

LEGISLATIVE BILL 562

Approved by the Governor April 2, 2003

Introduced by Baker, 44

AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-4,131, 60-4,138, 60-4,156, 60-4,168.01, and 60-4,172, Reissue Revised Statutes of Nebraska, and sections 29-3608, 60-462, 60-483, 60-487, 60-4,112, 60-4,132, 60-4,137, 60-4,141.01, 60-4,142, 60-4,144, and 60-4,168, Revised Statutes Supplement, 2002; to change issuance requirements for licenses and permits; to define, redefine, and eliminate terms; to provide for a school bus endorsement; to provide additional reasons for disqualification of drivers and cancellation, revocation, and suspension of licenses; to provide for a waiver of the commercial driving skills test; to provide reporting and notice requirements and other duties for the Director of Motor Vehicles and the Department of Motor Vehicles; to provide for applicability of federal regulations; to change and provide penalties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 60-467 and 60-477, Reissue Revised Statutes of Nebraska.

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

Section 1. Section 29-3608, Revised Statutes Supplement, 2002, is amended to read:

29-3608. Any driver holding a commercial driver's license issued pursuant to sections 60-4,138 to 60-4,172 and sections 11, 18, and 20 of this act shall not be eligible to participate in a program under sections 29-3605 to 29-3609 if such participation would be in noncompliance with federal law or regulation and subject the state to possible loss of federal funds.

Sec. 2. Section 60-462, Revised Statutes Supplement, 2002, is amended to read:

60-462. Sections 60-462 to 60-4,188 and sections 6, 11, 18, and 20 of this act shall be known and may be cited as the Motor Vehicle Operator's License Act.

Sec. 3. Section 60-483, Revised Statutes Supplement, 2002, is amended to read:

60-483. (1) The director shall assign a distinguishing number to each operator's license issued and shall keep a record of the same which shall be open to public inspection by any person requesting inspection of such record who qualifies under section 60-2906 or 60-2907. Any person requesting such driver record information shall furnish to the Department of Motor Vehicles (a) verification of identity and purpose that the requester is entitled under section 60-2906 or 60-2907 to disclosure of the personal information in the record, (b) the name of the person whose record is being requested, and (c) when the name alone is insufficient to identify the correct record, the department may request additional identifying information. The department shall, upon request of any requester, furnish a certified abstract of the operating record of any person, in either hard copy or electronically, and shall charge the requester a fee of three dollars per abstract.

(2) The department shall remit any revenue generated under this section to the State Treasurer, and the State Treasurer shall credit eight and one-third percent to the Department of Motor Vehicles Cash Fund, fifty-eight and one-third percent to the General Fund, and thirty-three and one-third percent to the Records Management Cash Fund.

(3) The director shall, upon receiving a request and an agreement from the United States Selective Service System to comply with requirements of this section, furnish driver record information to the United States Selective Service System to include the name, post office address, date of birth, sex, and social security number of licensees. The United States Selective Service System shall pay all costs incurred by the department in providing the information but shall not be required to pay any other fee required by law for information. No driver record information shall be furnished to the United States Selective Service System regarding any female, nor regarding any male other than those between the ages of seventeen years and twenty-six years. The information shall only be used in the fulfillment of the required duties of the United States Selective Service System and shall not be furnished to any other person.

(4) The director shall keep a record of all applications for operators' licenses that are disapproved with a brief statement of the reason

for disapproval of the application.

(5) The director may establish a monitoring service which provides information on operating records that have changed due to any adjudicated traffic citation or administrative action. The director shall charge a fee of six cents per operating record searched pursuant to this section and the fee provided in subsection (1) of this section for each abstract returned as a result of the search.

Sec. 4. Section 60-487, Revised Statutes Supplement, 2002, is amended to read:

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

(2) If the director determines, in a check of an applicant's license status and record prior to issuing a commercial driver's license, or at any time after the commercial driver's license is issued, that the applicant falsified information contained in the application, the director may summarily cancel the person's commercial driver's license or his or her pending application as provided in subsection (1) of this section and disqualify the person from operating a commercial motor vehicle for sixty days.

Sec. 5. Section 60-4,112, Revised Statutes Supplement, 2002, is amended to read:

60-4,112. Sections 60-4,113 to 60-4,130.05 and section 6 of this act shall apply to the operation of any motor vehicle except a commercial motor vehicle.

Sec. 6. Prior to the issuance of any original or renewal operator's license or the reissuance of any such license with a change of any classification, endorsement, or restriction, the Department of Motor Vehicles shall:

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

(2) Beginning September 30, 2005, contact the Commercial Driver License Information System to determine whether the applicant possesses any valid commercial driver's license issued by any other state, whether such license or the applicant's privilege to operate a commercial motor vehicle has been suspended, revoked, or canceled, or whether the applicant has been disqualified from operating a commercial motor vehicle; and

(3) Contact the National Driver Register to determine if the applicant (a) has been disqualified from operating any motor vehicle or (b) has had an operator's license suspended, revoked, or canceled.

Sec. 7. Section 60-4,131, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,131. (1) Sections 60-4,132 to 60-4,172 and sections 11, 18, and 20 of this act shall apply to the operation of any commercial motor vehicle.

(2) For purposes of such sections:

(a) Disqualification means either:

(i) The suspension, revocation, cancellation, or any other withdrawal by a state of a person's privilege to drive a commercial motor vehicle; or

(ii) A determination by the Federal Motor Carrier Safety Administration, under the rules of practice for motor carrier safety contained in 49 C.F.R. 386, that a person is no longer qualified to operate a commercial motor vehicle under 49 C.F.R. 391; or

(iii) The loss of qualification which automatically follows conviction of an offense listed in 49 C.F.R. 383.51;

(b) Employee means any operator of a commercial motor vehicle, including full time, regularly employed drivers; casual, intermittent, or occasional drivers; and leased drivers and independent, owner-operator contractors, while in the course of operating a commercial motor vehicle, who are either directly employed by or under lease to an employer;

(c) Employer means any person, including the United States, a state, the District of Columbia, or a political subdivision of a state, that owns or leases a commercial motor vehicle or assigns employees to operate a commercial motor vehicle;

(d) Endorsement means an authorization to an individual's commercial driver's license required to permit the individual to operate certain types of commercial motor vehicles;

(e) Representative vehicle means a motor vehicle which represents the type of motor vehicle that a driver applicant operates or expects to operate;

(f) State means a state of the United States and the District of Columbia;

(g) State of domicile means that state where a person has his or her true, fixed, and permanent home and principal residence and to which he or she has the intention of returning whenever he or she is absent;

(h) Tank vehicle means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicle includes, but is not limited to, a cargo tank and a portable tank, as defined in 49 C.F.R. 171. However, this definition does not include a portable tank that has a rated capacity under one thousand gallons;

(i) United States means the fifty states and the District of Columbia; and

(j) Vehicle group means a class or type of vehicle with certain operating characteristics. Employer shall mean any person, including the United States, a state, or a political subdivision of a state, who or which owns or leases a commercial motor vehicle or assigns employees to operate a commercial motor vehicle; and

~~(b) State, when applied to different states of the United States, shall be construed to extend to and include any state of the United States, the District of Columbia, the Republic of Mexico, and any province of the Dominion of Canada.~~

Sec. 8. Section 60-4,132, Revised Statutes Supplement, 2002, is amended to read:

60-4,132. The purposes of sections 60-4,137 to 60-4,172 and sections 11, 18, and 20 of this act are to implement the requirements mandated by the federal Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, the federal Motor Carrier Safety Improvement Act of 1999, Public Law 106-159, and federal regulations as they existed on January 1, 2002, and to reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by: (1) Permitting drivers to hold only one operator's license; (2) disqualifying drivers for specified offenses and serious traffic violations; and (3) strengthening licensing and testing standards.

Sec. 9. Section 60-4,137, Revised Statutes Supplement, 2002, is amended to read:

60-4,137. Any resident of this state operating a commercial motor vehicle on the highways of this state shall possess a commercial driver's license or LPC-learner's permit issued pursuant to sections 60-4,138 to 60-4,172 and sections 11, 18, and 20 of this act.

Sec. 10. Section 60-4,138, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,138. (1) Commercial drivers' licenses and restricted commercial drivers' licenses shall be issued by the Department of Motor Vehicles, shall be classified as provided in subsection (2) of this section, and shall bear such endorsements and restrictions as are provided in subsections (3) and (4) of this section.

(2) Commercial motor vehicle classifications for purposes of commercial drivers' licenses shall be as follows:

(a) Class A Combination Vehicle -- Any combination of commercial motor vehicles and towed vehicles with a gross vehicle weight rating of more than twenty-six thousand pounds if the gross vehicle weight rating of the vehicles being towed are in excess of ten thousand pounds;

(b) Class B Heavy Straight Vehicle -- Any single commercial motor vehicle with a gross vehicle weight rating of twenty-six thousand one pounds or more or any such commercial motor vehicle towing a vehicle with a gross vehicle weight rating not exceeding ten thousand pounds; and

(c) Class C Small Vehicle -- Any single commercial motor vehicle with a gross vehicle weight rating of less than twenty-six thousand one pounds or any such commercial motor vehicle towing a vehicle with a gross vehicle weight rating not exceeding ten thousand pounds comprising:

(i) Motor vehicles designed to transport sixteen or more passengers, including the driver; and

(ii) Motor vehicles used in the transportation of hazardous materials and required to be placarded pursuant to section 75-364.

(3) The endorsements to a commercial driver's license shall be as follows:

- (a) T -- Double/triple trailers;
- (b) P -- ~~Passengers~~ Passenger;
- (c) N -- Tank ~~vehicles~~ vehicle;
- (d) H -- Hazardous materials; ~~and~~
- (e) X -- Combination tank vehicle and hazardous materials; and
- (f) S -- School bus.

(4) The restrictions to a commercial driver's license shall be as follows:

(a) I -- Operation of a commercial motor vehicle only in intrastate commerce due to an exemption from 49 C.F.R. part 391 pursuant to subsection (2) of section 75-363;

(b) K -- Operation of a commercial motor vehicle only in intrastate commerce;

(c) L -- Operation of only a commercial motor vehicle which is not equipped with air brakes;

(d) M -- Operation of a commercial motor vehicle which is not a Class A bus;

(e) N -- Operation of a commercial motor vehicle which is not a Class A or Class B bus; and

(f) O -- Operation of a commercial motor vehicle which is not a tractor-trailer combination.

Sec. 11. Beginning September 30, 2005, an applicant for a school bus endorsement shall satisfy the following three requirements:

(1) Pass the knowledge and skills test for obtaining a passenger vehicle endorsement;

(2) Have knowledge covering at least the following three topics:

(a) Loading and unloading children, including the safe operation of stop signal devices, external mirror systems, flashing lights, and other warning and passenger safety devices required for school buses by state or federal law or regulation;

(b) Emergency exits and procedures for safely evacuating passengers in an emergency; and

(c) State and federal laws and regulations related to safely traversing highway-rail grade crossings; and

(3) Take a driving skills test in a school bus of the same vehicle group as the school bus the applicant will drive.

Sec. 12. Section 60-4,141.01, Revised Statutes Supplement, 2002, is amended to read:

60-4,141.01. (1) No person shall operate a commercial motor vehicle upon the highways of this state while his or her commercial driver's license or privilege to operate a commercial motor vehicle is suspended, revoked, or canceled or while subject to a disqualification or an out-of-service order. Any person who operates a commercial motor vehicle upon the highways of this state in violation of this ~~section~~ subsection shall be subject to section 60-4,108.

(2) No person shall operate a commercial motor vehicle upon the highways of this state while he or she is disqualified under section 60-4,168. A person violating this subsection is subject to section 60-4,108.

Sec. 13. Section 60-4,142, Revised Statutes Supplement, 2002, is amended to read:

60-4,142. Any resident of this state or person attending a school of training for commercial motor vehicle driving that is located in this state may obtain, on a form to be prescribed by the director, an LPC-learner's permit from the county treasurer by making application to an examiner of the Department of Motor Vehicles. An applicant shall present proof to the examiner that he or she holds a valid Class O license or commercial driver's license issued by this state or a comparable license issued by his or her state of residence or shall successfully complete the requirements for the Class O license before an LPC-learner's permit is issued. An applicant shall also successfully complete the commercial driver's license general knowledge examination under section 60-4,155. Upon application, the examination may be waived if the applicant presents a Nebraska commercial driver's license which is valid or has been expired for less than one year, presents a valid commercial driver's license from another state, or is renewing an LPC-learner's permit. The LPC-learner's permit shall be valid for a period of six months and shall be renewed only once within any two-year period. The county treasurer shall charge the fee prescribed in section 60-4,115 for the issuance or renewal of an LPC-learner's permit.

Sec. 14. Section 60-4,144, Revised Statutes Supplement, 2002, is amended to read:

60-4,144. (1) Application for any original or renewal commercial driver's license or application for any change of class of commercial motor vehicle, endorsement, or restriction may be made upon uniform blanks prepared and furnished by the director to the examiners of the Department of Motor Vehicles prior to January 1, 2003.

(2) Beginning October 1, 2000, application for any original or renewal commercial driver's license or application for any change of class of commercial motor vehicle, endorsement, or restriction may be made in a manner prescribed by the department. Such application may be made to an examiner in any county. The examiner shall personally conduct the examination of the applicant and deliver to each successful applicant an examiner's certificate containing the statements made pursuant to subsection (3) (2) of this section.

(3) (2) The application or examiner's certificate shall include the voter registration portion pursuant to section 32-308, the advisement language required by subsection (10) of section 60-6,197, and the following:

(a) The full name and current mailing and residential addresses of the applicant;

(b) A physical description of the applicant, including sex, height, weight, and eye and hair colors;

(c) The applicant's date of birth;

(d) The applicant's social security number;

(e) The applicant's signature;

(f) Certification that the commercial motor vehicle in which the applicant takes any driving skills examination is representative of the class of commercial motor vehicle that the applicant operates or expects to operate;

(g) The certification required pursuant to section 60-4,145 or 60-4,146;

(h) Beginning September 30, 2005, the names of all states where the applicant has previously been licensed to operate any type of motor vehicle;

(i) The following specific questions:

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

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

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

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

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

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

Please explain:

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

Please explain:

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

Please explain, including how the above affects your ability to drive:

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

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

(k) Do you wish to be an organ and tissue donor?

(l) Do you wish to receive any additional specific information regarding organ and tissue donation?

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

(3) Application shall be made under oath or affirmation of the applicant.

Sec. 15. Section 60-4,156, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,156. A commercial driver's license examiner may waive the driving skills examination when an applicant provides, on a form prescribed by the director, certification that during the two-year period immediately prior to the date of application he or she:

(1) Has not possessed more than one operator's license at any one time;

(2) Has not had any operator's license suspended, revoked, or canceled;

(3) Has not been convicted in any type of motor vehicle for any of the disqualification offenses provided for in sections 60-4,168 and

60-4,168.01;

(4) Has not had more than one conviction for any type of motor vehicle for a serious traffic violation;

(5) Has not been convicted of any violation of state law or local ordinance related to motor vehicle traffic control arising in connection with any traffic accident and has no record of an accident when the applicant was at fault; and

~~(5)~~ (6) Provides suitable evidence that he or she has previously taken a driving skills examination given by a state with a classified licensing and testing system and that the examination included operation of a representative vehicle for the applicant's commercial driver's license classification or that the applicant has operated, for at least two years immediately preceding application, a vehicle representative of the commercial motor vehicle the applicant operates or expects to operate.

Sec. 16. Section 60-4,168, Revised Statutes Supplement, 2002, is amended to read:

60-4,168. (1) Except as provided in ~~subsection (2)~~ subsections (2) and (3) of this section, a person shall be disqualified from driving a commercial motor vehicle for one year:

~~(a)~~ Upon upon his or her first conviction, after April 1, 1992, in this or any other state for:

~~(i)~~ (a) Driving a commercial motor vehicle in violation of section 60-6,196 or 60-6,197 or under the influence of a controlled substance while under the influence of alcohol or, beginning September 30, 2005, driving any motor vehicle in violation of section 60-6,196 or 60-6,197 or under the influence of a controlled substance;

~~(ii)~~ (b) Driving a commercial motor vehicle in violation of section 60-4,163 or 60-4,164;

(c) Leaving the scene of an accident involving a commercial motor vehicle driven by the person or, beginning September 30, 2005, leaving the scene of an accident involving any motor vehicle driven by the person; or

~~(iii)~~ (d) Using a commercial motor vehicle in the commission of a felony other than a felony described in subdivision (3)(b) of this section or, beginning September 30, 2005, using any motor vehicle in the commission of a felony other than a felony described in subdivision (3)(b) of this section;

(e) Beginning September 30, 2005, driving a commercial motor vehicle after his or her commercial driver's license has been suspended, revoked, or canceled or the driver is disqualified from driving a commercial motor vehicle; or

(f) Beginning September 30, 2005, causing a fatality through the negligent or criminal operation of a commercial motor vehicle. or

~~(b)~~ Upon a first administrative determination, after April 1, 1992, that such person while driving a commercial motor vehicle in this or any other state was requested to submit to a chemical test or tests of his or her blood, breath, or urine by a law enforcement officer and refused or had a concentration of four hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or four hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath.

(2) ~~If~~ Except as provided in subsection (3) of this section, if any of the offenses described in subsection (1) of this section occurred while the a person was transporting hazardous material in a commercial motor vehicle which required placarding pursuant to section 75-364, the person shall, upon conviction or administrative determination, be disqualified from driving a commercial motor vehicle for three years.

(3) A person shall be disqualified from driving a commercial motor vehicle for life if, after April 1, 1992, he or she:

(a) Is is convicted of or administratively determined to have committed a second or subsequent violation of any of the offenses described in subsection (1) of this section or any combination of those offenses arising from two or more separate incidents; or

(b) Beginning September 30, 2005, used a commercial motor vehicle in the commission of a felony involving the manufacturing, distributing, or dispensing of a controlled substance.

(4) A person shall be is disqualified from driving a commercial motor vehicle for a period of not less than sixty days if he or she is convicted in this or any other state of two serious traffic violations or not less than one hundred twenty days if he or she is convicted in this or any other state of three serious traffic violations, arising from separate incidents occurring within a three-year period.

(5)(a) A person who is convicted of operating a commercial motor vehicle in violation of a federal, state, or local law or regulation pertaining to one of the following six offenses at a highway-rail grade

crossing shall be disqualified for the period of time specified in subdivision (5) (b) of this section:

(i) For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train;

(ii) For drivers who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear;

(iii) For drivers who are always required to stop, failing to stop before driving onto the crossing;

(iv) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping;

(v) For all drivers, failing to obey a traffic control device or the directions of an enforcement official at the crossing; or

(vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.

(b) (i) A person shall be disqualified for not less than sixty days if the person is convicted of a first violation described in this subsection.

(ii) A person shall be disqualified for not less than one hundred twenty days if, during any three-year period, the person is convicted of a second violation described in this subsection in separate incidents.

(iii) A person shall be disqualified for not less than one year if, during any three-year period, the person is convicted of a third or subsequent violation described in this subsection in separate incidents.

(6) For purposes of this section, controlled substance has the same meaning as in section 28-401.

(7) For purposes of this section, conviction shall mean means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law, in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, a the payment of a fine or court costs, or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

~~(7)~~ (8) For purposes of this section, serious traffic violation shall mean means:

(a) Speeding at or in excess of fifteen miles per hour over the legally posted speed limit;

(b) Willful reckless driving as described in section 60-6,214 or reckless driving as described in section 60-6,213;

(c) Improper lane change as described in section 60-6,139;

(d) Following the vehicle ahead too closely as described in section 60-6,140; ~~and~~

(e) A violation of any law or ordinance related to motor vehicle traffic control, other than parking violations or overweight or vehicle defect violations, arising in connection with an accident or collision resulting in death to any person;

(f) Beginning September 30, 2005, driving a commercial motor vehicle without a commercial driver's license;

(g) Beginning September 30, 2005, driving a commercial motor vehicle without a commercial driver's license in the operator's possession; and

(h) Beginning September 30, 2005, driving a commercial motor vehicle without the proper class of commercial driver's license and any endorsements, if required, for the specific vehicle group being operated or for the passengers or type of cargo being transported on the vehicle.

Sec. 17. Section 60-4,168.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,168.01. (1) A person who is convicted of violating an out-of-service order while operating a commercial motor vehicle shall be subject to disqualification as follows except as provided in subsection (2) of this section:

(a) A person shall be disqualified from operating a commercial motor vehicle for a period of at least ninety days but no more than one year upon a court conviction for violating an out-of-service order;

(b) A person shall be disqualified from operating a commercial motor vehicle for a period of at least one year but no more than five years upon a second court conviction for violating an out-of-service order, which arises out of a separate incident, during any ten-year period beginning on or after October 1, 1996; and

(c) A person shall be disqualified from operating a commercial motor vehicle for a period of at least three years but no more than five years upon a third or subsequent court conviction for violating an out-of-service order, which arises out of a separate incident, during any ten-year period beginning on or after October 1, 1996.

(2) A person who is convicted of violating an out-of-service order while operating a commercial motor vehicle while transporting hazardous materials required to be placarded pursuant to section 75-364 or while operating a commercial motor vehicle designed or used to transport ~~fifteen~~ sixteen or more passengers, including the driver, shall be subject to disqualification as follows:

(a) A person shall be disqualified from operating a commercial motor vehicle for a period of at least one hundred eighty days but no more than two years upon conviction for violating an out-of-service order; and

(b) A person shall be disqualified from operating a commercial motor vehicle for a period of at least three years but no more than five years upon a second or subsequent conviction for violating an out-of-service order, which arises out of a separate incident, during any ten-year period beginning on or after October 1, 1996.

(3) For purposes of this section, out-of-service order shall mean a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican, or local authority that a driver is out of service pursuant to 49 C.F.R. 386.72, 392.5, 395.13, or 396.9; compatible laws enacted by other jurisdictions; 49 C.F.R. 392.5, 395.13, or 396.9 as adopted pursuant to section 75-363; or the North American Uniform Out-of-Service Criteria.

Sec. 18. Beginning September 30, 2005, any federal disqualification of a Nebraska licensed operator imposed in accordance with 49 C.F.R. 383.52 transmitted by the Federal Motor Carrier Safety Administration to the director shall become part of the operator's record maintained by the Department of Motor Vehicles.

Sec. 19. Section 60-4,172, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,172. (1) Within ten days ~~of~~ after receiving an abstract of conviction of any nonresident holder of a commercial driver's license for any violation of state law or local ordinance related to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle operated in this state, the director shall notify the driver licensing authority which licensed the nonresident and the Commercial Driver License Information System of such conviction.

(2) (a) Beginning September 30, 2005, within ten days after disqualifying a nonresident holder of an out-of-state commercial driver's license or canceling, revoking, or suspending a nonresident's out-of-state commercial driver's license, for a period of at least sixty days, the Department of Motor Vehicles shall notify the driver licensing authority which licensed the nonresident and the Commercial Driver License Information System of such action.

(b) The notification shall include both the disqualification and the violation that resulted in the disqualification, cancellation, revocation, or suspension. The notification and the information it provides shall be recorded on the driver's record.

(3) Beginning September 30, 2005, within ten days after receiving an abstract of conviction of any nonresident holder of a commercial driver's license for any violation of state law or local ordinance related to motor vehicle traffic control, other than parking violations, committed in any type of motor vehicle operated in this state, the director shall notify the driver licensing authority which licensed the nonresident and the Commercial Driver License Information System of such conviction.

(4) Beginning September 30, 2005, within ten days after receiving an abstract of conviction of any nonresident holder of a driver's license for any violation of state law or local ordinance related to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle operated in this state, the director shall notify the driver licensing authority which licensed the nonresident.

Sec. 20. For purposes of the Motor Vehicle Operator's License Act, the parts, subparts, and sections of the federal Motor Carrier Safety Regulations, 49 C.F.R., as referenced in the act and as they existed on January 1, 2003, are adopted as Nebraska law.

Sec. 21. Original sections 60-4,131, 60-4,138, 60-4,156, 60-4,168.01, and 60-4,172, Reissue Revised Statutes of Nebraska, and sections 29-3608, 60-462, 60-483, 60-487, 60-4,112, 60-4,132, 60-4,137, 60-4,141.01, 60-4,142, 60-4,144, and 60-4,168, Revised Statutes Supplement, 2002, are repealed.

Sec. 22. The following sections are outright repealed: Sections 60-467 and 60-477, Reissue Revised Statutes of Nebraska.