

AMENDMENTS TO LB138

Introduced by Brewer, 43.

1           1. Strike original section 30 and insert the following new sections:

2           Sec. 9. Section 60-462, Revised Statutes Cumulative Supplement,  
3 2022, is amended to read:

4           60-462 Sections 60-462 to 60-4,189 and section 14 of this act shall  
5 be known and may be cited as the Motor Vehicle Operator's License Act.

6           Sec. 12. Section 60-484.05, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

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

16           (2) An operator's license or state identification card that is  
17 temporary shall clearly indicate that it is temporary with a special  
18 notation on the front of the license or card and shall state the date on  
19 which it expires. An operator's license or state identification card  
20 issued pursuant to section 14 of this act shall clearly indicate that it  
21 is not acceptable for official federal purposes.

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

27           (4) If an individual has an operator's license or a state

1 identification card issued under section 14 of this act or based on  
2 approved lawful status granted under section 202(c)(2)(B)(i) through (x)  
3 of the federal REAL ID Act of 2005, Public Law 109-13, and the basis for  
4 the approved lawful status is terminated, the individual shall return the  
5 operator's license or state identification card to the Department of  
6 Motor Vehicles.

7 Sec. 13. Section 60-484.06, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 60-484.06 Before issuing any operator's license or state  
10 identification card under the Motor Vehicle Operator's License Act, the  
11 department may verify, with the issuing agency, the issuance, validity,  
12 and completeness of each document required to be presented by a person  
13 pursuant to sections 60-484, 60-484.04, and 60-4,144 and section 14 of  
14 this act.

15 Sec. 14. (1) On a date determined by the director but not later than  
16 November 1, 2023, any person assigned a parolee immigration status by the  
17 United States Department of Homeland Security may apply for and be issued  
18 an operator's license or a state identification card that is not in  
19 compliance with the federal REAL ID Act of 2005, Public Law 109-13, if  
20 the person:

21 (a) Possessed an unexpired foreign passport issued to such person at  
22 the time of such person's entry into the United States of America; and

23 (b) Fulfills the requirements of subsection (3) of section 60-484  
24 and such requirements are verified pursuant to section 60-484.06.

25 (2) Any operator's license or state identification card issued under  
26 this section is otherwise subject to all laws relating to operators'  
27 licenses and state identification cards.

28 Sec. 16. Section 60-4,120, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 60-4,120 (1) Any person duly licensed or holding a valid state  
31 identification card issued under the Motor Vehicle Operator's License Act

1 who loses his or her operator's license or card may make application to  
2 the department for a replacement license or card.

3 (2) If any person changes his or her name because of marriage or  
4 divorce or by court order or a common-law name change, he or she shall  
5 apply to the department for a replacement operator's license or state  
6 identification card and furnish proof of identification in accordance  
7 with section 60-484. If any person changes his or her address, the person  
8 shall apply to the department for a replacement operator's license or  
9 state identification card and furnish satisfactory evidence of such  
10 change. The application shall be made within sixty days after the change  
11 of name or address.

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

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

27 (5) Any person who holds a valid operator's license or state  
28 identification card without a digital image shall surrender such license  
29 or card to the department within thirty days after resuming residency in  
30 this state. After the thirty-day period, such license or card shall be  
31 considered invalid and no license or card shall be issued until the

1 individual has made application for replacement or renewal.

2 (6) Application for a replacement operator's license or state  
3 identification card shall include the information required under sections  
4 60-484 and 60-484.04 and section 14 of this act.

5 (7) An applicant may obtain a replacement operator's license or  
6 state identification card pursuant to subsection (1) or (3) of this  
7 section by electronic means in a manner prescribed by the department. No  
8 replacement license or card shall be issued unless the applicant has a  
9 digital image and digital signature preserved in the digital system.

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

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

21 Sec. 17. Section 60-4,122, Revised Statutes Cumulative Supplement,  
22 2022, is amended to read:

23 60-4,122 (1) Except as otherwise provided in subsections (2), (3),  
24 and (8) of this section, no original or renewal operator's license shall  
25 be issued to any person until such person has demonstrated his or her  
26 ability to operate a motor vehicle safely as provided in section  
27 60-4,114.

28 (2) Except as otherwise provided in this section and section  
29 60-4,127, any person who renews his or her Class O or Class M license  
30 shall demonstrate his or her ability to drive and maneuver a motor  
31 vehicle safely as provided in subdivision (3)(b) of section 60-4,114 only

1 at the discretion of department personnel, except that a person required  
2 to use bioptic or telescopic lenses shall be required to demonstrate his  
3 or her ability to drive and maneuver a motor vehicle safely each time he  
4 or she renews his or her license.

5 (3) Any person who renews his or her Class 0 or Class M license  
6 prior to or within one year after its expiration may not be required to  
7 demonstrate his or her knowledge of the motor vehicle laws of this state  
8 as provided in subdivision (3)(c) of section 60-4,114 if his or her  
9 driving record abstract maintained in the computerized records of the  
10 department shows that such person's license is not impounded, suspended,  
11 revoked, or canceled.

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

16 (5) Any person who renews a state identification card shall appear  
17 before department personnel and present his or her current state  
18 identification card or shall follow the procedure for electronic renewal  
19 in subsection (9) of this section. Proof of identification shall be  
20 required as prescribed in sections 60-484 and 60-4,181 and the  
21 information and documentation required by section 60-484.04 and section  
22 14 of this act.

23 (6)(a) If a nonresident who applies for an initial operator's  
24 license in this state presents a physical or mobile valid operator's  
25 license from the individual's state of residence, the department may  
26 choose not to require such individual to demonstrate knowledge of the  
27 motor vehicle laws of this state.

28 (b) A physical operator's license described in subdivision (a) of  
29 this subsection shall be surrendered to the department.

30 (c) Upon issuing an initial operator's license described in  
31 subdivision (a) of this subsection, the department shall notify the state

1 that issued the valid operator's license described in subdivision (a) of  
2 this subsection to invalidate such license.

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

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

25 (b) In order to allow for an orderly progression through the various  
26 types of operators' licenses issued to persons under twenty-one years of  
27 age, a qualified holder of an operator's license who is under twenty-one  
28 years of age and who has a digital image and digital signature preserved  
29 in the digital system may apply for an operator's license by electronic  
30 means in a manner prescribed by the department using the preserved  
31 digital image and digital signature if the applicant has passed any

1 required examinations prior to application, if his or her driving record  
2 abstract maintained in the records of the department shows that such  
3 person's operator's license is not impounded, suspended, revoked, or  
4 canceled, and if his or her driving record indicates that he or she is  
5 otherwise eligible.

6 (9) Any person who is twenty-one years of age or older and who has  
7 been issued a state identification card with a digital image and digital  
8 signature may electronically renew his or her state identification card  
9 by electronic means in a manner prescribed by the department using the  
10 preserved digital image and digital signature. Every person renewing a  
11 state identification card under this subsection, including a person who  
12 is out of the state at the time of renewal, must apply for renewal in  
13 person at least once every sixteen years and have a new digital image and  
14 digital signature captured.

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

19 Sec. 22. Section 60-4,144, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

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

30 (a) Certification that the commercial motor vehicle in which the  
31 applicant takes any driving skills examination is representative of the

1 class of commercial motor vehicle that the applicant operates or expects  
2 to operate; and

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

6 (2)(a) Before being issued a CLP-commercial learner's permit or  
7 commercial driver's license, the applicant shall provide (i) his or her  
8 full legal name, date of birth, mailing address, gender, race or  
9 ethnicity, and social security number, (ii) two forms of proof of address  
10 of his or her principal residence unless the applicant is a program  
11 participant under the Address Confidentiality Act, except that a  
12 nondomiciled applicant for a CLP-commercial learner's permit or  
13 nondomiciled commercial driver's license holder does not have to provide  
14 proof of residence in Nebraska, (iii) evidence of identity as required by  
15 this section, and (iv) a brief physical description of himself or  
16 herself.

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

31 (c) No person shall be a holder of a CLP-commercial learner's permit



1 or commercial driver's license and a state identification card at the  
2 same time.

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

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

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

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

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

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

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

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

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

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

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

30 (ix) A driver's license or identification card issued in compliance  
31 with the standards established by the federal REAL ID Act of 2005, Public

1 Law 109-13, division B, section 1, 119 Stat. 302; or

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

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

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

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

19 (f)(i) On a date determined by the director but not later than  
20 November 1, 2023, any person assigned a parolee immigration status by the  
21 United States Department of Homeland Security may apply for and be issued  
22 a CLP-commercial learner's permit or commercial driver's license that is  
23 not in compliance with the federal REAL ID Act of 2005, Public Law  
24 109-13, if the person:

25 (A) Possessed an unexpired foreign passport issued to such person at  
26 the time of such person's entry into the United States of America; and

27 (B) Fulfills the requirements of subdivision (2)(a) of this section  
28 and such requirements are verified pursuant to section 60-484.06.

29 (ii) Any CLP-commercial learner's permit or commercial driver's  
30 license issued under this subsection is otherwise subject to all laws  
31 relating to CLP-commercial learner's permits or commercial driver's

1 licenses.

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

8 (b) The following are acceptable as proof of citizenship or lawful  
9 status:

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

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

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

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

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

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

24 (6) An applicant may present other documents as designated by the  
25 director as proof of lawful status. Any documents accepted shall be  
26 recorded according to a written exceptions process established by the  
27 director.

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

30 (i) If the applicant is domiciled in a foreign jurisdiction and the  
31 Federal Motor Carrier Safety Administrator has not determined that the

1 commercial motor vehicle operator testing and licensing standards of that  
2 jurisdiction meet the standards contained in subparts G and H of 49  
3 C.F.R. part 383; or

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

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

13 (i) Complete the requirements to obtain a CLP-commercial learner's  
14 permit or a commercial driver's license under the Motor Vehicle  
15 Operator's License Act, except that an applicant domiciled in a foreign  
16 jurisdiction must provide an unexpired employment authorization document  
17 issued by the United States Citizenship and Immigration Services or an  
18 unexpired foreign passport accompanied by an approved I-94 form  
19 documenting the applicant's most recent admittance into the United  
20 States. No proof of domicile is required;

21 (ii) After receipt of the nondomiciled CLP-commercial learner's  
22 permit or nondomiciled commercial driver's license and, for as long as  
23 the permit or license is valid, notify the Department of Motor Vehicles  
24 of any adverse action taken by any jurisdiction or governmental agency,  
25 foreign or domestic, against his or her driving privileges. Such adverse  
26 actions include, but are not limited to, license disqualification or  
27 disqualification from operating a commercial motor vehicle for the  
28 convictions described in 49 C.F.R. 383.51. Notifications must be made  
29 within the time periods specified in 49 C.F.R. 383.33; and

30 (iii) Provide a mailing address to the Department of Motor Vehicles.  
31 If the applicant is applying for a foreign nondomiciled CLP-commercial

1 learner's permit or foreign nondomiciled commercial driver's license, he  
2 or she must provide a Nebraska mailing address and his or her employer's  
3 mailing address to the Department of Motor Vehicles.

4 (c) An applicant for a nondomiciled CLP-commercial learner's permit  
5 or nondomiciled commercial driver's license who holds a foreign  
6 operator's license is not required to surrender his or her foreign  
7 operator's license.

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

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

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

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

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

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

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

26 (10) Any person applying for a CLP-commercial learner's permit or  
27 commercial driver's license must make one of the certifications in  
28 section 60-4,144.01 and any certification required under section 60-4,146  
29 and must provide such certifications to the Department of Motor Vehicles  
30 in order to be issued a CLP-commercial learner's permit or a commercial  
31 driver's license.

1 (11) Every person who holds any commercial driver's license must  
2 provide to the department medical certification as required by section  
3 60-4,144.01. The department may provide notice and prescribe medical  
4 certification compliance requirements for all holders of commercial  
5 drivers' licenses. Holders of commercial drivers' licenses who fail to  
6 meet the prescribed medical certification compliance requirements may be  
7 subject to downgrade.

8 Sec. 26. Section 60-4,181, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 60-4,181 (1) Each applicant for a state identification card shall  
11 provide the information and documentation required by sections 60-484 and  
12 60-484.04 and section 14 of this act. The form of the state  
13 identification card shall comply with section 60-4,117. The applicant  
14 shall present an issuance certificate to the county treasurer for a state  
15 identification card. Department personnel or the county treasurer shall  
16 collect the fee and surcharge as prescribed in section 60-4,115 and issue  
17 a receipt to the applicant which is valid up to thirty days. The state  
18 identification card shall be delivered to the applicant as provided in  
19 section 60-4,113.

20 (2) The director may summarily cancel any state identification card,  
21 and any judge or magistrate may order a state identification card  
22 canceled in a judgment of conviction, if the application or information  
23 presented by the applicant contains any false or fraudulent statements  
24 which were deliberately and knowingly made as to any matter material to  
25 the issuance of the card or if the application or information presented  
26 by the applicant does not contain required or correct information. Any  
27 state identification card so obtained shall be void from the date of  
28 issuance. Any judgment of conviction ordering cancellation of a state  
29 identification card shall be transmitted to the director who shall cancel  
30 the card.

31 (3) No person shall be a holder of a state identification card and

1 an operator's license at the same time.

2       Sec. 38.       Original sections 60-484.05, 60-484.06, 60-4,120,  
3 60-4,142, 60-4,144, 60-4,172, and 60-4,181, Reissue Revised Statutes of  
4 Nebraska, and sections 60-107, 60-119.01, 60-169, 60-302.01, 60-336.01,  
5 60-386, 60-3,113.04, 60-3,193.01, 60-462, 60-462.01, 60-479.01,  
6 60-4,111.01, 60-4,122, 60-4,132, 60-4,134, 60-4,138, 60-4,147.02,  
7 60-4,168, 60-501, 60-628.01, 60-6,265, 60-2705, 60-2909.01, 75-363,  
8 75-364, 75-366, 75-369.03, 75-392, and 75-393, Revised Statutes  
9 Cumulative Supplement, 2022, are repealed.

10       2. Renumber the remaining sections accordingly.