 (4) A person who is younger than sixteen years of age but is over
12 fourteen years of age may be issued an LPE-learner's permit, which permit
13 shall be valid for a period of three months. An LPE-learner's permit
14 shall not be issued until such person successfully completes a written
15 examination prescribed by the department and demonstrates ~~that he or she~~
16 ~~has~~ sufficient powers of eyesight to safely operate a motor vehicle,
17 moped, or motorcycle or an autocycle.

18 (5)(a) While holding the LPE-learner's permit, the permitholder
19 ~~person~~ may operate a motor vehicle on the highways of this state if (i)
20 for all motor vehicles other than autocycles, motorcycles, or mopeds, ~~he~~
21 ~~or she has seated next to him or her~~ a person who is a licensed operator
22 is seated next to the permitholder, (ii) in the case of an autocycle, ~~he~~
23 ~~or she has seated next to or behind him or her~~ a person who is a licensed
24 operator is seated next to or behind the permitholder, or (iii) in the
25 case of a motorcycle, other than an autocycle, or a moped, the
26 permitholder ~~he or she~~ is within visual contact of and is under the
27 supervision of a person who, in the case of a motorcycle, is a licensed
28 motorcycle operator or, in the case of a moped, is a licensed motor
29 vehicle operator. Such licensed motor vehicle or motorcycle operator
30 shall be at least twenty-one years of age and licensed by this state or
31 another state.

1 (b) The holder of an LPE-learner's permit shall not use any type of
2 interactive wireless communication device while operating a motor vehicle
3 on the highways of this state. Enforcement of this subdivision shall be
4 accomplished only as a secondary action when the holder of the LPE-
5 learner's permit has been cited or charged with a violation of some other
6 law.

7 (6) Department personnel or the county treasurer shall collect the
8 fee and surcharge prescribed in section 60-4,115 from each successful
9 applicant for a school or LPE-learner's permit. All school permits shall
10 be subject to impoundment or revocation under the terms of section
11 60-496. Any person who violates the terms of a school permit shall be
12 guilty of an infraction and shall not be eligible for another school,
13 farm, LPD-learner's, or LPE-learner's permit until such person ~~he or she~~
14 has attained the age of sixteen years.

15 (7) Any person who holds a permit issued under this section and has
16 violated subdivision (3)(b) or (c) of section 28-306, subdivision (3)(b)
17 or (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197,
18 60-6,197.06, or 60-6,198 shall not be eligible for an ignition interlock
19 permit.

20 Sec. 23. Section 60-4,125, Revised Statutes Cumulative Supplement,
21 2020, is amended to read:

22 60-4,125 (1) For any minor convicted or adjudicated of violating the
23 terms of an LPD-learner's permit issued pursuant to section 60-4,123 or
24 an LPE-learner's permit issued pursuant to section 60-4,124, the court
25 shall, in addition to any other penalty or disposition, order the
26 impoundment or revocation of such learner's permit and order that such
27 minor shall not be eligible for another operator's license or school,
28 farm, LPD-learner's, or LPE-learner's permit until such minor ~~he or she~~
29 has attained the age of sixteen years.

30 (2) Any person who holds an LPD-learner's permit issued pursuant to
31 section 60-4,123 and has violated subdivision (3)(b) or (c) of section

1 28-306, subdivision (3)(b) or (c) of section 28-394, or section 28-1254,
2 60-6,196, 60-6,197, 60-6,197.06, or 60-6,198 shall not be eligible for an
3 ignition interlock permit.

4 (3) A copy of the court's abstract or adjudication shall be
5 transmitted to the director who shall place in an impound status or
6 revoke the LPD-learner's or LPE-learner's permit of such minor in
7 accordance with the order of the court and not again issue another
8 operator's license or school, farm, LPD-learner's, or LPE-learner's
9 permit to such minor until such minor has attained the age of sixteen
10 years.

11 Sec. 24. Section 60-4,126, Revised Statutes Cumulative Supplement,
12 2020, is amended to read:

13 60-4,126 (1) Any person who is younger than sixteen years of age but
14 is over thirteen years of age and resides upon a farm in this state or is
15 fourteen years of age or older and is employed for compensation upon a
16 farm in this state may obtain a farm permit authorizing the operation of
17 farm tractors, minitrucks, and other motorized implements of farm
18 husbandry upon the highways of this state if the applicant for such farm
19 permit furnishes satisfactory proof of age and satisfactorily
20 demonstrates ~~that he or she~~ has knowledge of the operation of such
21 equipment and of the rules of the road and laws respecting the operation
22 of motor vehicles upon the highways of this state. Any person under
23 sixteen years of age but not less than thirteen years of age may obtain a
24 temporary permit to operate such equipment for a six-month period after
25 presentation to the department of a request for the temporary permit
26 signed by the person's parent or guardian and payment of the fee and
27 surcharge prescribed in section 60-4,115. After the expiration of the
28 six-month period, it shall be unlawful for such person to operate such
29 equipment upon the highways of this state unless such person ~~he or she~~
30 has been issued a farm permit under this section. The fee for an
31 original, renewal, or replacement farm permit shall be the fee and

1 surcharge prescribed in section 60-4,115. All farm permits shall be
2 subject to revocation under the terms of section 60-496. Any person who
3 violates the terms of a farm permit shall be guilty of an infraction and
4 shall not be eligible for another school, farm, LPD-learner's, or LPE-
5 learner's permit until such person ~~he or she~~ has attained the age of
6 sixteen years.

7 (2) Any person who holds a permit issued under this section and has
8 violated subdivision (3)(b) or (c) of section 28-306, subdivision (3)(b)
9 or (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197,
10 60-6,197.06, or 60-6,198 shall not be eligible for an ignition interlock
11 permit.

12 Sec. 25. Section 60-4,144, Revised Statutes Cumulative Supplement,
13 2020, is amended to read:

14 60-4,144 (1) An applicant for issuance of any original or renewal
15 commercial driver's license or an applicant for a change of class of
16 commercial motor vehicle, endorsement, or restriction shall demonstrate
17 such applicant's ~~his or her~~ knowledge and skills for operating a
18 commercial motor vehicle as prescribed in the Motor Vehicle Operator's
19 License Act. An applicant for a commercial driver's license shall provide
20 the information and documentation required by this section and section
21 60-4,144.01. Such information and documentation shall include any
22 additional information required by 49 C.F.R. parts 383 and 391 and also
23 include:

24 (a) Certification that the commercial motor vehicle in which the
25 applicant takes any driving skills examination is representative of the
26 class of commercial motor vehicle that the applicant operates or expects
27 to operate; and

28 (b) The names of all states where the applicant has been licensed to
29 operate any type of motor vehicle in the ten years prior to the date of
30 application.

31 (2)(a) Before being issued a CLP-commercial learner's permit or

1 commercial driver's license, the applicant shall provide (i) such
2 applicant's ~~his or her~~ full legal name, date of birth, mailing address,
3 ~~gender,~~ race or ethnicity, and social security number, (ii) two forms of
4 proof of address of such applicant's ~~his or her~~ principal residence
5 unless the applicant is a program participant under the Address
6 Confidentiality Act, except that a nondomiciled applicant for a CLP-
7 commercial learner's permit or nondomiciled commercial driver's license
8 holder does not have to provide proof of residence in Nebraska, (iii)
9 evidence of identity as required by this section, ~~and~~ (iv) a brief
10 physical description of the applicant, and (v) the applicant's gender.
11 Beginning on an implementation date designated by the director, which
12 date shall be on or before January 1, 2022, the applicant's gender shall
13 be indicated as female, male, or not specified and no documentation of
14 gender shall be required ~~himself or herself.~~

15 (b) The applicant's social security number shall not be printed on
16 the CLP-commercial learner's permit or commercial driver's license and
17 shall be used only (i) to furnish information to the United States
18 Selective Service System under section 60-483, (ii) with the permission
19 of the director in connection with the certification of the status of an
20 individual's driving record in this state or any other state, (iii) for
21 purposes of child support enforcement pursuant to section 42-358.08 or
22 43-512.06, (iv) to furnish information regarding an applicant for or
23 holder of a commercial driver's license with a hazardous materials
24 endorsement to the Transportation Security Administration of the United
25 States Department of Homeland Security or its agent, (v) to furnish
26 information to the Department of Revenue under section 77-362.02, or (vi)
27 to furnish information to the Secretary of State for purposes of the
28 Election Act.

29 (c) No person shall be a holder of a CLP-commercial learner's permit
30 or commercial driver's license and a state identification card at the
31 same time.

1 (3) Before being issued a CLP-commercial learner's permit or
2 commercial driver's license, an applicant, except a nondomiciled
3 applicant, shall provide proof that this state is such applicant's ~~his or~~
4 ~~her~~ state of residence. Acceptable proof of residence is a document with
5 the person's name and residential address within this state.

6 (4)(a) Before being issued a CLP-commercial learner's permit or
7 commercial driver's license, an applicant shall provide proof of
8 identity.

9 (b) The following are acceptable as proof of identity:

10 (i) A valid, unexpired United States passport;

11 (ii) A certified copy of a birth certificate filed with a state
12 office of vital statistics or equivalent agency in the individual's state
13 of birth;

14 (iii) A Consular Report of Birth Abroad issued by the United States
15 Department of State;

16 (iv) A valid, unexpired permanent resident card issued by the United
17 States Department of Homeland Security or United States Citizenship and
18 Immigration Services;

19 (v) An unexpired employment authorization document issued by the
20 United States Department of Homeland Security;

21 (vi) An unexpired foreign passport with a valid, unexpired United
22 States visa affixed accompanied by the approved form documenting the
23 applicant's most recent admittance into the United States;

24 (vii) A Certificate of Naturalization issued by the United States
25 Department of Homeland Security;

26 (viii) A Certificate of Citizenship issued by the United States
27 Department of Homeland Security;

28 (ix) A driver's license or identification card issued in compliance
29 with the standards established by the REAL ID Act of 2005, Public Law
30 109-13, division B, section 1, 119 Stat. 302; or

31 (x) Such other documents as the director may approve.

1 (c) If an applicant presents one of the documents listed under
2 subdivision (b)(i), (ii), (iii), (iv), (vii), or (viii) of this
3 subsection, the verification of the applicant's identity will also
4 provide satisfactory evidence of lawful status.

5 (d) If the applicant presents one of the identity documents listed
6 under subdivision (b)(v), (vi), or (ix) of this subsection, the
7 verification of the identity documents does not provide satisfactory
8 evidence of lawful status. The applicant must also present a second
9 document from subdivision (4)(b) of this section, a document from
10 subsection (5) of this section, or documentation issued by the United
11 States Department of Homeland Security or other federal agencies
12 demonstrating lawful status as determined by the United States
13 Citizenship and Immigration Services.

14 (e) An applicant may present other documents as designated by the
15 director as proof of identity. Any documents accepted shall be recorded
16 according to a written exceptions process established by the director.

17 (5)(a) Whenever a person is renewing, replacing, upgrading,
18 transferring, or applying as a nondomiciled individual to this state for
19 a CLP-commercial learner's permit or commercial driver's license, the
20 Department of Motor Vehicles shall verify the citizenship in the United
21 States of the person or the lawful status in the United States of the
22 person.

23 (b) The following are acceptable as proof of citizenship or lawful
24 status:

25 (i) A valid, unexpired United States passport;

26 (ii) A certified copy of a birth certificate filed with a state
27 office of vital statistics or equivalent agency in the individual's state
28 of birth, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the
29 Commonwealth of the Northern Mariana Islands;

30 (iii) A Consular Report of Birth Abroad issued by the United States
31 Department of State;

1 (iv) A Certificate of Naturalization issued by the United States
2 Department of Homeland Security;

3 (v) A Certificate of Citizenship issued by the United States
4 Department of Homeland Security; or

5 (vi) A valid, unexpired Permanent Resident Card issued by the United
6 States Department of Homeland Security or United States Citizenship and
7 Immigration Services.

8 (6) An applicant may present other documents as designated by the
9 director as proof of lawful status. Any documents accepted shall be
10 recorded according to a written exceptions process established by the
11 director.

12 (7)(a) An applicant shall obtain a nondomiciled CLP-commercial
13 driver's license or nondomiciled CLP-commercial learner's permit:

14 (i) If the applicant is domiciled in a foreign jurisdiction and the
15 Federal Motor Carrier Safety Administrator has not determined that the
16 commercial motor vehicle operator testing and licensing standards of that
17 jurisdiction meet the standards contained in subparts G and H of 49
18 C.F.R. part 383; or

19 (ii) If the applicant is domiciled in a state that is prohibited
20 from issuing commercial learners' permits and commercial drivers'
21 licenses in accordance with 49 C.F.R. 384.405. Such person is eligible to
22 obtain a nondomiciled CLP-commercial learner's permit or nondomiciled
23 commercial driver's license from Nebraska that complies with the testing
24 and licensing standards contained in subparts F, G, and H of 49 C.F.R.
25 part 383.

26 (b) An applicant for a nondomiciled CLP-commercial learner's permit
27 and nondomiciled commercial driver's license must do the following:

28 (i) Complete the requirements to obtain a CLP-commercial learner's
29 permit or a commercial driver's license under the Motor Vehicle
30 Operator's License Act, except that an applicant domiciled in a foreign
31 jurisdiction must provide an unexpired employment authorization document

1 issued by the United States Citizenship and Immigration Services or an
2 unexpired foreign passport accompanied by an approved I-94 form
3 documenting the applicant's most recent admittance into the United
4 States. No proof of domicile is required;

5 (ii) After receipt of the nondomiciled CLP-commercial learner's
6 permit or nondomiciled commercial driver's license and, for as long as
7 the permit or license is valid, notify the Department of Motor Vehicles
8 of any adverse action taken by any jurisdiction or governmental agency,
9 foreign or domestic, against such applicant's ~~his or her~~ driving
10 privileges. Such adverse actions include, but are not limited to, license
11 disqualification or disqualification from operating a commercial motor
12 vehicle for the convictions described in 49 C.F.R. 383.51. Notifications
13 must be made within the time periods specified in 49 C.F.R. 383.33; and

14 (iii) Provide a mailing address to the Department of Motor Vehicles.
15 If the applicant is applying for a foreign nondomiciled CLP-commercial
16 learner's permit or foreign nondomiciled commercial driver's license,
17 such applicant ~~he or she~~ must provide a Nebraska mailing address and the
18 ~~his or her employer's~~ mailing address of such applicant's employer to the
19 Department of Motor Vehicles.

20 (c) An applicant for a nondomiciled CLP-commercial learner's permit
21 or nondomiciled commercial driver's license who holds a foreign
22 operator's license is not required to surrender the ~~his or her~~ foreign
23 operator's license.

24 (8) Any person applying for a CLP-commercial learner's permit or
25 commercial driver's license may answer the following:

26 (a) Do you wish to register to vote as part of this application
27 process?

28 (b) Do you wish to have a veteran designation displayed on the front
29 of your operator's license to show that you served in the armed forces of
30 the United States? (To be eligible you must register with the Nebraska
31 Department of Veterans' Affairs registry.)

1 (c) Do you wish to include your name in the Donor Registry of
2 Nebraska and donate your organs and tissues at the time of your death?

3 (d) Do you wish to receive any additional specific information
4 regarding organ and tissue donation and the Donor Registry of Nebraska?

5 (e) Do you wish to donate \$1 to promote the Organ and Tissue Donor
6 Awareness and Education Fund?

7 (9) Application for a CLP-commercial learner's permit or commercial
8 driver's license shall include a signed oath, affirmation, or declaration
9 of the applicant that the information provided on the application for the
10 permit or license is true and correct.

11 (10) Any person applying for a CLP-commercial learner's permit or
12 commercial driver's license must make one of the certifications in
13 section 60-4,144.01 and any certification required under section 60-4,146
14 and must provide such certifications to the Department of Motor Vehicles
15 in order to be issued a CLP-commercial learner's permit or a commercial
16 driver's license.

17 (11) Every person who holds any commercial driver's license must
18 provide to the department medical certification as required by section
19 60-4,144.01. The department may provide notice and prescribe medical
20 certification compliance requirements for all holders of commercial
21 drivers' licenses. Holders of commercial drivers' licenses who fail to
22 meet the prescribed medical certification compliance requirements may be
23 subject to downgrade.

24 Sec. 26. Section 71-604.01, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 71-604.01 (1) Upon receipt of an application for a new certificate
27 of birth, which shall be accompanied by a notarized affidavit from the
28 physician that performed sex confirmation ~~reassignment~~ surgery on an
29 individual born in this state and a certified copy of an order of a court
30 of competent jurisdiction changing the name of such person, the
31 department shall prepare a new certificate of birth in the new name and

1 sex of such person in substantially the same form as that used for other
2 live births. The evidence from which the new certificate is prepared and
3 the original certificate of birth shall be available for inspection only
4 upon the order of a court of competent jurisdiction.

5 (2) Upon receipt of a complete application to amend the sex on a
6 certificate of birth from a person born in this state or the parent,
7 guardian, or legal representative of such person, the department shall
8 amend the sex on such certificate of birth. A complete application to
9 amend the sex on a certificate of birth shall be accompanied by either
10 (a) an affidavit from a physician stating such amendment to the
11 certificate of birth is warranted and documentary evidence to
12 substantiate such amendment or (b) a certified copy of a court order
13 directing amendment of the certificate of birth to reflect such change.

14 (3)(a) Any person desiring to change the sex listed on such person's
15 birth certificate may file a petition in the district court of the county
16 in which such person is a resident, setting forth (i) that the petitioner
17 has been a bona fide resident of such county for at least one year prior
18 to the filing of the petition, (ii) the address of the petitioner, (iii)
19 the date of birth of the petitioner, (iv) the cause for which the change
20 is sought, and (v) the sex to which the change would be made.

21 (b) The district court, upon being duly satisfied by proof in open
22 court of the truth of the allegations set forth in the petition, that
23 there exists proper and reasonable cause for changing the sex of the
24 petitioner on the birth certificate, shall enter an order directing a
25 change of the sex of such petitioner on the birth certificate.

26 (c) The clerk of the district court shall deliver a copy of any sex-
27 change order issued by the court pursuant to this section to the
28 Department of Health and Human Services for use pursuant to this section.

29 Sec. 27. Original sections 60-490, 60-491, and 71-604.01, Reissue
30 Revised Statutes of Nebraska, and sections 60-484, 60-484.02, 60-484.04,
31 60-484.05, 60-486, 60-487, 60-4,114.01, 60-4,117, 60-4,118, 60-4,118.03,

1 60-4,118.05, 60-4,119, 60-4,120, 60-4,120.01, 60-4,120.02, 60-4,121,
2 60-4,122, 60-4,123, 60-4,123.01, 60-4,124, 60-4,125, 60-4,126, and
3 60-4,144, Revised Statutes Cumulative Supplement, 2020, are repealed.