

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 785

Introduced by Friesen, 34.

Read first time January 07, 2016

Committee:

1 A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-493,
2 60-495, and 60-4,120.01, Reissue Revised Statutes of Nebraska,
3 sections 60-479, 60-484, 60-4,113, 60-4,115, 60-4,117, 60-4,127,
4 60-4,149, 60-4,150, and 60-4,181, Revised Statutes Cumulative
5 Supplement, 2014, and sections 60-462, 60-4,123, and 60-4,124,
6 Revised Statutes Supplement, 2015; to change provisions relating to
7 the Motor Vehicle Operator's License Act; to harmonize provisions;
8 and to repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-462, Revised Statutes Supplement, 2015, is
2 amended to read:

3 60-462 Sections 60-462 to 60-4,189 and section 8 of this act shall
4 be known and may be cited as the Motor Vehicle Operator's License Act.

5 Sec. 2. Section 60-479, Revised Statutes Cumulative Supplement,
6 2014, is amended to read:

7 60-479 Sections 60-479.01 to 60-4,111.01, 60-4,113, 60-4,114,
8 60-4,115 to 60-4,118, and 60-4,182 to 60-4,189 and section 8 of this act
9 shall apply to any operator's license subject to the Motor Vehicle
10 Operator's License Act.

11 Sec. 3. Section 60-484, Revised Statutes Cumulative Supplement,
12 2014, is amended to read:

13 60-484 (1) Except as otherwise provided in the Motor Vehicle
14 Operator's License Act, no resident of the State of Nebraska shall
15 operate a motor vehicle upon the alleys or highways of this state until
16 the person has obtained an operator's license for that purpose.

17 (2) Application for an operator's license or a state identification
18 card shall be made in a manner prescribed by the department.—Such
19 ~~application may be made to department personnel in any county. Department~~
20 ~~personnel shall conduct the examination of the applicant and deliver to~~
21 ~~each successful applicant an issuance certificate containing the~~
22 ~~statements made pursuant to subsection (3) of this section.~~

23 (3) The applicant shall provide his or her full legal name, date of
24 birth, mailing address, gender, race or ethnicity, and social security
25 number, two forms of proof of address of his or her principal residence
26 unless the applicant is a program participant under the Address
27 Confidentiality Act, evidence of identity as required by subsection (6)
28 of this section, and a brief physical description of himself or herself.
29 The applicant (a) may also complete the voter registration portion
30 pursuant to section 32-308, (b) shall be provided the advisement language
31 required by subsection (5) of section 60-6,197, (c) shall answer the

1 following:

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

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

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

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

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

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

11 Please explain:

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

16 Please explain:

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

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

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

23 (ii) Do you wish to have the word "veteran" displayed on the front
24 of your operator's license or state identification card to show that you
25 served in the armed forces of the United States? (To be eligible you must
26 register with the Nebraska Department of Veterans' Affairs registry.)

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

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

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

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

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

7 (5) The social security number shall not be printed on the
8 operator's license or state identification card and shall be used only
9 (a) to furnish information to the United States Selective Service System
10 under section 60-483, (b) with the permission of the director in
11 connection with the verification of the status of an individual's driving
12 record in this state or any other state, (c) for purposes of child
13 support enforcement pursuant to section 42-358.08 or 43-512.06, (d) to
14 furnish information regarding an applicant for or holder of a commercial
15 driver's license with a hazardous materials endorsement to the
16 Transportation Security Administration of the United States Department of
17 Homeland Security or its agent, (e) to furnish information to the
18 Department of Revenue under section 77-362.02, or (f) to furnish
19 information to the Secretary of State for purposes of the Election Act.

20 (6)(a) Each individual applying for an operator's license or a state
21 identification card shall furnish proof of date of birth and identity
22 with documents containing a photograph or with nonphoto identity
23 documents which include his or her full legal name and date of birth.
24 Such documents shall be those provided in subsection (1) of section
25 60-484.04.

26 (b) Any individual under the age of eighteen years applying for an
27 operator's license or a state identification card shall provide a
28 certified copy of his or her birth certificate or, if such individual is
29 unable to provide a certified copy of his or her birth certificate, other
30 reliable proof of his or her identity and age, as required in subdivision
31 (6)(a) of this section, accompanied by a certification signed by a parent

1 or guardian explaining the inability to produce a copy of such birth
2 certificate. The applicant also may be required to furnish proof to
3 department personnel that the parent or guardian signing the
4 certification is in fact the parent or guardian of such applicant.

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

9 (7) Any individual applying for an operator's license or a state
10 identification card who indicated his or her wish to have the word
11 "veteran" displayed on the front of such license or card shall comply
12 with section 60-4,189.

13 (8) No person shall be a holder of an operator's license and a state
14 identification card at the same time.

15 Sec. 4. Section 60-493, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 60-493 (1) When a person applies for an operator's license or state
18 identification card, the county treasurer or licensing staff ~~examiner~~ of
19 the Department of Motor Vehicles shall distribute a brochure provided by
20 an organ and tissue procurement organization and approved by the
21 Department of Health and Human Services containing a description and
22 explanation of the Revised Uniform Anatomical Gift Act to each person
23 applying for a new or renewal license or card.

24 (2) If an individual desires to receive additional specific
25 information regarding organ and tissue donation and the Donor Registry of
26 Nebraska as indicated on an application and retained by the department ~~or~~
27 ~~examiner's certificate~~ under section 60-484, 60-4,144, or 60-4,181, the
28 department shall notify a representative of the federally designated
29 organ procurement organization for Nebraska within five working days of
30 the name and address of such individual.

31 Sec. 5. Section 60-495, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 60-495 (1) The director shall adopt and promulgate such rules and
3 regulations and prepare and furnish all forms and information necessary
4 to carry out sections 60-493 to 60-495 and the duties of the department
5 under the Revised Uniform Anatomical Gift Act.

6 (2) The Organ and Tissue Donor Awareness and Education Fund is
7 created. Department personnel and the ~~The~~ county treasurer shall remit
8 all funds contributed under sections 60-484, 60-4,144, and 60-4,181 to
9 the State Treasurer for credit to the fund. The Department of Health and
10 Human Services shall administer the Organ and Tissue Donor Awareness and
11 Education Fund for the promotion of organ and tissue donation. The
12 department shall use the fund to assist organizations such as the
13 federally designated organ procurement organization for Nebraska and the
14 State Anatomical Board in carrying out activities which promote organ and
15 tissue donation through the creation and dissemination of educational
16 information. Any money in the fund available for investment shall be
17 invested by the state investment officer pursuant to the Nebraska Capital
18 Expansion Act and the Nebraska State Funds Investment Act.

19 Sec. 6. Section 60-4,113, Revised Statutes Cumulative Supplement,
20 2014, is amended to read:

21 60-4,113 ~~The (1) In and for each county in the State of Nebraska,~~
22 the director shall appoint as his or her agents one or more department
23 personnel who shall examine all applicants for a state identification
24 card or an operator's license as provided in section 60-4,114, except as
25 otherwise provided in subsection (8) of section 60-4,122. The same
26 department personnel may be assigned to one or more counties by the
27 director. In counties in which the county treasurer collects the fees and
28 issues receipts, the ~~Each~~ county shall furnish office space for the
29 administration of the operator's license examination. Department ~~The~~
30 ~~department~~ personnel shall conduct the examination of applicants and
31 deliver to each successful applicant an issuance certificate or receipt.

1 The certificate may be presented to the county treasurer ~~of any county~~
2 within ninety days after issuance, and the county treasurer shall collect
3 the fee and surcharge as provided in section 60-4,115 and issue a receipt
4 which is valid for up to thirty days. If an operator's license is being
5 issued, the receipt shall also authorize driving privileges for such
6 thirty-day period. If ~~the~~ department personnel refuse to issue an
7 issuance certificate or receipt ~~for cause~~, the department personnel shall
8 state such cause in writing and deliver such written cause to the
9 applicant.

10 (2) The department may provide for the central production and
11 issuance of operators' licenses and state identification cards.
12 Production shall take place at a secure production facility designated by
13 the director. The licenses and cards shall be of such a design and
14 produced in such a way as to discourage, to the maximum extent possible,
15 fraud in applicant enrollment, identity theft, and the forgery and
16 counterfeiting of such licenses and cards. Delivery of an operator's
17 license or state identification card shall be to the mailing address
18 provided by the applicant at the time of application.

19 Sec. 7. Section 60-4,115, Revised Statutes Cumulative Supplement,
20 2014, is amended to read:

21 60-4,115 (1) Fees for operators' licenses and state identification
22 cards shall be collected by department personnel or the county treasurer
23 and distributed according to the table in subsection (2) of this section,
24 except for the ignition interlock permit and associated fees as outlined
25 in subsection (4) of this section. County officials shall remit the
26 county portion of the fees collected to the county treasurer for
27 placement in the county general fund. All other fees collected shall be
28 remitted to the State Treasurer for credit to the appropriate fund.

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

31

Department

	County	of Motor	State
Document	General	Vehicles	General
	Fund	Cash Fund	Fund
Total	Fee		
1 State identification card:			
2 Valid for 1 year or less	5.00	2.75	1.25
3 Valid for more than 1 year			
4 but not more than 2 years	10.00	2.75	4.00
5 Valid for more than 2 years			
6 but not more than 3 years	14.00	2.75	5.25
7 Valid for more than 3 years			
8 but not more than 4 years	19.00	2.75	8.00
9 Valid for more than 4 years			
10 for person under 21	24.00	2.75	10.25
11 Valid for 5 years	24.00	3.50	10.25
12 Replacement	11.00	2.75	6.00
13 Class 0 or M operator's			
14 license:			
15 Valid for 1 year or less	5.00	2.75	1.25
16 Valid for more than 1 year			
17 but not more than 2 years	10.00	2.75	4.00
18 Valid for more than 2 years			
19 but not more than 3 years	14.00	2.75	5.25
20 Valid for more than 3 years			
21 but not more than 4 years	19.00	2.75	8.00
22 Valid for 5 years	24.00	3.50	10.25
23 Bioptic or telescopic lens			
24 restriction:			
25 Valid for 1 year or less	5.00	0	5.00
26 Valid for more than 1 year			
27 but not more than 2 years	10.00	2.75	4.00

1	Replacement	11.00	2.75	6.00	2.25
2	Add, change, or remove class,				
3	endorsement, or restriction	5.00	0	5.00	0
4	Provisional operator's permit:				
5	Original	15.00	2.75	12.25	0
6	Bioptic or telescopic lens				
7	restriction:				
8	Valid for 1 year or less	5.00	0	5.00	0
9	Valid for more than 1 year				
10	but not more than 2 years	15.00	2.75	12.25	0
11	Replacement	11.00	2.75	6.00	2.25
12	Add, change, or remove class,				
13	endorsement, or restriction	5.00	0	5.00	0
14	LPD-learner's permit:				
15	Original	8.00	.25	5.00	2.75
16	Replacement	11.00	2.75	6.00	2.25
17	Add, change, or remove class,				
18	endorsement, or restriction	5.00	0	5.00	0
19	LPE-learner's permit:				
20	Original	8.00	.25	5.00	2.75
21	Replacement	11.00	2.75	6.00	2.25
22	Add, change, or remove class,				
23	endorsement, or restriction	5.00	0	5.00	0
24	School permit:				
25	Original	8.00	.25	5.00	2.75
26	Replacement	11.00	2.75	6.00	2.25
27	Add, change, or remove class,				
28	endorsement, or restriction	5.00	0	5.00	0
29	Farm permit:				
30	Original or renewal	5.00	.25	0	4.75

1	Replacement	5.00	.25	0	4.75
2	Temporary	5.00	.25	0	4.75
3	Add, change, or remove class,				
4	endorsement, or restriction	5.00	0	5.00	0
5	Driving permits:				
6	Employment	45.00	0	5.00	40.00
7	Medical hardship	45.00	0	5.00	40.00
8	Replacement	10.00	.25	5.00	4.75
9	Add, change, or remove class,				
10	endorsement, or restriction	5.00	0	5.00	0
11	Commercial driver's license:				
12	Valid for 1 year or less	11.00	1.75	5.00	4.25
13	Valid for more than 1 year				
14	but not more than 2 years	22.00	1.75	5.00	15.25
15	Valid for more than 2 years				
16	but not more than 3 years	33.00	1.75	5.00	26.25
17	Valid for more than 3 years				
18	but not more than 4 years	44.00	1.75	5.00	37.25
19	Valid for 5 years	55.00	1.75	5.00	48.25
20	Bioptic or telescopic lens				
21	restriction:				
22	Valid for one year or less	11.00	1.75	5.00	4.25
23	Valid for more than 1 year				
24	but not more than 2 years	22.00	1.75	5.00	15.25
25	Replacement	11.00	2.75	6.00	2.25
26	Add, change, or remove class,				
27	endorsement, or restriction	10.00	1.75	5.00	3.25
28	CLP-commercial learner's				
29	permit:				
30	Original or renewal	10.00	.25	5.00	4.75

1	Replacement	10.00	.25	5.00	4.75
2	Add, change, or remove class,				
3	endorsement, or restriction	10.00	.25	5.00	4.75
4	Seasonal permit:				
5	Original or renewal	10.00	.25	5.00	4.75
6	Replacement	10.00	.25	5.00	4.75
7	Add, change, or remove class,				
8	endorsement, or restriction	10.00	.25	5.00	4.75
9	School bus permit:				
10	Original or renewal	5.00	0	5.00	0
11	Replacement	5.00	0	5.00	0
12	Add, change, or remove class,				
13	endorsement, or restriction	5.00	0	5.00	0

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

18 (4)(a) The fee for an ignition interlock permit shall be forty-five
 19 dollars. Five dollars of the fee shall be remitted to the State Treasurer
 20 for credit to the Department of Motor Vehicles Cash Fund. Forty dollars
 21 of the fee shall be remitted to the State Treasurer for credit to the
 22 Department of Motor Vehicles Ignition Interlock Fund.

23 (b) The fee for a replacement ignition interlock permit shall be
 24 eleven dollars. Two dollars and seventy-five cents of the fee shall be
 25 remitted to the county treasurer for credit to the county general fund.
 26 Six dollars of the fee shall be remitted to the State Treasurer for
 27 credit to the Department of Motor Vehicles Cash Fund. Two dollars and
 28 twenty-five cents of the fee shall be remitted to the State Treasurer for
 29 credit to the General Fund.

30 (c) The fee for adding, changing, or removing a class, endorsement,
 31 or restriction on an ignition interlock permit shall be five dollars. The

1 fee shall be remitted to the State Treasurer for credit to the Department
2 of Motor Vehicles Cash Fund.

3 (5) The department and its agents may collect an identity security
4 surcharge to cover the cost of security and technology practices used to
5 protect the identity of applicants for and holders of operators' licenses
6 and state identification cards and to reduce identity theft, fraud, and
7 forgery and counterfeiting of such licenses and cards to the maximum
8 extent possible. The surcharge shall be in addition to all other required
9 fees for operators' licenses and state identification cards. The amount
10 of the surcharge shall be determined by the department. The surcharge
11 shall not exceed eight dollars. The surcharge shall be remitted to the
12 State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

13 Sec. 8. (1) If a fee required under the Motor Vehicle Operator's
14 License Act for issuance of any operator's license or state
15 identification card has been paid by check, draft, or other financial
16 transaction, including an electronic financial transaction, and the
17 check, draft, or financial transaction has been returned or not honored
18 because of insufficient funds, no account, a stop-payment order, or any
19 other reason, the department may cancel or refuse to issue or renew the
20 operator's license or state identification card. Such license shall
21 remain cancelled or shall not be issued until the applicant has made full
22 payment as required by subsection (4) of this section.

23 (2) Prior to taking action described in subsection (1) of this
24 section, the department shall notify the applicant of the proposed action
25 and the reasons for such action in writing, by first-class mail, mailed
26 to the applicant's last-known mailing address provided by the applicant
27 at the time of application.

28 (3) The department may take the action described in subsection (1)
29 of this section no sooner than seven days after the notice required in
30 subsection (2) of this section has been made.

31 (4) If an operator's license or state identification card is

1 cancelled or refused by the department pursuant to this section, the
2 department shall issue or reinstate the operator's license or state
3 identification card without delay upon the full payment of the fees owed
4 by the applicant and payment of costs as authorized by section 84-620.

5 Sec. 9. Section 60-4,117, Revised Statutes Cumulative Supplement,
6 2014, is amended to read:

7 60-4,117 (1) An applicant shall present ~~Upon presentation of an~~
8 ~~issuance certificate to the county treasurer for an operator's license or~~
9 ~~state identification card. Department personnel or issued by department~~
10 ~~personnel to the applicant,~~ the county treasurer shall collect the
11 applicable fee and surcharge as prescribed in section 60-4,115 and issue
12 a receipt which is valid for up to thirty days. If there is cause for an
13 operator's license to be issued, the receipt shall also authorize driving
14 privileges for such thirty-day period. The license or card shall be
15 delivered as provided in section 60-4,113.

16 (2) The operator's license and state identification card shall be in
17 a form prescribed by the department. The license and card may include
18 security features prescribed by the department. The license and card
19 shall be conspicuously marked Nebraska Operator's License or Nebraska
20 Identification Card, shall be, to the maximum extent practicable, tamper
21 and forgery proof, and shall include the following information:

22 (a) The full legal name and principal residence address of the
23 holder;

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

25 (c) A physical description of the holder, including gender, height,
26 weight, and eye and hair colors;

27 (d) The holder's date of birth;

28 (e) The holder's signature;

29 (f) The class of motor vehicle which the holder is authorized to
30 operate and any applicable endorsements or restrictions;

31 (g) The issuance and expiration date of the license or card;

1 (h) The organ and tissue donation information specified in section
2 60-494;

3 (i) A notation of the word "veteran" as provided in section
4 60-4,189; and

5 (j) Such other marks and information as the director may determine.

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

12 Sec. 10. Section 60-4,120.01, Reissue Revised Statutes of Nebraska,
13 is amended to read:

14 60-4,120.01 (1)(a) Any person who is at least sixteen years of age
15 but less than eighteen years of age may be issued a provisional
16 operator's permit by the Department of Motor Vehicles. The provisional
17 operator's permit shall expire on the applicant's eighteenth birthday.

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

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

24 (ii) Has not accumulated three or more points pursuant to section
25 60-4,182 during the six-month period immediately preceding the date of
26 the application for the provisional operator's permit.

27 (c) The requirements for the provisional operator's permit
28 prescribed in subdivisions (2)(a) and (b) of this section may be
29 completed prior to the applicant's sixteenth birthday. A person may apply
30 for a provisional operator's permit and take the driving test and the
31 written examination, if required, at any time within sixty days prior to

1 his or her sixteenth birthday upon proof of age in the manner provided in
2 section 60-484.

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

1 written examination and the driving test if the applicant has been issued
2 a school permit and such permit is valid or has expired no more than one
3 year prior to application. The written examination shall not be waived if
4 the provisional operator's permit being applied for contains a class or
5 endorsement which is different from the class or endorsement of the
6 school permit.

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

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

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

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

27 (4) Department personnel or the ~~The~~ county treasurer shall collect
28 the fee and surcharge prescribed in section 60-4,115 for the issuance of
29 each provisional operator's permit.

30 Sec. 11. Section 60-4,123, Revised Statutes Supplement, 2015, is
31 amended to read:

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

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

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

25 (b) The holder of an LPD-learner's permit shall not use any type of
26 interactive wireless communication device while operating a motor vehicle
27 on the highways of this state. Enforcement of this subdivision shall be
28 accomplished only as a secondary action when the holder of the LPD-
29 learner's permit has been cited or charged with a violation of some other
30 law.

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

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

3 Sec. 12. Section 60-4,124, Revised Statutes Supplement, 2015, is
4 amended to read:

5 60-4,124 (1) A person who is younger than sixteen years and three
6 months of age but is older than fourteen years and two months of age may
7 be issued a school permit if such person lives a distance of one and one-
8 half miles or more from the school he or she attends and either resides
9 outside a city of the metropolitan, primary, or first class or attends a
10 school which is outside a city of the metropolitan, primary, or first
11 class and if such person has held an LPE-learner's permit for two months.
12 A school permit shall not be issued until such person has demonstrated
13 that he or she is capable of successfully operating a motor vehicle,
14 moped, or motorcycle and has in his or her possession an issuance
15 certificate authorizing the county treasurer to issue a school permit. In
16 order to obtain an issuance certificate, the applicant shall present (a)
17 proof of successful completion of a department-approved driver safety
18 course which includes behind-the-wheel driving specifically emphasizing
19 (i) the effects of the consumption of alcohol on a person operating a
20 motor vehicle, (ii) occupant protection systems, (iii) risk assessment,
21 and (iv) railroad crossing safety and (b)(i) proof of successful
22 completion of a written examination and driving test administered by a
23 driver safety course instructor or (ii) a certificate in a form
24 prescribed by the department, signed by a parent, guardian, or licensed
25 driver at least twenty-one years of age, verifying that the applicant has
26 completed fifty hours of lawful motor vehicle operation, under conditions
27 that reflect department-approved driver safety course curriculum, with a
28 parent, guardian, or adult at least twenty-one years of age, who has a
29 current Nebraska operator's license or who is licensed in another state.
30 The department may waive the written examination if the applicant has
31 been issued an LPE-learner's permit or LPD-learner's permit and if such

1 permit is valid or has expired no more than one year prior to
2 application. The written examination shall not be waived if the permit
3 being applied for contains a class or endorsement which is different from
4 the class or endorsement of the LPE-learner's permit.

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

7 (a) To and from where he or she attends school and between schools
8 of enrollment over the most direct and accessible route by the nearest
9 highway from his or her place of residence to transport such person or
10 any family member who resides with such person to attend duly scheduled
11 courses of instruction and extracurricular or school-related activities
12 at the school he or she attends; or

13 (b) Under the personal supervision of a licensed operator. Such
14 licensed operator shall be at least twenty-one years of age and licensed
15 by this state or another state and shall (i) for all motor vehicles other
16 than autocycles, motorcycles, or mopeds, actually occupy the seat beside
17 the permitholder, (ii) in the case of an autocycle, actually occupy the
18 seat beside or behind the permitholder, or (iii) in the case of a
19 motorcycle or moped, if the permitholder is within visual contact of and
20 under the supervision of, in the case of a motorcycle, a licensed
21 motorcycle operator or, in the case of a moped, a licensed motor vehicle
22 operator.

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

28 (4) A person who is younger than sixteen years of age but is over
29 fourteen years of age may be issued an LPE-learner's permit, which permit
30 shall be valid for a period of three months. An LPE-learner's permit
31 shall not be issued until such person successfully completes a written

1 examination prescribed by the department and demonstrates that he or she
2 has sufficient powers of eyesight to safely operate a motor vehicle,
3 moped, or motorcycle or an autocycle.

4 (5)(a) While holding the LPE-learner's permit, the person may
5 operate a motor vehicle on the highways of this state if (i) for all
6 motor vehicles other than autocycles, motorcycles, or mopeds, he or she
7 has seated next to him or her a person who is a licensed operator, (ii)
8 in the case of an autocycle, he or she has seated next to or behind him
9 or her a person who is a licensed operator, or (iii) in the case of a
10 motorcycle or moped, he or she is within visual contact of and is under
11 the supervision of a person who, in the case of a motorcycle, is a
12 licensed motorcycle operator or, in the case of a moped, is a licensed
13 motor vehicle operator. Such licensed motor vehicle or motorcycle
14 operator shall be at least twenty-one years of age and licensed by this
15 state or another state.

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

22 (6) Department personnel or the ~~The~~ county treasurer shall collect
23 the fee and surcharge prescribed in section 60-4,115 from each successful
24 applicant for a school or LPE-learner's permit. All school permits shall
25 be subject to impoundment or revocation under the terms of section
26 60-496. Any person who violates the terms of a school permit shall be
27 guilty of an infraction and shall not be eligible for another school,
28 farm, LPD-learner's, or LPE-learner's permit until he or she has attained
29 the age of sixteen years.

30 (7) Any person who holds a permit issued under this section and has
31 violated subdivision (3)(b) or (c) of section 28-306, subdivision (3)(b)

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

3 Sec. 13. Section 60-4,127, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 60-4,127 (1) No person shall operate a motorcycle on the alleys or
6 highways of the State of Nebraska until such person has obtained a Class
7 M license. No such license shall be issued until the applicant has (a)
8 met the vision and physical requirements established under section
9 60-4,118 for operation of a motor vehicle and (b) successfully completed
10 an examination, including the actual operation of a motorcycle,
11 prescribed by the director, except that the required examination may be
12 waived, including the actual operation of a motorcycle, if the applicant
13 presents proof of successful completion of a motorcycle safety course
14 under the Motorcycle Safety Education Act within the immediately
15 preceding twenty-four months.

16 (2) Department personnel shall conduct the examination of the
17 applicants and deliver to each successful applicant an issuance
18 certificate or a receipt. If department personnel issue a receipt,
19 department personnel shall collect the fee and surcharge as provided in
20 section 60-4,115 and issue a receipt with driving privileges which is
21 valid for up to thirty days. In counties where the county treasurer
22 collects fees and issues receipts, the certificate may be presented to
23 the county treasurer within ninety days after issuance. Upon presentation
24 of an issuance certificate, the county treasurer shall collect the fee
25 and surcharge for a Class M license as prescribed by section 60-4,115 and
26 issue a receipt with driving privileges which is valid for up to thirty
27 days. If department personnel refuse to issue an issuance certificate or
28 receipt, the department personnel shall state such cause in writing and
29 deliver such written cause to the applicant. The license shall be
30 delivered as provided in section 60-4,113. If the applicant is the holder
31 of an operator's license, the county treasurer or department personnel

1 shall, ~~upon receipt of the issuance certificate,~~ have endorsed on the
2 license the authorization to operate a motorcycle. Fees for Class M
3 licenses shall be as provided by section 60-4,115.

4 Sec. 14. Section 60-4,149, Revised Statutes Cumulative Supplement,
5 2014, is amended to read:

6 60-4,149 ~~(1) The examination for commercial drivers' licenses by~~
7 ~~the department shall occur in and for each county of the State of~~
8 ~~Nebraska. Each county shall furnish office space for the administration~~
9 ~~of the examinations, except that two or more counties may, with the~~
10 ~~permission of the director, establish a separate facility to jointly~~
11 ~~conduct the examinations for such licenses.~~

12 (1) The director shall appoint as his or her agents one or more
13 department personnel who shall examine all applicants for a commercial
14 driver's license or a CLP-commercial learner's permit as provided in
15 section 60-4,144. The same department personnel may be assigned to one or
16 more counties by the director. In counties in which the county treasurer
17 collects the fees and issues receipts, the county shall furnish office
18 space for the administration of the license or permit examination.
19 Department personnel shall conduct the examination of applicants and
20 deliver to each successful applicant an issuance certificate or receipt.
21 The certificate may be presented to the county treasurer within ninety
22 days after issuance, and the county treasurer shall collect the fee and
23 surcharge as provided in section 60-4,115 and issue a receipt which is
24 valid for up to thirty days. If a commercial driver's license or CLP-
25 commerical learner's permit is being issued, the receipt shall also
26 authorize driving privileges for such thirty-day period. If department
27 personnel refuse to issue an issuance certificate or receipt, the
28 department personnel shall state such cause in writing and deliver such
29 written cause to the applicant.

30 (2)(a) The segments of the driving skills examination shall be
31 administered and successfully completed in the following order: Pre-trip

1 inspection, basic vehicle control skills, and on-road skills. If an
2 applicant fails one segment of the driving skills examination:

3 (i) The applicant cannot continue to the next segment of the
4 examination; and

5 (ii) Scores for the passed segments of the examination are only
6 valid during initial issuance of a CLP-commercial learner's permit. If a
7 CLP-commercial learner's permit is renewed, all three segments of the
8 skills examination must be retaken.

9 (b) Passing scores for the knowledge and skills tests must meet the
10 standards contained in 49 C.F.R. 383.135.

11 (3) Except as provided for in sections 60-4,157 and 60-4,158, all
12 commercial driver's license examinations shall be conducted by department
13 personnel designated by the director. Each successful applicant shall be
14 issued a certificate or receipt entitling the applicant to secure a
15 commercial driver's license. If department personnel refuse to issue such
16 certificate or receipt ~~for cause~~, he or she shall state such cause in
17 writing and deliver the same to the applicant. Department personnel shall
18 not be required to hold a commercial driver's license to administer a
19 driving skills examination and occupy the seat beside an applicant for a
20 commercial driver's license.

21 (4) The successful applicant shall, within ten days after renewal or
22 within twenty-four hours after initial issuance, ~~present his or her~~
23 ~~issuance certificate and~~ pay the fee and surcharge as provided in section
24 60-4,115. A receipt with driving privileges which is valid for up to
25 thirty days shall be issued. The commercial driver's license shall be
26 delivered to the applicant as provided in section 60-4,113.

27 Sec. 15. Section 60-4,150, Revised Statutes Cumulative Supplement,
28 2014, is amended to read:

29 60-4,150 (1) Any person holding a commercial driver's license or
30 CLP-commercial learner's permit who loses his or her license or permit,
31 who requires issuance of a replacement license or permit because of a

1 change of name or address, or whose license or permit is mutilated or
2 unreadable may obtain a replacement commercial driver's license or CLP-
3 commercial learner's permit by filing an application and by furnishing
4 proof of identification in accordance with section 60-4,144.

5 (2) The application for a replacement license or permit because of a
6 change of name or address shall be made within sixty days after the
7 change of name or address.

8 (3) A replacement commercial driver's license or CLP-commercial
9 learner's permit shall be delivered to the applicant as provided in
10 section 60-4,113 after department personnel or the county treasurer
11 collects the fee and surcharge prescribed in section 60-4,115 and issues
12 the applicant a receipt with driving privileges which is valid for up to
13 thirty days.

14 (4) Replacement commercial drivers' licenses or CLP-commercial
15 learners' permits shall be issued in the manner provided for the issuance
16 of original and renewal commercial drivers' licenses or permits as
17 provided for by section 60-4,149. Upon issuance of any replacement
18 commercial driver's license or permit, the commercial driver's license or
19 CLP-commercial learner's permit for which the replacement license or
20 permit is issued shall be void.

21 (5) Each replacement commercial driver's license or CLP-commercial
22 learner's permit shall be issued with the same expiration date as the
23 license or permit for which the replacement is issued. The replacement
24 license or permit shall also state the new issuance date.

25 Sec. 16. Section 60-4,181, Revised Statutes Cumulative Supplement,
26 2014, is amended to read:

27 60-4,181 (1) Each applicant for a state identification card shall
28 provide the information and documentation required by section 60-484 and
29 also, ~~beginning on an implementation date designated by the director on~~
30 ~~or before January 1, 2014,~~ the information and documentation required by
31 section 60-484.04. The form of the state identification card shall comply

1 with section 60-4,117. ~~The applicant shall present Upon presentation of~~
2 ~~an applicant's issuance certificate to the county treasurer for a state~~
3 ~~identification card. Department personnel or~~ ~~the county treasurer shall~~
4 collect the fee and surcharge as prescribed in section 60-4,115 and issue
5 a receipt to the applicant which is valid up to thirty days. The state
6 identification card shall be delivered to the applicant as provided in
7 section 60-4,113.

8 (2) The director may summarily cancel any state identification card,
9 and any judge or magistrate may order a state identification card
10 canceled in a judgment of conviction, if the application or information
11 presented by the applicant ~~issuance certificate for the card~~ contains any
12 false or fraudulent statements which were deliberately and knowingly made
13 as to any matter material to the issuance of the card or if the
14 application or information presented by the applicant ~~issuance~~
15 ~~certificate~~ does not contain required or correct information. Any state
16 identification card so obtained shall be void from the date of issuance.
17 Any judgment of conviction ordering cancellation of a state
18 identification card shall be transmitted to the director who shall cancel
19 the card.

20 (3) ~~This subsection applies beginning on an implementation date~~
21 ~~designated by the director on or before January 1, 2014.~~ No person shall
22 be a holder of a state identification card and an operator's license at
23 the same time.

24 Sec. 17. Original sections 60-493, 60-495, and 60-4,120.01, Reissue
25 Revised Statutes of Nebraska, sections 60-479, 60-484, 60-4,113,
26 60-4,115, 60-4,117, 60-4,127, 60-4,149, 60-4,150, and 60-4,181, Revised
27 Statutes Cumulative Supplement, 2014, and sections 60-462, 60-4,123, and
28 60-4,124, Revised Statutes Supplement, 2015, are repealed.