

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 895**

Introduced by Geist, 25.

Read first time January 08, 2018

Committee:

1 A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend  
2 sections 37-1280, 60-129, 60-133, 60-174, 60-348, 60-354, 60-3,185,  
3 and 60-4,130.04, Reissue Revised Statutes of Nebraska, sections  
4 60-168.01, 60-171, 60-175, 60-3,113.02, 60-3,113.03, 60-484, and  
5 60-4,122, Revised Statutes Cumulative Supplement, 2016, and sections  
6 60-101, 60-102, 60-149, 60-301, 60-302, and 60-395, Revised Statutes  
7 Supplement, 2017; to define and redefine terms; to exempt certain  
8 vehicles from titling and registration; to authorize the Department  
9 of Motor Vehicles to remove a lien from a certificate of title as  
10 prescribed; to change certificate of title application documentation  
11 requirements as prescribed; to provide for a flood damaged title  
12 brand; to change renewal requirements for handicapped or disabled  
13 parking permits as prescribed; to provide a tax exemption for  
14 nonresident spouses of servicemembers; to change provisions relating  
15 to issuance of state identification cards; to change provisions  
16 relating to commercial driver safety course requirements; to  
17 harmonize provisions; and to repeal the original sections.  
18 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 37-1280, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 37-1280 (1) The Department of Motor Vehicles shall adopt and  
4 promulgate rules and regulations necessary to carry out sections 37-1275  
5 to 37-1290, and the county treasurers shall conform to the rules and  
6 regulations and act at the direction of the department. The department  
7 shall also provide the county treasurers with the necessary training for  
8 the proper administration of such sections. The department shall receive  
9 and file in its office all instruments forwarded to it by the county  
10 treasurers under such sections and shall maintain indices covering the  
11 entire state for the instruments so filed. These indices shall be by hull  
12 identification number and alphabetically by the owner's name and shall be  
13 for the entire state and not for individual counties. The department  
14 shall provide and furnish the forms required by section 37-1286 to the  
15 county treasurers except manufacturers' or importers' certificates. The  
16 department shall check with its records all duplicate certificates of  
17 title received from the county treasurers. If it appears that a  
18 certificate of title has been improperly issued, the department shall  
19 cancel the certificate of title. Upon cancellation of any certificate of  
20 title, the department shall notify the county treasurer who issued the  
21 certificate, and the county treasurer shall enter the cancellation upon  
22 his or her records. The department shall also notify the person to whom  
23 such certificate of title was issued and any lienholders appearing on the  
24 certificate of the cancellation and shall demand the surrender of the  
25 certificate of title, but the cancellation shall not affect the validity  
26 of any lien noted on the certificate. The holder of the certificate of  
27 title shall return the certificate to the department immediately. If a  
28 certificate of number has been issued pursuant to section 37-1216 to the  
29 holder of a certificate of title so canceled, the department shall notify  
30 the commission. Upon receiving the notice, the commission shall  
31 immediately cancel the certificate of number and demand the return of the

1 certificate of number and the holder of the certificate of number shall  
2 return the certificate to the commission immediately.

3 (2) The department may remove a lien on a certificate of title when  
4 such lien was improperly noted if evidence of the improperly noted lien  
5 is submitted to the department and the department finds the evidence  
6 sufficient to support removal of the lien. The department shall send  
7 notification prior to removal of the lien to the last-known address of  
8 the lienholder. The lienholder must respond within fifteen days after the  
9 date on the notice and provide sufficient evidence to support that the  
10 lien should not be removed. If the lienholder fails to respond to the  
11 notice, the lien may be removed by the department.

12 Sec. 2. Section 60-101, Revised Statutes Supplement, 2017, is  
13 amended to read:

14 60-101 Sections 60-101 to 60-197 and sections 4 and 5 of this act  
15 shall be known and may be cited as the Motor Vehicle Certificate of Title  
16 Act.

17 Sec. 3. Section 60-102, Revised Statutes Supplement, 2017, is  
18 amended to read:

19 60-102 For purposes of the Motor Vehicle Certificate of Title Act,  
20 unless the context otherwise requires, the definitions found in sections  
21 60-103 to 60-136.01 and sections 4 and 5 of this act shall be used.

22 Sec. 4. Auxiliary axle means an auxiliary undercarriage assembly  
23 with a fifth wheel and tow bar used to convert a semitrailer to a full  
24 trailer, commonly known as converter gears or converter dollies.

25 Sec. 5. Car toter or tow dolly means a two-wheeled conveyance  
26 designed or adapted to support the weight of one axle of a motor vehicle  
27 while being towed in combination behind another motor vehicle.

28 Sec. 6. Section 60-129, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 60-129 Semitrailer means any trailer so constructed that some part  
31 of its weight and that of its load rests upon or is carried by the towing

1 vehicle. Semitrailer does not include an auxiliary axle or a car toter or  
2 tow dolly.

3 Sec. 7. Section 60-133, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 60-133 Trailer means any device without motive power designed for  
6 carrying persons or property and being towed by a motor vehicle and so  
7 constructed that no part of its weight rests upon the towing vehicle.  
8 Trailer does not include an auxiliary axle or a car toter or tow dolly.

9 Sec. 8. Section 60-149, Revised Statutes Supplement, 2017, is  
10 amended to read:

11 60-149 (1)(a) If a certificate of title has previously been issued  
12 for a vehicle in this state, the application for a new certificate of  
13 title shall be accompanied by the certificate of title duly assigned  
14 except as otherwise provided in the Motor Vehicle Certificate of Title  
15 Act.

16 (b) Except for manufactured homes or mobile homes as provided in  
17 subsection (2) of this section, if a certificate of title has not  
18 previously been issued for the vehicle in this state or if a certificate  
19 of title is unavailable pursuant to subsection (4) of section 52-1801,  
20 the application shall be accompanied by:

21 (i) A manufacturer's or importer's certificate except as otherwise  
22 provided in subdivision (viii) ~~(vii)~~ of this subdivision;

23 (ii) A duly certified copy of the manufacturer's or importer's  
24 certificate;

25 (iii) An affidavit by the owner affirming ownership in the case of  
26 an all-terrain vehicle, a utility-type vehicle, or a minibike;

27 (iv) A certificate of title from another state;

28 (v) A court order issued by a court of record, a manufacturer's  
29 certificate of origin, or an assigned registration certificate, if the  
30 law of the state from which the vehicle was brought into this state does  
31 not have a certificate of title law;

1            (vi) Evidence of ownership as provided for in sections 30-24,125,  
2 52-601.01 to 52-605, 60-1901 to 60-1911, or 60-2401 to 60-2411;

3            (vii) (vi) Documentation prescribed in section 60-142.01, 60-142.02,  
4 60-142.04, 60-142.05, or 60-142.09 or documentation of compliance with  
5 section 76-1607; or

6            (viii) (vii) A manufacturer's or importer's certificate and an  
7 affidavit by the owner affirming ownership in the case of a minitruck.

8            (c) If the application for a certificate of title in this state is  
9 accompanied by a valid certificate of title issued by another state which  
10 meets that state's requirements for transfer of ownership, then the  
11 application may be accepted by this state.

12            (d) If a certificate of title has not previously been issued for the  
13 vehicle in this state and the applicant is unable to provide such  
14 documentation, the applicant may apply for a bonded certificate of title  
15 as prescribed in section 60-167.

16            (2)(a) If the application for a certificate of title for a  
17 manufactured home or a mobile home is being made in accordance with  
18 subdivision (4)(b) of section 60-137 or if the certificate of title for a  
19 manufactured home or a mobile home is unavailable pursuant to section  
20 52-1801, the application shall be accompanied by proof of ownership in  
21 the form of:

22            (i) A duly assigned manufacturer's or importer's certificate;

23            (ii) A certificate of title from another state;

24            (iii) A court order issued by a court of record;

25            (iv) Evidence of ownership as provided for in section 30-24,125,  
26 52-601.01 to 52-605, 60-1901 to 60-1911, or 60-2401 to 60-2411, or  
27 documentation of compliance with section 76-1607; or

28            (v) Assessment records for the manufactured home or mobile home from  
29 the county assessor and an affidavit by the owner affirming ownership.

30            (b) If the applicant cannot produce proof of ownership described in  
31 subdivision (a) of this subsection, he or she may submit to the

1 department such evidence as he or she may have, and the department may  
2 thereupon, if it finds the evidence sufficient, issue the certificate of  
3 title or authorize the county treasurer to issue a certificate of title,  
4 as the case may be.

5 (3) For purposes of this section, certificate of title includes a  
6 salvage certificate, a salvage branded certificate of title, or any other  
7 document of ownership issued by another state or jurisdiction for a  
8 salvage vehicle. Only a salvage branded certificate of title shall be  
9 issued to any vehicle conveyed upon a salvage certificate, a salvage  
10 branded certificate of title, or any other document of ownership issued  
11 by another state or jurisdiction for a salvage vehicle.

12 (4) The county treasurer shall retain the evidence of title  
13 presented by the applicant and on which the certificate of title is  
14 issued.

15 Sec. 9. Section 60-168.01, Revised Statutes Cumulative Supplement,  
16 2016, is amended to read:

17 60-168.01 (1) The department, upon receipt of clear and convincing  
18 evidence of a failure to note a required brand or failure to note a lien  
19 on a certificate of title, shall notify the holder of such certificate of  
20 title to deliver to the county treasurer or the department, within  
21 fifteen days after the date on the notice, such certificate of title to  
22 permit the noting of such brand or lien. After notation, the county  
23 treasurer or the department shall deliver the corrected certificate of  
24 title to the holder as provided by section 60-152. If a holder fails to  
25 deliver a certificate of title to the county treasurer or to the  
26 department, within fifteen days after the date on the notice for the  
27 purpose of noting such brand or lien on the certificate of title, the  
28 department shall cancel the certificate of title. This subsection ~~section~~  
29 does not apply when noting a lien in accordance with subsection (6) of  
30 section 60-164.

31 (2) The department may remove a lien on a certificate of title when

1 such lien was improperly noted if evidence of the improperly noted lien  
2 is submitted to the department and the department finds the evidence  
3 sufficient to support removal of the lien. The department shall send  
4 notification prior to removal of the lien to the last-known address of  
5 the lienholder. The lienholder must respond within fifteen days after the  
6 date on the notice and provide sufficient evidence to support that the  
7 lien should not be removed. If the lienholder fails to respond to the  
8 notice, the lien may be removed by the department.

9       Sec. 10. Section 60-171, Revised Statutes Cumulative Supplement,  
10 2016, is amended to read:

11       60-171 For purposes of sections 60-171 to 60-177:

12       (1) Cost of repairs means the estimated or actual retail cost of  
13 parts needed to repair a vehicle plus the cost of labor computed by using  
14 the hourly labor rate and time allocations for repair that are customary  
15 and reasonable. Retail cost of parts and labor rates may be based upon  
16 collision estimating manuals or electronic computer estimating systems  
17 customarily used in the insurance industry;

18       (2) Flood damaged resulting from being submerged in water to the  
19 point that rising water has reached over the floorboard, has entered the  
20 passenger compartment, and has caused damage to any electrical,  
21 computerized, or mechanical components. Flood damaged specifically does  
22 not apply to a vehicle that an inspection, conducted by an insurance  
23 claim representative or a vehicle repairer, indicates:

24       (a) Has no electrical, computerized, or mechanical components  
25 damaged by water; or

26       (b) Had one or more electrical, computerized, or mechanical  
27 components damaged by water and all such damaged components were repaired  
28 or replaced;

29       (3) ~~(2)~~ Late model vehicle means a vehicle which has (a) a  
30 manufacturer's model year designation of, or later than, the year in  
31 which the vehicle was wrecked, damaged, or destroyed, or any of the six

1 preceding years or (b)(i) in the case of vehicles other than all-terrain  
2 vehicles, utility-type vehicles, and minibikes, a retail value of more  
3 than ten thousand five hundred dollars until January 1, 2010, and a  
4 retail value of more than ten thousand five hundred dollars increased by  
5 five hundred dollars every five years thereafter or (ii) in the case of  
6 all-terrain vehicles, utility-type vehicles, or minibikes, a retail value  
7 of more than one thousand seven hundred fifty dollars until January 1,  
8 2010, and a retail value of more than one thousand seven hundred fifty  
9 dollars increased by two hundred fifty dollars every five years  
10 thereafter;

11 (4) ~~(3)~~ Manufacturer buyback means the designation of a vehicle with  
12 an alleged nonconformity when the vehicle (a) has been replaced by a  
13 manufacturer or (b) has been repurchased by a manufacturer as the result  
14 of court judgment, arbitration, or any voluntary agreement entered into  
15 between the manufacturer or its agent and a consumer;

16 (5) ~~(4)~~ Previously salvaged means the designation of a rebuilt or  
17 reconstructed vehicle which was previously required to be issued a  
18 salvage branded certificate of title and which has been inspected as  
19 provided in section 60-146;

20 (6) ~~(5)~~ Retail value means the actual cash value, fair market value,  
21 or retail value of a vehicle as (a) set forth in a current edition of any  
22 nationally recognized compilation, including automated data bases, of  
23 retail values or (b) determined pursuant to a market survey of comparable  
24 vehicles with respect to condition and equipment; and

25 (7) ~~(6)~~ Salvage means the designation of a vehicle which is:

26 (a) A late model vehicle which has been wrecked, damaged, or  
27 destroyed to the extent that the estimated total cost of repair to  
28 rebuild or reconstruct the vehicle to its condition immediately before it  
29 was wrecked, damaged, or destroyed and to restore the vehicle to a  
30 condition for legal operation, meets or exceeds seventy-five percent of  
31 the retail value of the vehicle at the time it was wrecked, damaged, or



1 destroyed; or

2 (b) Voluntarily designated by the owner of the vehicle as a salvage  
3 vehicle by obtaining a salvage branded certificate of title, without  
4 respect to the damage to, age of, or value of the vehicle. ~~;~~ or

5 ~~(c) Flood damaged resulting from being submerged in water to the~~  
6 ~~point that rising water has reached over the floorboard, has entered the~~  
7 ~~passenger compartment, and has caused damage to any electrical,~~  
8 ~~computerized, or mechanical components. Flood damaged specifically does~~  
9 ~~not apply to a vehicle that an inspection, conducted by an insurance~~  
10 ~~claim representative or a vehicle repairer, indicates:~~

11 ~~(i) Has no electrical, computerized, or mechanical components~~  
12 ~~damaged by water; or~~

13 ~~(ii) Had one or more electrical, computerized, or mechanical~~  
14 ~~components damaged by water and all such damaged components were repaired~~  
15 ~~or replaced.~~

16 Sec. 11. Section 60-174, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 60-174 Whenever a title is issued in this state for a vehicle that  
19 is designated a salvage, previously salvaged, flood damaged, or  
20 manufacturer buyback, the following title brands shall be required:  
21 Salvage, previously salvaged, flood damaged, or manufacturer buyback. A  
22 certificate branded salvage, previously salvaged, flood damaged, or  
23 manufacturer buyback shall be administered in the same manner and for the  
24 same fee or fees as provided for a certificate of title in sections  
25 60-154 to 60-160. When a salvage branded certificate of title is  
26 surrendered for a certificate of title branded previously salvaged, the  
27 application for a certificate of title shall be accompanied by a  
28 statement of inspection as provided in section 60-146.

29 Sec. 12. Section 60-175, Revised Statutes Cumulative Supplement,  
30 2016, is amended to read:

31 60-175 Any person who acquires ownership of a salvage, flood

1 damaged, or manufacturer buyback vehicle for which he or she does not  
2 obtain a salvage branded, flood damaged branded, or manufacturer buyback  
3 branded certificate of title shall surrender the certificate of title to  
4 the county treasurer and make application for a salvage branded, flood  
5 damaged branded, or manufacturer buyback branded certificate of title  
6 within thirty days after acquisition or prior to the sale or resale of  
7 the vehicle or any major component part of such vehicle or use of any  
8 major component part of the vehicle, whichever occurs earlier.

9       Sec. 13. Section 60-301, Revised Statutes Supplement, 2017, is  
10 amended to read:

11       60-301 Sections 60-301 to 60-3,235 and sections 15 and 16 of this  
12 act shall be known and may be cited as the Motor Vehicle Registration  
13 Act.

14       Sec. 14. Section 60-302, Revised Statutes Supplement, 2017, is  
15 amended to read:

16       60-302 For purposes of the Motor Vehicle Registration Act, unless  
17 the context otherwise requires, the definitions found in sections  
18 60-302.01 to 60-360 and sections 15 and 16 of this act shall be used.

19       Sec. 15. Auxiliary axle means an auxiliary undercarriage assembly  
20 with a fifth wheel and tow bar used to convert a semitrailer to a full  
21 trailer, commonly known as converter gears or converter dollies.

22       Sec. 16. Car toter or tow dolly means a two-wheeled conveyance  
23 designed or adapted to support the weight of one axle of a motor vehicle  
24 while being towed in combination behind another motor vehicle.

25       Sec. 17. Section 60-348, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27       60-348 Semitrailer means any trailer so constructed that some part  
28 of its weight and that of its load rests upon or is carried by the towing  
29 vehicle. Semitrailer does not include an auxiliary axle or a car toter or  
30 tow dolly.

31       Sec. 18. Section 60-354, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 60-354 Trailer means any device without motive power designed for  
3 carrying persons or property and being towed by a motor vehicle and so  
4 constructed that no part of its weight rests upon the towing vehicle.  
5 Trailer does not include an auxiliary axle or a car toter or tow dolly.

6 Sec. 19. Section 60-395, Revised Statutes Supplement, 2017, is  
7 amended to read:

8 60-395 (1) Except as otherwise provided in subsection (2) of this  
9 section and sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,  
10 60-3,224, 60-3,227, 60-3,231, 60-3,233, and 60-3,235, the registration  
11 shall expire and the registered owner or lessee may, by returning the  
12 registration certificate, the license plates, and, when appropriate, the  
13 validation decals and by either making application on a form prescribed  
14 by the department to the county treasurer of the occurrence of an event  
15 described in subdivisions (a) through (e) of this subsection or, in the  
16 case of a change in situs, displaying to the county treasurer the  
17 registration certificate of such other state as evidence of a change in  
18 situs, receive a refund of that part of the unused fees and taxes on  
19 motor vehicles or trailers based on the number of unexpired months  
20 remaining in the registration period from the date of any of the  
21 following events:

22 (a) Upon transfer of ownership of any motor vehicle or trailer;

23 (b) In case of loss of possession because of fire, theft,  
24 dismantlement, or junking;

25 (c) When a salvage branded certificate of title is issued;

26 (d) Whenever a type or class of motor vehicle or trailer previously  
27 registered is subsequently declared by legislative act or court decision  
28 to be illegal or ineligible to be operated or towed on the public roads  
29 and no longer subject to registration fees, the motor vehicle tax imposed  
30 in section 60-3,185, the motor vehicle fee imposed in section 60-3,190,  
31 and the alternative fuel fee imposed in section 60-3,191;

1 (e) Upon a trade-in or surrender of a motor vehicle under a lease;  
2 or

3 (f) In case of a change in the situs of a motor vehicle or trailer  
4 to a location outside of this state.

5 (2) If the date of the event falls within the same calendar month in  
6 which the motor vehicle or trailer is acquired, no refund shall be  
7 allowed for such month.

8 (3) If the transferor or lessee acquires another motor vehicle at  
9 the time of the transfer, trade-in, or surrender, the transferor or  
10 lessee shall have the credit provided for in this section applied toward  
11 payment of the motor vehicle fees and taxes then owing. Otherwise, the  
12 transferor or lessee shall file a claim for refund with the county  
13 treasurer upon an application form prescribed by the department.

14 (4) The registered owner or lessee shall make a claim for refund or  
15 credit of the fees and taxes for the unexpired months in the registration  
16 period within sixty days after the date of the event or shall be deemed  
17 to have forfeited his or her right to such refund or credit.

18 (5) For purposes of this section, the date of the event shall be:  
19 (a) In the case of a transfer or loss, the date of the transfer or loss;  
20 (b) in the case of a change in the situs, the date of registration in  
21 another state; (c) in the case of a trade-in or surrender under a lease,  
22 the date of trade-in or surrender; (d) in the case of a legislative act,  
23 the effective date of the act; and (e) in the case of a court decision,  
24 the date the decision is rendered.

25 (6) Application for registration or for reassignment of license  
26 plates and, when appropriate, validation decals to another motor vehicle  
27 or trailer shall be made within thirty days of the date of purchase.

28 (7) If a motor vehicle or trailer was reported stolen under section  
29 60-178, a refund under this section shall not be reduced for a lost plate  
30 charge and a credit under this section may be reduced for a lost plate  
31 charge but the applicant shall not be required to pay the plate fee for

1 new plates.

2 (8) The county treasurer shall refund the motor vehicle fee and  
3 registration fee from the fees which have not been transferred to the  
4 State Treasurer. The county treasurer shall make payment to the claimant  
5 from the undistributed motor vehicle taxes of the taxing unit where the  
6 tax money was originally distributed. No refund of less than two dollars  
7 shall be paid.

8 Sec. 20. Section 60-3,113.02, Revised Statutes Cumulative  
9 Supplement, 2016, is amended to read:

10 60-3,113.02 (1) A handicapped or disabled person or temporarily  
11 handicapped or disabled person or his or her parent, legal guardian,  
12 foster parent, or certifying health care provider may apply for a  
13 handicapped or disabled parking permit to the department or through a  
14 health care provider using a secure online process developed by the  
15 department which will entitle the holder of a permit or a person driving  
16 a motor vehicle for the purpose of transporting such holder to park in  
17 those spaces or access aisles provided for by sections 18-1736 and  
18 18-1737 when the holder of the permit will enter or exit the motor  
19 vehicle while it is parked in such spaces or access aisles. For purposes  
20 of this section, (a) the handicapped or disabled person or temporarily  
21 handicapped or disabled person is considered the holder of the permit and  
22 (b) certifying health care provider means the physician, physician  
23 assistant, or advanced practice registered nurse who makes the  
24 certification required in subsection (2) of this section or his or her  
25 designee.

26 (2) The application process for a handicapped or disabled parking  
27 permit or for the renewal of a permit under this section shall include  
28 presentation of proof of identity by the handicapped or disabled person  
29 or temporarily handicapped or disabled person and certification by a  
30 physician, a physician assistant, or an advanced practice registered  
31 nurse practicing under and in accordance with his or her certification

1 act that the person who will be the holder meets the statutory criteria  
2 for qualification. An application for the renewal of a permit under this  
3 section may be submitted within one hundred eighty days prior to the  
4 expiration of the permit. No applicant shall be required to provide his  
5 or her social security number. In the case of a temporarily handicapped  
6 or disabled person, the certifying physician, physician assistant, or  
7 advanced practice registered nurse shall recommend that the permit for  
8 the temporarily handicapped or disabled person be issued for either a  
9 three-month period or a six-month period, with such recommendation to be  
10 based on the estimated date of recovery.

11 (3) The department, upon receipt of a completed application for a  
12 handicapped or disabled parking permit under this section, shall verify  
13 that the applicant qualifies for such permit and, if so, shall deliver  
14 the permit to the applicant. In issuing a renewal of a permit ~~renewed~~  
15 ~~permits~~, the department shall deliver a new expiration sticker ~~each~~  
16 ~~individual renewed permit~~ to the applicant to be affixed to the existing  
17 permit. Such renewal sticker ~~The renewed permit~~ shall not be issued  
18 sooner than ten days prior to the date of expiration of the existing  
19 permit ~~, and the existing permit shall be invalid upon receipt of the~~  
20 ~~renewed permit~~. A person may hold up to two permits under this section.  
21 If a person holds a permit under this section, such person may not hold a  
22 permit under section 60-3,113.03.

23 (4) In issuing any handicapped or disabled parking permit under this  
24 section, the department shall include a notice and an identification  
25 card. The notice shall contain information listing the legal uses of the  
26 permit and that the permit is not transferable, is to be used by the  
27 party to whom issued, is not to be altered or reproduced, and is to be  
28 used only when a handicapped or disabled person or a temporarily  
29 handicapped or disabled person will enter or exit the motor vehicle while  
30 it is parked in a designated parking space or access aisle. The notice  
31 shall also indicate that those convicted of handicapped parking

1 infractions shall be subject to suspension of the permit for six months.  
2 The identification card shall show the expiration date of the permit and  
3 such identifying information with regard to the handicapped or disabled  
4 person or temporarily handicapped or disabled person to whom the permit  
5 is issued as is necessary to the enforcement of sections 18-1736 to  
6 18-1741.07 as determined by the department.

7 Sec. 21. Section 60-3,113.03, Revised Statutes Cumulative  
8 Supplement, 2016, is amended to read:

9 60-3,113.03 (1) The department shall take an application from any  
10 person for a handicapped or disabled parking permit that is issued for a  
11 specific motor vehicle and entitles the holder thereof or a person  
12 driving the motor vehicle for the purpose of transporting handicapped or  
13 disabled persons or temporarily handicapped or disabled persons to park  
14 in those spaces or access aisles provided for by sections 18-1736 and  
15 18-1737 if the motor vehicle is used primarily for the transportation of  
16 handicapped or disabled persons or temporarily handicapped or disabled  
17 persons. Such permit shall be used only when the motor vehicle for which  
18 it was issued is being used for the transportation of a handicapped or  
19 disabled person or temporarily handicapped or disabled person and such  
20 person will enter or exit the motor vehicle while it is parked in such  
21 designated spaces or access aisles.

22 (2) A person applying for a handicapped or disabled parking permit  
23 or for the renewal of a permit pursuant to this section shall apply for a  
24 permit for each motor vehicle used for the transportation of handicapped  
25 or disabled persons or temporarily handicapped or disabled persons and  
26 shall include such information as is required by the department,  
27 including a demonstration to the department that each such motor vehicle  
28 is used primarily for the transportation of handicapped or disabled  
29 persons or temporarily handicapped or disabled persons. An application  
30 for the renewal of a permit under this section may be submitted within  
31 one hundred eighty days prior to the expiration of the permit.

1 (3) The department, upon receipt of a completed application, shall  
2 verify that the applicant qualifies for a handicapped or disabled parking  
3 permit under this section and, if so, shall deliver the permit to the  
4 applicant. In issuing renewed permits, the department shall deliver each  
5 individual renewal ~~renewed permit~~ to the applicant as provided in section  
6 60-3,113.02. The renewed permit shall not be issued sooner than ten days  
7 prior to the date of expiration, and the existing permit shall be invalid  
8 upon receipt of the renewed permit. No more than one such permit shall be  
9 issued for each motor vehicle under this section.

10 (4) In issuing any handicapped or disabled parking permit under this  
11 section, the department shall include a notice and an identification card  
12 to the registered owner of the motor vehicle or the applicant. The notice  
13 shall contain information listing the legal uses of the permit and that  
14 the permit is not transferable, is to be used for the motor vehicle for  
15 which it is issued, is not to be altered or reproduced, and is to be used  
16 only when a handicapped or disabled person or a temporarily handicapped  
17 or disabled person will enter or exit the motor vehicle while it is  
18 parked in a designated parking space or access aisle. The notice shall  
19 also indicate that those convicted of handicapped parking infractions  
20 shall be subject to suspension of the permit for six months. The  
21 identification card shall identify the motor vehicle for which the permit  
22 is issued as is necessary to the enforcement of sections 18-1736 to  
23 18-1741.07 as determined by the department.

24 Sec. 22. Section 60-3,185, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 60-3,185 A motor vehicle tax is imposed on motor vehicles registered  
27 for operation upon the highways of this state, except:

28 (1) Motor vehicles exempt from the registration fee in section  
29 60-3,160;

30 (2) One motor vehicle owned and used for his or her personal  
31 transportation by a disabled or blind veteran of the United States Armed



1 Forces as defined in section 77-202.23 whose disability or blindness is  
2 recognized by the United States Department of Veterans Affairs and who  
3 was discharged or otherwise separated with a characterization of  
4 honorable if an application for the exemption has been approved under  
5 subsection (1) of section 60-3,189;

6 (3) Motor vehicles owned by Indians who are members of an Indian  
7 tribe as defined in 25 U.S.C. 479;

8 (4) Motor vehicles owned by a member of the United States Armed  
9 Forces serving in this state in compliance with military or naval orders  
10 or his or her spouse if such servicemember or spouse person is a resident  
11 of a state other than Nebraska;

12 (5) Motor vehicles owned by the state and its governmental  
13 subdivisions and exempt as provided in subdivision (1)(a) or (b) of  
14 section 77-202;

15 (6) Motor vehicles owned and used exclusively by an organization or  
16 society qualified for a tax exemption provided in subdivision (1)(c) or  
17 (d) of section 77-202 if an application for the exemption provided in  
18 this subdivision has been approved under subsection (2) of section  
19 60-3,189; and

20 (7) Trucks, trailers, or combinations thereof registered under  
21 section 60-3,198.

22 Sec. 23. Section 60-484, Revised Statutes Cumulative Supplement,  
23 2016, is amended to read:

24 60-484 (1) Except as otherwise provided in the Motor Vehicle  
25 Operator's License Act, no resident of the State of Nebraska shall  
26 operate a motor vehicle upon the alleys or highways of this state until  
27 the person has obtained an operator's license for that purpose.

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

30 (3) The applicant shall provide his or her full legal name, date of  
31 birth, mailing address, gender, race or ethnicity, and social security

1 number, two forms of proof of address of his or her principal residence  
2 unless the applicant is a program participant under the Address  
3 Confidentiality Act, evidence of identity as required by subsection (6)  
4 of this section, and a brief physical description of himself or herself.  
5 The applicant (a) may also complete the voter registration portion  
6 pursuant to section 32-308, (b) shall be provided the advisement language  
7 required by subsection (5) of section 60-6,197, (c) shall answer the  
8 following:

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

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

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

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

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

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

18 Please explain: .....

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

23 Please explain: .....

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

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

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

30 (ii) Do you wish to have the word "veteran" displayed on the front  
31 of your operator's license or state identification card to show that you

1 served in the armed forces of the United States? (To be eligible you must  
2 register with the Nebraska Department of Veterans' Affairs registry.)

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

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

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

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

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

26 (6)(a) Each individual applying for an operator's license or a state  
27 identification card shall furnish proof of date of birth and identity  
28 with documents containing a photograph or with nonphoto identity  
29 documents which include his or her full legal name and date of birth.  
30 Such documents shall be those provided in subsection (1) of section  
31 60-484.04.

1 (b) Any individual under the age of eighteen years applying for an  
2 operator's license or a state identification card shall provide a  
3 certified copy of his or her birth certificate or, if such individual is  
4 unable to provide a certified copy of his or her birth certificate, other  
5 reliable proof of his or her identity and age, as required in subdivision  
6 (6)(a) of this section, accompanied by a certification signed by a parent  
7 or guardian explaining the inability to produce a copy of such birth  
8 certificate. The applicant also may be required to furnish proof to  
9 department personnel that the parent or guardian signing the  
10 certification is in fact the parent or guardian of such applicant.

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

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

19 (8) No person shall be a holder of an operator's license and a state  
20 identification card at the same time. A person who has a digital image  
21 and digital signature on file with the department may apply  
22 electronically to change his or her Class 0 operator's license to a state  
23 identification card.

24 Sec. 24. Section 60-4,122, Revised Statutes Cumulative Supplement,  
25 2016, is amended to read:

26 60-4,122 (1) Except as otherwise provided in subsections (2), (3),  
27 and (8) of this section, no original or renewal operator's license shall  
28 be issued to any person until such person has demonstrated his or her  
29 ability to operate a motor vehicle safely as provided in section  
30 60-4,114.

31 (2) Except as otherwise provided in this section and section

1 60-4,127, any person who renews his or her Class O or Class M license  
2 shall demonstrate his or her ability to drive and maneuver a motor  
3 vehicle safely as provided in subdivision (3)(b) of section 60-4,114 only  
4 at the discretion of department personnel, except that a person required  
5 to use bioptic or telescopic lenses shall be required to demonstrate his  
6 or her ability to drive and maneuver a motor vehicle safely each time he  
7 or she renews his or her license.

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

15 (4) Except for operators' licenses issued to persons required to use  
16 bioptic or telescopic lenses, any person who renews his or her operator's  
17 license which has been valid for fifteen months or less shall not be  
18 required to take any examination required under section 60-4,114.

19 (5) Any person who renews a state identification card shall appear  
20 before department personnel and present his or her current state  
21 identification card or shall follow the procedure for electronic renewal  
22 in subsection (9) of this section. Proof of identification shall be  
23 required as prescribed in sections 60-484 and 60-4,181 and the  
24 information and documentation required by section 60-484.04.

25 (6) A nonresident who applies for an initial operator's license in  
26 this state and who holds a valid operator's license from another state  
27 which is his or her state of residence may not be required to demonstrate  
28 his or her knowledge of the motor vehicle laws of this state if he or she  
29 surrenders to the department his or her valid out-of-state operator's  
30 license.

31 (7) An applicant for an original operator's license may not be

1 required to demonstrate his or her knowledge of the motor vehicle laws of  
2 this state if he or she has been issued a Nebraska LPD-learner's permit  
3 that is valid or has been expired for no more than one year. The written  
4 examination shall not be waived if the original operator's license being  
5 applied for contains a class or endorsement which is different from the  
6 class or endorsement of the Nebraska LPD-learner's permit.

7 (8)(a) A qualified licensee as determined by the department who is  
8 twenty-one years of age or older, whose license expires prior to his or  
9 her seventy-second birthday, and who has a digital image and digital  
10 signature preserved in the digital system may renew his or her Class O or  
11 Class M license once by electronic means in a manner prescribed by the  
12 department using the preserved digital image and digital signature  
13 without taking any examination required under section 60-4,114 if such  
14 renewal is prior to or within one year after the expiration of the  
15 license, if his or her driving record abstract maintained in the records  
16 of the department shows that such person's license is not impounded,  
17 suspended, revoked, or canceled, and if his or her driving record  
18 indicates that he or she is otherwise eligible. Every licensee, including  
19 a licensee who is out of the state at the time of renewal, must apply for  
20 renewal in person at least once every ten years and have a new digital  
21 image and digital signature captured.

22 (b) In order to allow for an orderly progression through the various  
23 types of operators' licenses issued to persons under twenty-one years of  
24 age, a qualified holder of an operator's license who is under twenty-one  
25 years of age and who has a digital image and digital signature preserved  
26 in the digital system may apply for an operator's license by electronic  
27 means in a manner prescribed by the department using the preserved  
28 digital image and digital signature if the applicant has passed any  
29 required examinations prior to application, if his or her driving record  
30 abstract maintained in the records of the department shows that such  
31 person's operator's license is not impounded, suspended, revoked, or

1 canceled, and if his or her driving record indicates that he or she is  
2 otherwise eligible.

3 (9) Any person who is twenty-one years of age or older and who has  
4 been issued a state identification card with a digital image and digital  
5 signature may electronically renew his or her state identification card  
6 ~~once~~ by electronic means in a manner prescribed by the department using  
7 the preserved digital image and digital signature. ~~Every holder of a~~  
8 ~~state identification card shall apply for renewal in person at least once~~  
9 ~~every ten years and have a new digital image and digital signature~~  
10 ~~captured.~~

11 (10) In addition to services available at driver license offices,  
12 the department may develop requirements for using electronic means for  
13 online issuance of operators' licenses and state identification cards to  
14 qualified holders as determined by the department.

15 Sec. 25. Section 60-4,130.04, Reissue Revised Statutes of Nebraska,  
16 is amended to read:

17 60-4,130.04 Commercial driver safety course instructors shall  
18 possess competence as outlined in rules and regulations adopted and  
19 promulgated by the Department of Motor Vehicles. Instructors who teach  
20 the department-approved driver safety course in a public school or  
21 institution and possess competence as outlined in a driver's education  
22 endorsement shall be eligible to sign a form prescribed by the department  
23 or electronically submit test results to the department showing  
24 successful completion of the driver safety course. Each public school or  
25 institution offering a department-approved driver safety course shall be  
26 required to obtain a certificate and pay the fee pursuant to section  
27 60-4,130.05. The Nebraska Safety Center shall offer a department-approved  
28 driver safety course at least once each year in any county where no  
29 approved course is offered.

30 Sec. 26. Original sections 37-1280, 60-129, 60-133, 60-174, 60-348,  
31 60-354, 60-3,185, and 60-4,130.04, Reissue Revised Statutes of Nebraska,

1 sections 60-168.01, 60-171, 60-175, 60-3,113.02, 60-3,113.03, 60-484, and  
2 60-4,122, Revised Statutes Cumulative Supplement, 2016, and sections  
3 60-101, 60-102, 60-149, 60-301, 60-302, and 60-395, Revised Statutes  
4 Supplement, 2017, are repealed.