

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 138

FINAL READING
(SECOND)

Introduced by Bosn, 25; Geist, 25; Raybould, 28; Brewer, 43; DeKay, 40.

Read first time January 06, 2023

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to transportation; to amend sections 3-107,
2 13-1205, 29-431, 39-1348, 60-484.05, 60-484.06, 60-4,120, 60-4,142,
3 60-4,144, 60-4,172, 60-4,181, 60-601, 60-605, 60-611, 60-640,
4 60-678, 60-6,279, 60-6,282, and 66-4,100, Reissue Revised Statutes
5 of Nebraska, and sections 39-847, 39-1351, 60-107, 60-119.01,
6 60-169, 60-302.01, 60-336.01, 60-386, 60-3,113.04, 60-3,193.01,
7 60-462, 60-462.01, 60-479.01, 60-4,111.01, 60-4,115, 60-4,122,
8 60-4,132, 60-4,134, 60-4,138, 60-4,147.02, 60-4,168, 60-501,
9 60-628.01, 60-6,265, 60-2705, 60-2909.01, 75-363, 75-364, 75-366,
10 75-369.03, 75-392, and 75-393, Revised Statutes Cumulative
11 Supplement, 2022; to provide for the use of the Highway Cash Fund
12 for administrative costs of the Division of Aeronautics of the
13 Department of Transportation; to provide powers and duties; to
14 change the required county contribution for bridge replacement; to
15 provide for adjustments to threshold amounts for road construction
16 contracts; to adopt updates to federal law and update certain
17 federal references; to change provisions of the Motor Vehicle
18 Operator's License Act as prescribed; to define and redefine terms;
19 to provide for the regulation of electric bicycles as prescribed; to
20 change and provide for certain penalties; to change provisions
21 relating to helmets and eye protection as prescribed; to harmonize

1 provisions; to provide operative dates; to repeal the original
2 sections; and to declare an emergency.
3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 3-107, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 3-107 (1) The division shall have general supervision over
4 aeronautics within this state. It is empowered and directed to encourage,
5 foster, and assist in the development of aeronautics in this state and
6 encourage the establishment of airports and other air navigation
7 facilities.

8 (2) The Department of Transportation may budget for and pay any of
9 the costs related to the administration of the division, including, but
10 not limited to, employee salaries and benefits, out of the Highway Cash
11 Fund, as the Director-State Engineer determines, in his or her sole
12 discretion, to be in the best interest of transportation in Nebraska.
13 Such costs do not include costs related to the construction,
14 reconstruction, repair, operation, or maintenance of airport
15 infrastructure, including runways, concrete surfacing, hangers or capital
16 improvements, buildings, and structures.

17 (3) No state funds for the acquisition, engineering, construction,
18 improvement, or maintenance of airports shall be expended upon any
19 project or for any work upon any such project which is not done under the
20 supervision of the division. When any airport which has received state
21 grant funds pursuant to the State Aeronautics Act ceases to be an airport
22 or a privately owned public use airport, the division shall, consistent
23 with all other provisions of state and federal law, seek to recover so
24 much of the state funds provided to the airport as it may and shall
25 deposit any such funds so recovered into the Aeronautics Cash Fund.

26 Sec. 2. Section 13-1205, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 13-1205 The department shall have the following powers, duties, and
29 responsibilities:

30 (1) To collect and maintain data on the level of public
31 transportation services and needs in the state and identify areas not

1 being adequately served by existing public or private transportation
2 services;

3 (2) To assess the regional and statewide effect of changes,
4 improvement, and route abandonments in the state's public transportation
5 system;

6 (3) To develop a six-year statewide transit plan and programs for
7 public transportation in coordination with local plans and programs
8 developed by municipalities, counties, transit authorities, and regional
9 metropolitan transit authorities;

10 (4) To provide planning and technical assistance to agencies of the
11 state, political subdivisions, or groups seeking to improve public
12 transportation;

13 (5) To advise, consult, and cooperate with agencies of the state,
14 the federal government, and other states, interstate agencies, political
15 subdivisions, and groups concerned with public transportation;

16 (6) To cooperate with the Public Service Commission by providing
17 periodic assessments to the commission when determining the effect of
18 proposed regulatory decisions on public transportation;

19 (7) To administer federal and state programs providing financial
20 assistance to public transportation, except those federal and state
21 programs in which a municipality, county, transit authority, regional
22 metropolitan transit authority, or other state agency is designated as
23 the administrator; ~~and~~

24 (8) To develop and administer a safety oversight program to oversee
25 rail transit systems operated by the state, an interstate agency, or any
26 political subdivision; and

27 (9) ~~(8)~~ To exercise all other powers necessary and proper for the
28 discharge of its duties, including the adoption and promulgation of
29 reasonable rules and regulations to carry out the Nebraska Public
30 Transportation Act.

31 Sec. 3. Section 29-431, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 29-431 As used in sections 28-416, 29-422, 29-424, 29-425, 29-431 to
3 29-434, 48-1231, and 53-173, unless the context otherwise requires,
4 infraction means the violation of any law, ordinance, order, rule, or
5 regulation, not including those related to traffic, which is not
6 otherwise declared to be a misdemeanor or a felony. Infraction includes
7 violations of section 60-6,267 and beginning January 1, 2024, section
8 60-6,279.

9 Sec. 4. Section 39-847, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 39-847 (1) Any county board may apply, in writing, to the Department
12 of Transportation for state aid in the replacement of any bridge under
13 the jurisdiction of such board. The application shall contain a
14 description of the bridge, with a preliminary estimate of the cost of
15 replacement thereof, and a certified copy of the resolution of such
16 board, pledging such county to furnish up to twenty fifty percent of the
17 cost of replacement of such bridge. The county's share of replacement
18 cost may be from any source except the State Aid Bridge Fund, except that
19 where there is any bridge which is the responsibility of two counties,
20 either county may make application to the department and, if the
21 application is approved by the department, such county and the department
22 may replace such bridge and recover, by suit, one-half of the county's
23 cost of such bridge from the county failing or refusing to join in such
24 application. All requests for bridge replacement under sections 39-846 to
25 39-847.01 shall be forwarded by the department to the Board of Public
26 Roads Classifications and Standards. Such board shall establish
27 priorities for bridge replacement based on critical needs. The board
28 shall consider such applications and establish priorities for a period of
29 time consistent with sections 39-2115 to 39-2119. The board shall return
30 the applications to the department with the established priorities.

31 (2) The plans and specifications for each bridge shall be furnished

1 by the department and replacement shall be under the supervision of the
2 department and the county board.

3 (3) Any contract for the replacement of any such bridge shall be
4 made by the department consistent with procedures for contracts for state
5 highways and federal-aid secondary roads.

6 (4) After the replacement of any such bridge and the acceptance
7 thereof by the department, any county having jurisdiction over it shall
8 have sole responsibility for maintenance.

9 Sec. 5. Section 39-1348, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 39-1348 (1) Except as otherwise provided in sections 39-2808 to
12 39-2823, when letting contracts for the construction, reconstruction,
13 improvement, maintenance, or repair of roads, bridges, and their
14 appurtenances, the department shall solicit bids as follows:

15 (a) ~~(1)~~ For contracts with an estimated cost, as determined by the
16 department, of greater than two hundred fifty ~~one hundred~~ thousand
17 dollars, the department shall advertise for sealed bids for not less than
18 twenty days by publication of a notice thereof once a week for three
19 consecutive weeks in the official county newspaper designated by the
20 county board in the county where the work is to be done and in such
21 additional newspaper or newspapers as may appear necessary to the
22 department in order to give notice of the receiving of bids. Such
23 advertisement shall state the place where the plans and specifications
24 for the work may be inspected and shall designate the time when the bids
25 shall be filed and opened. If through no fault of the department
26 publication of such notice fails to appear in any newspaper or newspapers
27 in the manner provided in this subdivision, the department shall be
28 deemed to have fulfilled the requirements of this subdivision; and

29 (b) ~~(2)~~ For contracts with an estimated cost, as determined by the
30 department, of two hundred fifty ~~one hundred~~ thousand dollars or less,
31 the department, in its sole discretion, shall either:

1 (i) (a) Follow the procedures given in subdivision (a) (1) of this
2 subsection section; or

3 (ii) (b) Request bids from at least three potential bidders for such
4 work. If the department requests bids under this subdivision, it shall
5 designate a time when the bids shall be opened. The department may award
6 a contract pursuant to this subdivision if it receives at least one
7 responsive bid.

8 (2) The Department of Transportation may adjust the amounts in
9 subdivisions (1)(a) and (b) of this section annually on October 1 by the
10 percentage change in the Consumer Price Index for All Urban Consumers
11 published by the United States Department of Labor, Bureau of Labor
12 Statistics, at the close of the twelve-month period ending on August 31
13 of such year. The amounts shall be rounded to the next highest one-
14 thousand-dollar amount.

15 Sec. 6. Section 39-1351, Revised Statutes Cumulative Supplement,
16 2022, is amended to read:

17 39-1351 (1) Except as provided in subsection (2) of this section,
18 any person desiring to submit to the department a bid for the performance
19 of any contract for the construction, reconstruction, improvement,
20 maintenance, or repair of roads, bridges, and their appurtenances, which
21 the department proposes to let, shall apply to the department for
22 prequalification. Such application shall be made not later than five days
23 before the letting of the contract unless fewer than five days is
24 specified by the department. The department shall determine the extent of
25 any applicant's qualifications by a full and appropriate evaluation of
26 the applicant's experience, bonding capacity as determined by a bonding
27 agency licensed to do business in the State of Nebraska or other
28 sufficient financial showing deemed satisfactory by the department, and
29 performance record. In determining the qualification of an applicant to
30 bid on any particular contract, the department shall consider the
31 resources available for the particular contract contemplated.

1 (2) The department may, in its sole discretion, grant an exemption
2 from all prequalification requirements for (a) any contract for the
3 construction, reconstruction, improvement, maintenance, or repair of
4 roads, bridges, and their appurtenances if the estimate of the department
5 for such work is two hundred fifty ~~one hundred~~ thousand dollars or less
6 or (b) any contract for the construction, reconstruction, improvement,
7 maintenance, or repair of roads, bridges, and their appurtenances if such
8 work is of an emergency nature.

9 Sec. 7. Section 60-107, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 60-107 Cabin trailer means a trailer or a semitrailer, which is
12 designed, constructed, and equipped as a dwelling place, living abode, or
13 sleeping place, whether used for such purposes or instead permanently or
14 temporarily for the advertising, sale, display, or promotion of
15 merchandise or services or for any other commercial purpose except
16 transportation of property for hire or transportation of property for
17 distribution by a private carrier. Cabin trailer does not mean a trailer
18 or semitrailer which is permanently attached to real estate. There are
19 four classes of cabin trailers:

20 (1) Camping trailer which includes cabin trailers one hundred two
21 inches or less in width and forty feet or less in length and adjusted
22 mechanically smaller for towing;

23 (2) Mobile home which includes cabin trailers more than one hundred
24 two inches in width or more than forty feet in length;

25 (3) Travel trailer which includes cabin trailers not more than one
26 hundred two inches in width nor more than forty feet in length from front
27 hitch to rear bumper, except as provided in subdivision (2)(k) of section
28 60-6,288; and

29 (4) Manufactured home means a structure, transportable in one or
30 more sections, which in the traveling mode is eight body feet or more in
31 width or forty body feet or more in length or when erected on site is

1 three hundred twenty or more square feet and which is built on a
2 permanent frame and designed to be used as a dwelling with or without a
3 permanent foundation when connected to the required utilities and
4 includes the plumbing, heating, air conditioning, and electrical systems
5 contained in the structure, except that manufactured home includes any
6 structure that meets all of the requirements of this subdivision other
7 than the size requirements and with respect to which the manufacturer
8 voluntarily files a certification required by the United States Secretary
9 of Housing and Urban Development and complies with the standards
10 established under the National Manufactured Housing Construction and
11 Safety Standards Act of 1974, as such act existed on January 1, 2023
12 ~~2022~~, 42 U.S.C. 5401 et seq.

13 Sec. 8. Section 60-119.01, Revised Statutes Cumulative Supplement,
14 2022, is amended to read:

15 60-119.01 Low-speed vehicle means a (1) four-wheeled motor vehicle
16 (a) whose speed attainable in one mile is more than twenty miles per hour
17 and not more than twenty-five miles per hour on a paved, level surface,
18 (b) whose gross vehicle weight rating is less than three thousand pounds,
19 and (c) that complies with 49 C.F.R. part 571, as such part existed on
20 January 1, 2023 ~~2022~~, or (2) three-wheeled motor vehicle (a) whose
21 maximum speed attainable is not more than twenty-five miles per hour on a
22 paved, level surface, (b) whose gross vehicle weight rating is less than
23 three thousand pounds, and (c) which is equipped with a windshield and an
24 occupant protection system. A motorcycle with a sidecar attached is not a
25 low-speed vehicle.

26 Sec. 9. Section 60-169, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

28 60-169 (1)(a) Except as otherwise provided in subdivision (c) of
29 this subsection, each owner of a vehicle and each person mentioned as
30 owner in the last certificate of title, when the vehicle is dismantled,
31 destroyed, or changed in such a manner that it loses its character as a

1 vehicle or changed in such a manner that it is not the vehicle described
2 in the certificate of title, shall surrender his or her certificate of
3 title to any county treasurer or to the department. If the certificate of
4 title is surrendered to a county treasurer, he or she shall, with the
5 consent of any holders of any liens noted thereon, enter a cancellation
6 upon the records and shall notify the department of such cancellation.
7 Beginning on the implementation date designated by the director pursuant
8 to subsection (3) of section 60-1508, a wrecker or salvage dealer shall
9 report electronically to the department using the electronic reporting
10 system. If the certificate is surrendered to the department, it shall,
11 with the consent of any holder of any lien noted thereon, enter a
12 cancellation upon its records.

13 (b) This subdivision applies to all licensed wrecker or salvage
14 dealers and, except as otherwise provided in this subdivision, to each
15 vehicle located on the premises of such dealer. For each vehicle required
16 to be reported under 28 C.F.R. 25.56, as such regulation existed on
17 January 1, 2023 ~~2022~~, the information obtained by the department under
18 this section may be reported to the National Motor Vehicle Title
19 Information System in a format that will satisfy the requirement for
20 reporting under 28 C.F.R. 25.56, as such regulation existed on January 1,
21 2023 ~~2022~~. Such report shall include:

22 (i) The name, address, and contact information for the reporting
23 entity;

24 (ii) The vehicle identification number;

25 (iii) The date the reporting entity obtained such motor vehicle;

26 (iv) The name of the person from whom such motor vehicle was
27 obtained, for use only by a law enforcement or other appropriate
28 government agency;

29 (v) A statement of whether the motor vehicle was or will be crushed,
30 disposed of, offered for sale, or used for another purpose; and

31 (vi) Whether the motor vehicle is intended for export outside of the

1 United States.

2 The department may set and collect a fee, not to exceed the cost of
3 reporting to the National Motor Vehicle Title Information System, from
4 wrecker or salvage dealers for electronic reporting to the National Motor
5 Vehicle Title Information System, which shall be remitted to the State
6 Treasurer for credit to the Department of Motor Vehicles Cash Fund. This
7 subdivision does not apply to any vehicle reported by a wrecker or
8 salvage dealer to the National Motor Vehicle Title Information System as
9 required under 28 C.F.R. 25.56, as such regulation existed on January 1,
10 2023 ~~2022~~.

11 (c)(i) In the case of a mobile home or manufactured home for which a
12 certificate of title has been issued, if such mobile home or manufactured
13 home is affixed to real property in which each owner of the mobile home
14 or manufactured home has any ownership interest, the certificate of title
15 may be surrendered for cancellation to the county treasurer of the county
16 where such mobile home or manufactured home is affixed to real property
17 if at the time of surrender the owner submits to the county treasurer an
18 affidavit of affixture on a form provided by the department that contains
19 all of the following, as applicable:

20 (A) The names and addresses of all of the owners of record of the
21 mobile home or manufactured home;

22 (B) A description of the mobile home or manufactured home that
23 includes the name of the manufacturer, the year of manufacture, the
24 model, and the manufacturer's serial number;

25 (C) The legal description of the real property upon which the mobile
26 home or manufactured home is affixed and the names of all of the owners
27 of record of the real property;

28 (D) A statement that the mobile home or manufactured home is affixed
29 to the real property;

30 (E) The written consent of each holder of a lien duly noted on the
31 certificate of title to the release of such lien and the cancellation of

1 the certificate of title;

2 (F) A copy of the certificate of title surrendered for cancellation;
3 and

4 (G) The name and address of an owner, a financial institution, or
5 another entity to which notice of cancellation of the certificate of
6 title may be delivered.

7 (ii) The person submitting an affidavit of affixture pursuant to
8 subdivision (c)(i) of this subsection shall swear or affirm that all
9 statements in the affidavit are true and material and further acknowledge
10 that any false statement in the affidavit may subject the person to
11 penalties relating to perjury under section 28-915.

12 (2) If a certificate of title of a mobile home or manufactured home
13 is surrendered to the county treasurer, along with the affidavit required
14 by subdivision (1)(c) of this section, he or she shall enter a
15 cancellation upon his or her records, notify the department of such
16 cancellation, forward a duplicate original of the affidavit to the
17 department, and deliver a duplicate original of the executed affidavit
18 under subdivision (1)(c) of this section to the register of deeds for the
19 county in which the real property is located to be filed by the register
20 of deeds. The county treasurer shall be entitled to collect fees from the
21 person submitting the affidavit in accordance with section 33-109 to
22 cover the costs of filing such affidavit. Following the cancellation of a
23 certificate of title for a mobile home or manufactured home, the county
24 treasurer or designated county official shall not issue a certificate of
25 title for such mobile home or manufactured home, except as provided in
26 subsection (5) of this section.

27 (3) If a mobile home or manufactured home is affixed to real estate
28 before June 1, 2006, a person who is the holder of a lien or security
29 interest in both the mobile home or manufactured home and the real estate
30 to which it is affixed on such date may enforce its liens or security
31 interests by accepting a deed in lieu of foreclosure or in the manner

1 provided by law for enforcing liens on the real estate.

2 (4) A mobile home or manufactured home for which the certificate of
3 title has been canceled and for which an affidavit of affixture has been
4 duly recorded pursuant to subsection (2) of this section shall be treated
5 as part of the real estate upon which such mobile home or manufactured
6 home is located. Any lien thereon shall be perfected and enforced in the
7 same manner as a lien on real estate. The owner of such mobile home or
8 manufactured home may convey ownership of the mobile home or manufactured
9 home only as a part of the real estate to which it is affixed.

10 (5)(a) If each owner of both the mobile home or manufactured home
11 and the real estate described in subdivision (1)(c) of this section
12 intends to detach the mobile home or manufactured home from the real
13 estate, the owner shall do both of the following: (i) Before detaching
14 the mobile home or manufactured home, record an affidavit of detachment
15 in the office of the register of deeds in the county in which the
16 affidavit is recorded under subdivision (1)(c) of this section; and (ii)
17 apply for a certificate of title for the mobile home or manufactured home
18 pursuant to section 60-147.

19 (b) The affidavit of detachment shall contain all of the following:

20 (i) The names and addresses of all of the owners of record of the
21 mobile home or manufactured home;

22 (ii) A description of the mobile home or manufactured home that
23 includes the name of the manufacturer, the year of manufacture, the
24 model, and the manufacturer's serial number;

25 (iii) The legal description of the real estate from which the mobile
26 home or manufactured home is to be detached and the names of all of the
27 owners of record of the real estate;

28 (iv) A statement that the mobile home or manufactured home is to be
29 detached from the real property;

30 (v) A statement that the certificate of title of the mobile home or
31 manufactured home has previously been canceled;

1 (vi) The name of each holder of a lien of record against the real
2 estate from which the mobile home or manufactured home is to be detached,
3 with the written consent of each holder to the detachment; and

4 (vii) The name and address of an owner, a financial institution, or
5 another entity to which the certificate of title may be delivered.

6 (6) An owner of an affixed mobile home or manufactured home for
7 which the certificate of title has previously been canceled pursuant to
8 subsection (2) of this section shall not detach the mobile home or
9 manufactured home from the real estate before a certificate of title for
10 the mobile home or manufactured home is issued by the county treasurer or
11 department. If a certificate of title is issued by the county treasurer
12 or department, the mobile home or manufactured home is no longer
13 considered part of the real property. Any lien thereon shall be perfected
14 pursuant to section 60-164. The owner of such mobile home or manufactured
15 home may convey ownership of the mobile home or manufactured home only by
16 way of a certificate of title.

17 (7) For purposes of this section:

18 (a) A mobile home or manufactured home is affixed to real estate if
19 the wheels, towing hitches, and running gear are removed and it is
20 permanently attached to a foundation or other support system; and

21 (b) Ownership interest means the fee simple interest in real estate
22 or an interest as the lessee under a lease of the real property that has
23 a term that continues for at least twenty years after the recording of
24 the affidavit under subsection (2) of this section.

25 (8) Upon cancellation of a certificate of title in the manner
26 prescribed by this section, the county treasurer and the department may
27 cancel and destroy all certificates and all memorandum certificates in
28 that chain of title.

29 Sec. 10. Section 60-302.01, Revised Statutes Cumulative Supplement,
30 2022, is amended to read:

31 60-302.01 Access aisle means a space adjacent to a handicapped

1 parking space or passenger loading zone which is constructed and designed
2 in compliance with the federal Americans with Disabilities Act of 1990
3 and the federal regulations adopted in response to the act, as the act
4 and the regulations existed on January 1, 2023 ~~2022~~.

5 Sec. 11. Section 60-336.01, Revised Statutes Cumulative Supplement,
6 2022, is amended to read:

7 60-336.01 Low-speed vehicle means a (1) four-wheeled motor vehicle
8 (a) whose speed attainable in one mile is more than twenty miles per hour
9 and not more than twenty-five miles per hour on a paved, level surface,
10 (b) whose gross vehicle weight rating is less than three thousand pounds,
11 and (c) that complies with 49 C.F.R. part 571, as such part existed on
12 January 1, 2023 ~~2022~~, or (2) three-wheeled motor vehicle (a) whose
13 maximum speed attainable is not more than twenty-five miles per hour on a
14 paved, level surface, (b) whose gross vehicle weight rating is less than
15 three thousand pounds, and (c) which is equipped with a windshield and an
16 occupant protection system. A motorcycle with a sidecar attached is not a
17 low-speed vehicle.

18 Sec. 12. Section 60-386, Revised Statutes Cumulative Supplement,
19 2022, is amended to read:

20 60-386 (1) Each new application shall contain, in addition to other
21 information as may be required by the department, the name and
22 residential and mailing address of the applicant and a description of the
23 motor vehicle or trailer, including the color, the manufacturer, the
24 identification number, the United States Department of Transportation
25 number if required by 49 C.F.R. 390.5 through 390.21, as such regulations
26 existed on January 1, 2023 ~~2022~~, and the weight of the motor vehicle or
27 trailer required by the Motor Vehicle Registration Act. For trailers
28 which are not required to have a certificate of title under section
29 60-137 and which have no identification number, the assignment of an
30 identification number shall be required and the identification number
31 shall be issued by the county treasurer or department. With the

1 application the applicant shall pay the proper registration fee and shall
2 state whether the motor vehicle is propelled by alternative fuel and, if
3 alternative fuel, the type of fuel. The application shall also contain a
4 notification that bulk fuel purchasers may be subject to federal excise
5 tax liability. The department shall include such notification in the
6 notices required by section 60-3,186.

7 (2) In addition to the information required under subsection (1) of
8 this section, the application for registration shall contain (a)(i) the
9 full legal name as defined in section 60-468.01 of each owner or (ii) the
10 name of each owner as such name appears on the owner's motor vehicle
11 operator's license or state identification card and (b)(i) the motor
12 vehicle operator's license number or state identification card number of
13 each owner, if applicable, and one or more of the identification elements
14 as listed in section 60-484 of each owner, if applicable, and (ii) if any
15 owner is a business entity, a nonprofit organization, an estate, a trust,
16 or a church-controlled organization, its tax identification number.

17 Sec. 13. Section 60-3,113.04, Revised Statutes Cumulative
18 Supplement, 2022, is amended to read:

19 60-3,113.04 (1) A handicapped or disabled parking permit shall be of
20 a design, size, configuration, color, and construction and contain such
21 information as specified in the regulations adopted by the United States
22 Department of Transportation in 23 C.F.R. part 1235, UNIFORM SYSTEM FOR
23 PARKING FOR PERSONS WITH DISABILITIES, as such regulations existed on
24 January 1, 2023 ~~2022~~.

25 (2) No handicapped or disabled parking permit shall be issued to any
26 person or for any motor vehicle if any permit has been issued to such
27 person or for such motor vehicle and such permit has been suspended
28 pursuant to section 18-1741.02. At the expiration of such suspension, a
29 permit may be renewed in the manner provided for renewal in sections
30 60-3,113.02, 60-3,113.03, and 60-3,113.05.

31 (3) A duplicate handicapped or disabled parking permit may be

1 provided up to two times during any single permit period if a permit is
2 destroyed, lost, or stolen. Such duplicate permit shall be issued as
3 provided in section 60-3,113.02 or 60-3,113.03, whichever is applicable,
4 except that a new certification by a physician, a physician assistant, or
5 an advanced practice registered nurse need not be provided. A duplicate
6 permit shall be valid for the remainder of the period for which the
7 original permit was issued. If a person has been issued two duplicate
8 permits under this subsection and needs another permit, such person shall
9 reapply for a new permit under section 60-3,113.02 or 60-3,113.03,
10 whichever is applicable.

11 Sec. 14. Section 60-3,193.01, Revised Statutes Cumulative
12 Supplement, 2022, is amended to read:

13 60-3,193.01 For purposes of the Motor Vehicle Registration Act, the
14 International Registration Plan is adopted and incorporated by reference
15 as the plan existed on January 1, 2023 ~~2022~~.

16 Sec. 15. Section 60-462, Revised Statutes Cumulative Supplement,
17 2022, is amended to read:

18 60-462 Sections 60-462 to 60-4,189 and section 20 of this act shall
19 be known and may be cited as the Motor Vehicle Operator's License Act.

20 Sec. 16. Section 60-462.01, Revised Statutes Cumulative Supplement,
21 2022, is amended to read:

22 60-462.01 For purposes of the Motor Vehicle Operator's License Act,
23 the following federal regulations are adopted as Nebraska law as they
24 existed on January 1, 2023 ~~2022~~:

25 The parts, subparts, and sections of Title 49 of the Code of Federal
26 Regulations, as referenced in the Motor Vehicle Operator's License Act.

27 Sec. 17. Section 60-479.01, Revised Statutes Cumulative Supplement,
28 2022, is amended to read:

29 60-479.01 (1) All persons handling source documents or engaged in
30 the issuance of new, renewed, or reissued operators' licenses or state
31 identification cards shall have periodic fraudulent document recognition

1 training.

2 (2) All persons and agents of the department involved in the
3 recording of verified application information or verified operator's
4 license and state identification card information, involved in the
5 manufacture or production of licenses or cards, or who have the ability
6 to affect information on such licenses or cards shall be subject to a
7 criminal history record information check, including a check of prior
8 employment references, and a lawful status check as required by 6 C.F.R.
9 part 37, as such part existed on January 1, ~~2023~~ 2022. Such persons and
10 agents shall provide fingerprints which shall be submitted to the Federal
11 Bureau of Investigation. The bureau shall use its records for the
12 criminal history record information check.

13 (3) Upon receipt of a request pursuant to subsection (2) of this
14 section, the Nebraska State Patrol shall undertake a search for criminal
15 history record information relating to such applicant, including
16 transmittal of the applicant's fingerprints to the Federal Bureau of
17 Investigation for a national criminal history record information check.
18 The criminal history record information check shall include information
19 concerning the applicant from federal repositories of such information
20 and repositories of such information in other states, if authorized by
21 federal law. The Nebraska State Patrol shall issue a report to the
22 employing public agency that shall include the criminal history record
23 information concerning the applicant. The cost of any background check
24 shall be borne by the employer of the person or agent.

25 (4) Any person convicted of any disqualifying offense as provided in
26 6 C.F.R. part 37, as such part existed on January 1, ~~2023~~ 2022, shall not
27 be involved in the recording of verified application information or
28 verified operator's license and state identification card information,
29 involved in the manufacture or production of licenses or cards, or
30 involved in any capacity in which such person would have the ability to
31 affect information on such licenses or cards. Any employee or prospective

1 employee of the department shall be provided notice that he or she will
2 undergo such criminal history record information check prior to
3 employment or prior to any involvement with the issuance of operators'
4 licenses or state identification cards.

5 Sec. 18. Section 60-484.05, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 60-484.05 (1) The department shall only issue an operator's license
8 or a state identification card that is temporary to any applicant who
9 presents documentation under sections 60-484 and 60-484.04 and section 20
10 of this act that shows his or her authorized stay in the United States is
11 temporary. An operator's license or a state identification card that is
12 temporary shall be valid only during the period of time of the
13 applicant's authorized stay in the United States or, if there is no
14 definite end to the period of authorized stay, a period of one year.

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

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

26 (4) If an individual has an operator's license or a state
27 identification card issued under section 20 of this act or based on
28 approved lawful status granted under section 202(c)(2)(B)(i) through (x)
29 of the federal REAL ID Act of 2005, Public Law 109-13, and the basis for
30 the approved lawful status is terminated, the individual shall return the
31 operator's license or state identification card to the Department of

1 Motor Vehicles.

2 Sec. 19. Section 60-484.06, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 60-484.06 Before issuing any operator's license or state
5 identification card under the Motor Vehicle Operator's License Act, the
6 department may verify, with the issuing agency, the issuance, validity,
7 and completeness of each document required to be presented by a person
8 pursuant to sections 60-484, 60-484.04, and 60-4,144 and section 20 of
9 this act.

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

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

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

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

23 Sec. 21. Section 60-4,111.01, Revised Statutes Cumulative
24 Supplement, 2022, is amended to read:

25 60-4,111.01 (1) The Department of Motor Vehicles, the courts, or law
26 enforcement agencies may store or compile information acquired from an
27 operator's license or a state identification card for their statutorily
28 authorized purposes.

29 (2) Except as otherwise provided in subsection (3) or (4) of this
30 section, no person having use of or access to machine-readable
31 information encoded on an operator's license or a state identification

1 card shall compile, store, preserve, trade, sell, or share such
2 information. Any person who trades, sells, or shares such information
3 shall be guilty of a Class IV felony. Any person who compiles, stores, or
4 preserves such information except as authorized in subsection (3) or (4)
5 of this section shall be guilty of a Class IV felony.

6 (3)(a) For purposes of compliance with and enforcement of
7 restrictions on the purchase of alcohol, lottery tickets, and tobacco
8 products, a retailer who sells any of such items pursuant to a license
9 issued or a contract under the applicable statutory provision may scan
10 machine-readable information encoded on an operator's license or a state
11 identification card presented for the purpose of such a sale. The
12 retailer may store only the following information obtained from the
13 license or card: Age and license or card identification number. The
14 retailer shall post a sign at the point of sale of any of such items
15 stating that the license or card will be scanned and that the age and
16 identification number will be stored. The stored information may only be
17 used by a law enforcement agency for purposes of enforcement of the
18 restrictions on the purchase of alcohol, lottery tickets, and tobacco
19 products and may not be shared with any other person or entity.

20 (b) For purposes of compliance with the provisions of sections
21 28-458 to 28-462, a seller who sells methamphetamine precursors pursuant
22 to such sections may scan machine-readable information encoded on an
23 operator's license or a state identification card presented for the
24 purpose of such a sale. The seller may store only the following
25 information obtained from the license or card: Name, age, address, type
26 of identification presented by the customer, the governmental entity that
27 issued the identification, and the number on the identification. The
28 seller shall post a sign at the point of sale stating that the license or
29 card will be scanned and stating what information will be stored. The
30 stored information may only be used by law enforcement agencies,
31 regulatory agencies, and the exchange for purposes of enforcement of the

1 restrictions on the sale or purchase of methamphetamine precursors
2 pursuant to sections 28-458 to 28-462 and may not be shared with any
3 other person or entity. For purposes of this subsection, the terms
4 exchange, methamphetamine precursor, and seller have the same meanings as
5 in section 28-458.

6 (c) The retailer or seller shall utilize software that stores only
7 the information allowed by this subsection. A programmer for computer
8 software designed to store such information shall certify to the retailer
9 that the software stores only the information allowed by this subsection.
10 Intentional or grossly negligent programming by the programmer which
11 allows for the storage of more than the age and identification number or
12 wrongfully certifying the software shall be a Class IV felony.

13 (d) A retailer or seller who knowingly stores more information than
14 authorized under this subsection from the operator's license or state
15 identification card shall be guilty of a Class IV felony.

16 (e) Information scanned, compiled, stored, or preserved pursuant to
17 subdivision (a) of this subsection may not be retained longer than
18 eighteen months unless required by state or federal law.

19 (4) In order to approve a negotiable instrument, an electronic funds
20 transfer, or a similar method of payment, a person having use of or
21 access to machine-readable information encoded on an operator's license
22 or a state identification card may:

23 (a) Scan, compile, store, or preserve such information in order to
24 provide the information to a check services company subject to and in
25 compliance with the federal Fair Credit Reporting Act, 15 U.S.C. 1681 et
26 seq., as such act existed on January 1, 2023 ~~2022~~, for the purpose of
27 effecting, administering, or enforcing a transaction requested by the
28 holder of the license or card or preventing fraud or other criminal
29 activity; or

30 (b) Scan and store such information only as necessary to protect
31 against or prevent actual or potential fraud, unauthorized transactions,

1 claims, or other liability or to resolve a dispute or inquiry by the
2 holder of the license or card.

3 (5) Except as provided in subdivision (4)(a) of this section,
4 information scanned, compiled, stored, or preserved pursuant to this
5 section may not be traded or sold to or shared with a third party; used
6 for any marketing or sales purpose by any person, including the retailer
7 who obtained the information; or, unless pursuant to a court order,
8 reported to or shared with any third party. A person who violates this
9 subsection shall be guilty of a Class IV felony.

10 Sec. 22. Section 60-4,115, Revised Statutes Cumulative Supplement,
11 2022, is amended to read:

12 60-4,115 (1) Fees for operators' licenses and state identification
13 cards shall be collected by department personnel or the county treasurer
14 and distributed according to the table in subsection (2) of this section,
15 except for the ignition interlock permit and associated fees as outlined
16 in subsection (4) of this section and the 24/7 sobriety program permit
17 and associated fees as outlined in subsection (5) of this section. County
18 officials shall remit the county portion of the fees collected to the
19 county treasurer for placement in the county general fund. All other fees
20 collected shall be remitted to the State Treasurer for credit to the
21 appropriate fund.

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

Document	Total Fee	Department		
		County General Fund	of Motor Vehicles Cash Fund	State General Fund
28 State identification card:				
29 <u>Valid for 1 year or less</u>	<u>5.00</u>	<u>2.75</u>	<u>2.25</u>	
30 Valid for 1 year or less	5.00	2.75	1.25	1.00
31 Valid for more than 1 year				

1	<u>but not more than 2 years</u>	<u>10.00</u>	<u>2.75</u>	<u>7.25</u>	
2	but not more than 2 years	10.00	2.75	4.00	3.25
3	Valid for more than 2 years				
4	<u>but not more than 3 years</u>	<u>14.00</u>	<u>2.75</u>	<u>11.25</u>	
5	but not more than 3 years	14.00	2.75	5.25	6.00
6	Valid for more than 3 years				
7	<u>but not more than 4 years</u>	<u>19.00</u>	<u>2.75</u>	<u>16.25</u>	
8	but not more than 4 years	19.00	2.75	8.00	8.25
9	Valid for more than 4 years				
10	<u>for a person under 21</u>	<u>24.00</u>	<u>2.75</u>	<u>21.25</u>	
11	for person under 21	24.00	2.75	10.25	11.00
12	<u>Valid for 5 years</u>	<u>24.00</u>	<u>3.50</u>	<u>20.50</u>	
13	Valid for 5 years	24.00	3.50	13.25	7.25
14	<u>Replacement</u>	<u>11.00</u>	<u>2.75</u>	<u>8.25</u>	
15	Replacement	11.00	2.75	6.00	2.25
16	Class 0 or M operator's				
17	license:				
18	<u>Valid for 1 year or less</u>	<u>5.00</u>	<u>2.75</u>	<u>2.25</u>	
19	Valid for 1 year or less	5.00	2.75	1.25	1.00
20	Valid for more than 1 year				
21	<u>but not more than 2 years</u>	<u>10.00</u>	<u>2.75</u>	<u>7.25</u>	
22	but not more than 2 years	10.00	2.75	4.00	3.25
23	Valid for more than 2 years				
24	<u>but not more than 3 years</u>	<u>14.00</u>	<u>2.75</u>	<u>11.25</u>	
25	but not more than 3 years	14.00	2.75	5.25	6.00
26	Valid for more than 3 years				
27	<u>but not more than 4 years</u>	<u>19.00</u>	<u>2.75</u>	<u>16.25</u>	
28	but not more than 4 years	19.00	2.75	8.00	8.25
29	<u>Valid for 5 years</u>	<u>24.00</u>	<u>3.50</u>	<u>20.50</u>	
30	Valid for 5 years	24.00	3.50	13.25	7.25

1	Bioptic or telescopic lens				
2	restriction:				
3	Valid for 1 year or less	5.00	0	5.00	0
4	Valid for more than 1 year				
5	<u>but not more than 2 years</u>	<u>10.00</u>	<u>2.75</u>	<u>7.25</u>	
6	but not more than 2 years	10.00	2.75	4.00	3.25
7	<u>Replacement</u>	<u>11.00</u>	<u>2.75</u>	<u>8.25</u>	
8	Replacement	11.00	2.75	6.00	2.25
9	Add, change, or remove class,				
10	endorsement, or restriction	5.00	0	5.00	0
11	Provisional operator's permit:				
12	Original	15.00	2.75	12.25	0
13	Bioptic or telescopic lens				
14	restriction:				
15	Valid for 1 year or less	5.00	0	5.00	0
16	Valid for more than 1 year				
17	but not more than 2 years	15.00	2.75	12.25	0
18	<u>Replacement</u>	<u>11.00</u>	<u>2.75</u>	<u>8.25</u>	
19	Replacement	11.00	2.75	6.00	2.25
20	Add, change, or remove class,				
21	endorsement, or restriction	5.00	0	5.00	0
22	LPD-learner's permit:				
23	<u>Original</u>	<u>8.00</u>	<u>.25</u>	<u>7.75</u>	
24	Original	8.00	.25	5.00	2.75
25	<u>Replacement</u>	<u>11.00</u>	<u>2.75</u>	<u>8.25</u>	
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	LPE-learner's permit:				
30	<u>Original</u>	<u>8.00</u>	<u>.25</u>	<u>7.75</u>	

1	Original	8.00	-.25	5.00	2.75
2	<u>Replacement</u>	<u>11.00</u>	<u>2.75</u>	<u>8.25</u>	
3	Replacement	11.00	2.75	6.00	2.25
4	Add, change, or remove class,				
5	endorsement, or restriction	5.00	0	5.00	0
6	School permit:				
7	<u>Original</u>	<u>8.00</u>	<u>.25</u>	<u>7.75</u>	
8	Original	8.00	-.25	5.00	2.75
9	<u>Replacement</u>	<u>11.00</u>	<u>2.75</u>	<u>8.25</u>	
10	Replacement	11.00	2.75	6.00	2.25
11	Add, change, or remove class,				
12	endorsement, or restriction	5.00	0	5.00	0
13	Farm permit:				
14	<u>Original or renewal</u>	<u>5.00</u>	<u>.25</u>	<u>4.75</u>	
15	Original or renewal	5.00	-.25	0	4.75
16	<u>Replacement</u>	<u>5.00</u>	<u>.25</u>	<u>4.75</u>	
17	Replacement	5.00	-.25	0	4.75
18	Add, change, or remove class,				
19	endorsement, or restriction	5.00	0	5.00	0
20	Driving permits:				
21	<u>Employment</u>	<u>45.00</u>	<u>0</u>	<u>45.00</u>	
22	Employment	45.00	0	5.00	40.00
23	<u>Medical hardship</u>	<u>45.00</u>	<u>0</u>	<u>45.00</u>	
24	Medical hardship	45.00	0	5.00	40.00
25	<u>Replacement</u>	<u>10.00</u>	<u>.25</u>	<u>9.75</u>	
26	Replacement	10.00	-.25	5.00	4.75
27	Add, change, or remove class,				
28	endorsement, or restriction	5.00	0	5.00	0
29	Commercial driver's license:				
30	<u>Valid for 1 year or less</u>	<u>11.00</u>	<u>1.75</u>	<u>9.25</u>	

1	Valid for 1 year or less	11.00	1.75	5.00	4.25
2	Valid for more than 1 year				
3	<u>but not more than 2 years</u>	<u>22.00</u>	<u>1.75</u>	<u>20.25</u>	
4	but not more than 2 years	22.00	1.75	5.00	15.25
5	Valid for more than 2 years				
6	<u>but not more than 3 years</u>	<u>33.00</u>	<u>1.75</u>	<u>31.25</u>	
7	but not more than 3 years	33.00	1.75	5.00	26.25
8	Valid for more than 3 years				
9	<u>but not more than 4 years</u>	<u>44.00</u>	<u>1.75</u>	<u>42.25</u>	
10	but not more than 4 years	44.00	1.75	5.00	37.25
11	<u>Valid for 5 years</u>	<u>55.00</u>	<u>1.75</u>	<u>53.25</u>	
12	Valid for 5 years	55.00	1.75	5.00	48.25
13	Bioptic or telescopic lens				
14	restriction:				
15	<u>Valid for one year or less</u>	<u>11.00</u>	<u>1.75</u>	<u>9.25</u>	
16	Valid for one year or less	11.00	1.75	5.00	4.25
17	Valid for more than 1 year				
18	<u>but not more than 2 years</u>	<u>22.00</u>	<u>1.75</u>	<u>20.25</u>	
19	but not more than 2 years	22.00	1.75	5.00	15.25
20	<u>Replacement</u>	<u>11.00</u>	<u>2.75</u>	<u>8.25</u>	
21	Replacement	11.00	2.75	6.00	2.25
22	Add, change, or remove class,				
23	<u>endorsement, or restriction</u>	<u>10.00</u>	<u>1.75</u>	<u>8.25</u>	
24	endorsement, or restriction	10.00	1.75	5.00	3.25
25	CLP-commercial learner's				
26	permit:				
27	<u>Original or renewal</u>	<u>10.00</u>	<u>.25</u>	<u>9.75</u>	
28	Original or renewal	10.00	-.25	5.00	4.75
29	<u>Replacement</u>	<u>10.00</u>	<u>.25</u>	<u>9.75</u>	
30	Replacement	10.00	-.25	5.00	4.75

1	Add, change, or remove class,				
2	<u>endorsement, or restriction</u>	<u>10.00</u>	<u>.25</u>	<u>9.75</u>	
3	endorsement, or restriction	10.00	-.25	5.00	4.75
4	Seasonal permit:				
5	<u>Original or renewal</u>	<u>10.00</u>	<u>.25</u>	<u>9.75</u>	
6	Original or renewal	10.00	-.25	5.00	4.75
7	<u>Replacement</u>	<u>10.00</u>	<u>.25</u>	<u>9.75</u>	
8	Replacement	10.00	-.25	5.00	4.75
9	Add, change, or remove class,				
10	<u>endorsement, or restriction</u>	<u>10.00</u>	<u>.25</u>	<u>9.75</u>	
11	endorsement, or restriction	10.00	-.25	5.00	4.75

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

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

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

28 (c) The fee for adding, changing, or removing a class, endorsement,
 29 or restriction on an ignition interlock permit shall be five dollars. The
 30 fee shall be remitted to the State Treasurer for credit to the Department
 31 of Motor Vehicles Cash Fund.

1 (5)(a) The fee for a 24/7 sobriety program permit shall be forty-
2 five dollars. ~~Forty Twenty-five~~ dollars of the fee shall be remitted to
3 the State Treasurer for credit to the Department of Motor Vehicles Cash
4 Fund. ~~Fifteen dollars of the fee shall be remitted to the State Treasurer~~
5 ~~for credit to the General Fund.~~ Five dollars of the fee shall be remitted
6 to the county treasurer for credit to the county general fund.

7 (b) The fee for a replacement 24/7 sobriety program permit shall be
8 eleven dollars. Two dollars and seventy-five cents of the fee shall be
9 remitted to the county treasurer for credit to the county general fund.
10 Eight Six dollars and twenty-five cents of the fee shall be remitted to
11 the State Treasurer for credit to the Department of Motor Vehicles Cash
12 Fund. ~~Two dollars and twenty-five cents of the fee shall be remitted to~~
13 ~~the State Treasurer for credit to the General Fund.~~

14 (c) The fee for adding, changing, or removing a class, endorsement,
15 or restriction on a 24/7 sobriety program permit shall be five dollars.
16 The fee shall be remitted to the State Treasurer for credit to the
17 Department of Motor Vehicles Cash Fund.

18 (6) The department and its agents may collect an identity security
19 surcharge to cover the cost of security and technology practices used to
20 protect the identity of applicants for and holders of operators' licenses
21 and state identification cards and to reduce identity theft, fraud, and
22 forgery and counterfeiting of such licenses and cards to the maximum
23 extent possible. The surcharge shall be in addition to all other required
24 fees for operators' licenses and state identification cards. The amount
25 of the surcharge shall be determined by the department. The surcharge
26 shall not exceed eight dollars. The surcharge shall be remitted to the
27 State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

28 Sec. 23. 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 20 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. 24. 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 O 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 20 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. 25. Section 60-4,132, Revised Statutes Cumulative Supplement,
20 2022, is amended to read:

21 60-4,132 The purposes of sections 60-462.01, 60-4,133, and 60-4,137
22 to 60-4,172 are to implement the requirements mandated by the federal
23 Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31100 et seq., the
24 federal Motor Carrier Safety Improvement Act of 1999, Public Law 106-159,
25 49 U.S.C. 101 et seq., section 1012 of the federal Uniting and
26 Strengthening America by Providing Appropriate Tools Required to
27 Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C.
28 5103a, and federal regulations as such acts and regulations existed on
29 January 1, 2023 ~~2022~~, and to reduce or prevent commercial motor vehicle
30 accidents, fatalities, and injuries by: (1) Permitting drivers to hold
31 only one operator's license; (2) disqualifying drivers for specified

1 offenses and serious traffic violations; and (3) strengthening licensing
2 and testing standards.

3 Sec. 26. Section 60-4,134, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 60-4,134 In conformance with section 7208 of the federal Fixing
6 America's Surface Transportation Act and 49 C.F.R. 383.3(i), as such
7 section and regulation existed on January 1, 2023 ~~2022~~, no hazardous
8 materials endorsement authorizing the holder of a Class A commercial
9 driver's license to operate a commercial motor vehicle transporting
10 diesel fuel shall be required if such driver is (1) operating within the
11 state and acting within the scope of his or her employment as an employee
12 of a custom harvester operation, an agrichemical business, a farm retail
13 outlet and supplier, or a livestock feeder and (2) operating a service
14 vehicle that is (a) transporting diesel in a quantity of one thousand
15 gallons or less and (b) clearly marked with a flammable or combustible
16 placard, as appropriate.

17 Sec. 27. Section 60-4,138, Revised Statutes Cumulative Supplement,
18 2022, is amended to read:

19 60-4,138 (1) Commercial drivers' licenses and restricted commercial
20 drivers' licenses shall be issued by the department in compliance with 49
21 C.F.R. parts 380, 382, 383, 384, ~~and~~ 391, and 392, shall be classified as
22 provided in subsection (2) of this section, and shall bear such
23 endorsements and restrictions as are provided in subsections (3) and (4)
24 of this section.

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

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

31 (b) Class B Heavy Straight Vehicle – Any single commercial motor

1 vehicle with a gross vehicle weight rating of twenty-six thousand one
2 pounds or more or any such commercial motor vehicle towing a vehicle with
3 a gross vehicle weight rating not exceeding ten thousand pounds; and

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

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

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

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

14 (a) T – Double/triple trailers;

15 (b) P – Passenger;

16 (c) N – Tank vehicle;

17 (d) H – Hazardous materials;

18 (e) X – Combination tank vehicle and hazardous materials; and

19 (f) S – School bus.

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

22 (a) E – No manual transmission equipped commercial motor vehicle;

23 (b) K – Operation of a commercial motor vehicle only in intrastate
24 commerce;

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

27 (d) M – Operation of a commercial motor vehicle which is not a Class
28 A passenger vehicle;

29 (e) N – Operation of a commercial motor vehicle which is not a Class
30 A or Class B passenger vehicle;

31 (f) O – No tractor-trailer commercial motor vehicle;

1 (g) V – Operation of a commercial motor vehicle for drivers with
2 medical variance documentation. The documentation shall be required to be
3 carried on the driver's person while operating a commercial motor
4 vehicle; and

5 (h) Z – No full air brake equipped commercial motor vehicle.

6 Sec. 28. Section 60-4,142, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 60-4,142 Any resident or nondomiciled applicant may obtain a CLP-
9 commercial learner's permit from the department by making application to
10 licensing staff of the department. An applicant shall present proof to
11 licensing staff that he or she holds a valid Class 0 license or
12 commercial driver's license or a foreign nondomiciled applicant shall
13 successfully complete the requirements for the Class 0 license before a
14 CLP-commercial learner's permit is issued. An applicant shall also
15 successfully complete the commercial driver's license general knowledge
16 examination under section 60-4,155 and examinations for all previously
17 issued endorsements as provided in 49 C.F.R. 383.25(a)(3) and 49 C.F.R.
18 383.153(b)(2)(vii). Upon application, the examination may be waived if
19 the applicant presents (1) a Nebraska commercial driver's license which
20 is valid or has been expired for less than one year ~~or (2) , presents a~~
21 ~~valid commercial driver's license from another state, or is renewing a~~
22 ~~CLP-commercial learner's permit.~~ The CLP-commercial learner's permit
23 shall be valid for one year from the date of issuance ~~a period of one~~
24 ~~hundred eighty days.~~ ~~The CLP-commercial learner's permit holder may renew~~
25 ~~the CLP-commercial learner's permit for an additional one hundred eighty~~
26 ~~days without retaking the general and endorsement knowledge tests.~~ The
27 successful applicant shall pay the fee prescribed in section 60-4,115 for
28 the issuance or renewal of a CLP-commercial learner's permit.

29 Sec. 29. Section 60-4,144, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 60-4,144 (1) An applicant for issuance of any original or renewal

1 commercial driver's license or an applicant for a change of class of
2 commercial motor vehicle, endorsement, or restriction shall demonstrate
3 his or her knowledge and skills for operating a commercial motor vehicle
4 as prescribed in the Motor Vehicle Operator's License Act. An applicant
5 for a commercial driver's license shall provide the information and
6 documentation required by this section and section 60-4,144.01. Such
7 information and documentation shall include any additional information
8 required by 49 C.F.R. parts 383 and 391 and also include:

9 (a) Certification that the commercial motor vehicle in which the
10 applicant takes any driving skills examination is representative of the
11 class of commercial motor vehicle that the applicant operates or expects
12 to operate; and

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

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

27 (b) The applicant's social security number shall not be printed on
28 the CLP-commercial learner's permit or commercial driver's license and
29 shall be used only (i) to furnish information to the United States
30 Selective Service System under section 60-483, (ii) with the permission
31 of the director in connection with the certification of the status of an

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

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

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

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

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

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

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

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

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

31 (v) An unexpired employment authorization document issued by the

1 United States Department of Homeland Security;

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

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

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

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

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

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

17 (d) If the applicant presents one of the identity documents listed
18 under subdivision (b)(v), (vi), or (ix) of this subsection, the
19 verification of the identity documents does not provide satisfactory
20 evidence of lawful status. The applicant must also present a second
21 document from subdivision (4)(b) of this section, a document from
22 subsection (5) of this section, or documentation issued by the United
23 States Department of Homeland Security or other federal agencies
24 demonstrating lawful status as determined by the United States
25 Citizenship and Immigration Services.

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

29 (f)(i) On a date determined by the director but not later than
30 November 1, 2023, any person assigned a parolee immigration status by the
31 United States Department of Homeland Security may apply for and be issued

1 a CLP-commercial learner's permit or commercial driver's license that is
2 not in compliance with the federal REAL ID Act of 2005, Public Law
3 109-13, if the person:

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

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

8 (ii) Any CLP-commercial learner's permit or commercial driver's
9 license issued under this subsection is otherwise subject to all laws
10 relating to CLP-commercial learner's permits or commercial driver's
11 licenses.

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

18 (b) The following are acceptable as proof of citizenship or lawful
19 status:

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

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

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

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

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

31 (vi) A valid, unexpired Permanent Resident Card issued by the United

1 States Department of Homeland Security or United States Citizenship and
2 Immigration Services.

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

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

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

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

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

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

31 (ii) After receipt of the nondomiciled CLP-commercial learner's

1 permit or nondomiciled commercial driver's license and, for as long as
2 the permit or license is valid, notify the Department of Motor Vehicles
3 of any adverse action taken by any jurisdiction or governmental agency,
4 foreign or domestic, against his or her driving privileges. Such adverse
5 actions include, but are not limited to, license disqualification or
6 disqualification from operating a commercial motor vehicle for the
7 convictions described in 49 C.F.R. 383.51. Notifications must be made
8 within the time periods specified in 49 C.F.R. 383.33; and

9 (iii) Provide a mailing address to the Department of Motor Vehicles.
10 If the applicant is applying for a foreign nondomiciled CLP-commercial
11 learner's permit or foreign nondomiciled commercial driver's license, he
12 or she must provide a Nebraska mailing address and his or her employer's
13 mailing address to the Department of Motor Vehicles.

14 (c) An applicant for a nondomiciled CLP-commercial learner's permit
15 or nondomiciled commercial driver's license who holds a foreign
16 operator's license is not required to surrender his or her foreign
17 operator's license.

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

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

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

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

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

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

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

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

11 (11) Every person who holds any commercial driver's license must
12 provide to the department medical certification as required by section
13 60-4,144.01. The department may provide notice and prescribe medical
14 certification compliance requirements for all holders of commercial
15 drivers' licenses. Holders of commercial drivers' licenses who fail to
16 meet the prescribed medical certification compliance requirements may be
17 subject to downgrade.

18 Sec. 30. Section 60-4,147.02, Revised Statutes Cumulative
19 Supplement, 2022, is amended to read:

20 60-4,147.02 No endorsement authorizing the driver to operate a
21 commercial motor vehicle transporting hazardous materials shall be
22 issued, renewed, or transferred by the Department of Motor Vehicles
23 unless the endorsement is issued, renewed, or transferred in conformance
24 with the requirements of section 1012 of the federal Uniting and
25 Strengthening America by Providing Appropriate Tools Required to
26 Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C.
27 5103a, including all amendments and federal regulations adopted pursuant
28 thereto as of January 1, ~~2022~~ 2023, for the issuance of licenses to
29 operate commercial motor vehicles transporting hazardous materials.

30 Sec. 31. Section 60-4,168, Revised Statutes Cumulative Supplement,
31 2022, is amended to read:

1 60-4,168 (1) Except as provided in subsections (2) and (3) of this
2 section, a person shall be disqualified from operating a commercial motor
3 vehicle for one year upon his or her first conviction, after April 1,
4 1992, in this or any other state for:

5 (a) Operating a commercial motor vehicle in violation of section
6 60-6,196 or 60-6,197 or under the influence of a controlled substance or,
7 beginning September 30, 2005, operating any motor vehicle in violation of
8 section 60-6,196 or 60-6,197 or under the influence of a controlled
9 substance;

10 (b) Operating a commercial motor vehicle in violation of section
11 60-4,163 or 60-4,164;

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

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

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

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

27 (2) Except as provided in subsection (3) of this section, if any of
28 the offenses described in subsection (1) of this section occurred while a
29 person was transporting hazardous material in a commercial motor vehicle
30 which required placarding pursuant to section 75-364, the person shall,
31 upon conviction or administrative determination, be disqualified from

1 operating a commercial motor vehicle for three years.

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

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

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

11 (c) Used a commercial motor vehicle in the commission of a felony
12 involving an act or practice of severe forms of trafficking in persons,
13 as defined and described in 22 U.S.C. 7102(11), as such section existed
14 on January 1, 2023 ~~2022~~.

15 (4)(a) A person is disqualified from operating a commercial motor
16 vehicle for a period of not less than sixty days if he or she is
17 convicted in this or any other state of two serious traffic violations,
18 or not less than one hundred twenty days if he or she is convicted in
19 this or any other state of three serious traffic violations, arising from
20 separate incidents occurring within a three-year period while operating a
21 commercial motor vehicle.

22 (b) A person is disqualified from operating a commercial motor
23 vehicle for a period of not less than sixty days if he or she is
24 convicted in this or any other state of two serious traffic violations,
25 or not less than one hundred twenty days if he or she is convicted in
26 this or any other state of three serious traffic violations, arising from
27 separate incidents occurring within a three-year period while operating a
28 motor vehicle other than a commercial motor vehicle if the convictions
29 have resulted in the revocation, cancellation, or suspension of the
30 person's operator's license or driving privileges.

31 (5)(a) A person who is convicted of operating a commercial motor

1 vehicle in violation of a federal, state, or local law or regulation
2 pertaining to one of the following six offenses at a highway-rail grade
3 crossing shall be disqualified for the period of time specified in
4 subdivision (5)(b) of this section:

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

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

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

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

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

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

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

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

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

26 (6) A person shall be disqualified from operating a commercial motor
27 vehicle for at least one year if, on or after July 8, 2015, the person
28 has been convicted of fraud related to the issuance of his or her CLP-
29 commercial learner's permit or commercial driver's license.

30 (7) If the department receives credible information that a CLP-
31 commercial learner's permit holder or a commercial driver's license

1 holder is suspected, but has not been convicted, on or after July 8,
2 2015, of fraud related to the issuance of his or her CLP-commercial
3 learner's permit or commercial driver's license, the department must
4 require the driver to retake the skills and knowledge tests. Within
5 thirty days after receiving notification from the department that
6 retesting is necessary, the affected CLP-commercial learner's permit
7 holder or commercial driver's license holder must make an appointment or
8 otherwise schedule to take the next available test. If the CLP-commercial
9 learner's permit holder or commercial driver's license holder fails to
10 make an appointment within thirty days, the department must disqualify
11 his or her CLP-commercial learner's permit or commercial driver's
12 license. If the driver fails either the knowledge or skills test or does
13 not take the test, the department must disqualify his or her CLP-
14 commercial learner's permit or commercial driver's license. If the holder
15 of a CLP-commercial learner's permit or commercial driver's license has
16 had his or her CLP-commercial learner's permit or commercial driver's
17 license disqualified, he or she must reapply for a CLP-commercial
18 learner's permit or commercial driver's license under department
19 procedures applicable to all applicants for a CLP-commercial learner's
20 permit or commercial driver's license.

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

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

1 (10) For purposes of this section, serious traffic violation means:

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

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

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

7 (d) Following the vehicle ahead too closely as described in section
8 60-6,140;

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

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

15 (g) Beginning September 30, 2005, operating a commercial motor
16 vehicle without a commercial driver's license in the operator's
17 possession;

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

22 (i) Beginning October 27, 2013, texting while driving as described
23 in section 60-6,179.02; and

24 (j) Using a handheld mobile telephone as described in section
25 60-6,179.02.

26 (11) Each period of disqualification imposed under this section
27 shall be served consecutively and separately.

28 Sec. 32. Section 60-4,172, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 60-4,172 (1) Within ten days after ~~a receiving an abstract of~~
31 conviction of any nonresident who holds a commercial learner's permit or

1 commercial driver's license for any violation of state law or local
2 ordinance related to motor vehicle traffic control, other than parking
3 violations, committed in a commercial motor vehicle operated in this
4 state, the director shall notify the driver licensing authority which
5 licensed the nonresident who holds a commercial learner's permit or
6 commercial driver's license and the Commercial Driver License Information
7 System of such conviction.

8 (2)(a) Within ten days after disqualifying a nonresident who holds a
9 commercial learner's permit or commercial driver's license or canceling,
10 revoking, or suspending the commercial learner's permit or commercial
11 driver's license held by a nonresident, for a period of at least sixty
12 days, the department shall notify the driver licensing authority which
13 licensed the nonresident and the Commercial Driver License Information
14 System of such action.

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

19 (3) Within ten days after ~~a receiving an abstract of~~ conviction of
20 any nonresident who holds a commercial learner's permit or commercial
21 driver's license for any violation of state law or local ordinance
22 related to motor vehicle traffic control, other than parking violations,
23 committed in any type of motor vehicle operated in this state, the
24 director shall notify the driver licensing authority which licensed the
25 nonresident and the Commercial Driver License Information System of such
26 conviction.

27 (4) Within ten days after ~~a receiving an abstract of~~ conviction of
28 any nonresident who holds a driver's license for any violation of state
29 law or local ordinance related to motor vehicle traffic control, other
30 than parking violations, committed in a commercial motor vehicle operated
31 in this state, the director shall notify the driver licensing authority

1 which licensed the nonresident.

2 Sec. 33. Section 60-4,181, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 60-4,181 (1) Each applicant for a state identification card shall
5 provide the information and documentation required by sections 60-484 and
6 60-484.04 and section 20 of this act. The form of the state
7 identification card shall comply with section 60-4,117. The applicant
8 shall present an issuance certificate to the county treasurer for a state
9 identification card. Department personnel or the county treasurer shall
10 collect the fee and surcharge as prescribed in section 60-4,115 and issue
11 a receipt to the applicant which is valid up to thirty days. The state
12 identification card shall be delivered to the applicant as provided in
13 section 60-4,113.

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

25 (3) No person shall be a holder of a state identification card and
26 an operator's license at the same time.

27 Sec. 34. Section 60-501, Revised Statutes Cumulative Supplement,
28 2022, is amended to read:

29 60-501 For purposes of the Motor Vehicle Safety Responsibility Act,
30 unless the context otherwise requires:

31 (1) Department means Department of Motor Vehicles;

1 (2) Former military vehicle means a motor vehicle that was
2 manufactured for use in any country's military forces and is maintained
3 to accurately represent its military design and markings, regardless of
4 the vehicle's size or weight, but is no longer used, or never was used,
5 by a military force;

6 (3) Golf car vehicle means a vehicle that has at least four wheels,
7 has a maximum level ground speed of less than twenty miles per hour, has
8 a maximum payload capacity of one thousand two hundred pounds, has a
9 maximum gross vehicle weight of two thousand five hundred pounds, has a
10 maximum passenger capacity of not more than four persons, and is designed
11 and manufactured for operation on a golf course for sporting and
12 recreational purposes;

13 (4) Judgment means any judgment which shall have become final by the
14 expiration of the time within which an appeal might have been perfected
15 without being appealed, or by final affirmation on appeal, rendered by a
16 court of competent jurisdiction of any state or of the United States, (a)
17 upon a cause of action arising out of the ownership, maintenance, or use
18 of any motor vehicle for damages, including damages for care and loss of
19 services, because of bodily injury to or death of any person or for
20 damages because of injury to or destruction of property, including the
21 loss of use thereof, or (b) upon a cause of action on an agreement of
22 settlement for such damages;

23 (5) License means any license issued to any person under the laws of
24 this state pertaining to operation of a motor vehicle within this state;

25 (6) Low-speed vehicle means a (a) four-wheeled motor vehicle (i)
26 whose speed attainable in one mile is more than twenty miles per hour and
27 not more than twenty-five miles per hour on a paved, level surface, (ii)
28 whose gross vehicle weight rating is less than three thousand pounds, and
29 (iii) that complies with 49 C.F.R. part 571, as such part existed on
30 January 1, 2023 ~~2022~~, or (b) three-wheeled motor vehicle (i) whose
31 maximum speed attainable is not more than twenty-five miles per hour on a

1 paved, level surface, (ii) whose gross vehicle weight rating is less than
2 three thousand pounds, and (iii) which is equipped with a windshield and
3 an occupant protection system. A motorcycle with a sidecar attached is
4 not a low-speed vehicle;

5 (7) Minitruck means a foreign-manufactured import vehicle or
6 domestic-manufactured vehicle which (a) is powered by an internal
7 combustion engine with a piston or rotor displacement of one thousand
8 five hundred cubic centimeters or less, (b) is sixty-seven inches or less
9 in width, (c) has a dry weight of four thousand two hundred pounds or
10 less, (d) travels on four or more tires, (e) has a top speed of
11 approximately fifty-five miles per hour, (f) is equipped with a bed or
12 compartment for hauling, (g) has an enclosed passenger cab, (h) is
13 equipped with headlights, taillights, turnsignals, windshield wipers, a
14 rearview mirror, and an occupant protection system, and (i) has a four-
15 speed, five-speed, or automatic transmission;

16 (8) Motor vehicle means any self-propelled vehicle which is designed
17 for use upon a highway, including trailers designed for use with such
18 vehicles, minitrucks, and low-speed vehicles. Motor vehicle includes a
19 former military vehicle. Motor vehicle does not include (a) mopeds as
20 defined in section 60-637, (b) traction engines, (c) road rollers, (d)
21 farm tractors, (e) tractor cranes, (f) power shovels, (g) well drillers,
22 (h) every vehicle which is propelled by electric power obtained from
23 overhead wires but not operated upon rails, (i) electric personal
24 assistive mobility devices as defined in section 60-618.02, (j) off-road
25 designed vehicles, including, but not limited to, golf car vehicles, go-
26 carts, riding lawnmowers, garden tractors, all-terrain vehicles and
27 utility-type vehicles as defined in section 60-6,355, minibikes as
28 defined in section 60-636, and snowmobiles as defined in section 60-663,
29 and (k) bicycles as defined in section 60-611;

30 (9) Nonresident means every person who is not a resident of this
31 state;

1 (10) Nonresident's operating privilege means the privilege conferred
2 upon a nonresident by the laws of this state pertaining to the operation
3 by him or her of a motor vehicle or the use of a motor vehicle owned by
4 him or her in this state;

5 (11) Operator means every person who is in actual physical control
6 of a motor vehicle;

7 (12) Owner means a person who holds the legal title of a motor
8 vehicle, or in the event (a) a motor vehicle is the subject of an
9 agreement for the conditional sale or lease thereof with the right of
10 purchase upon performance of the conditions stated in the agreement and
11 with an immediate right of possession vested in the conditional vendee or
12 lessee or (b) a mortgagor of a vehicle is entitled to possession, then
13 such conditional vendee or lessee or mortgagor shall be deemed the owner
14 for the purposes of the act;

15 (13) Person means every natural person, firm, partnership, limited
16 liability company, association, or corporation;

17 (14) Proof of financial responsibility means evidence of ability to
18 respond in damages for liability, on account of accidents occurring
19 subsequent to the effective date of such proof, arising out of the
20 ownership, maintenance, or use of a motor vehicle, (a) in the amount of
21 twenty-five thousand dollars because of bodily injury to or death of one
22 person in any one accident, (b) subject to such limit for one person, in
23 the amount of fifty thousand dollars because of bodily injury to or death
24 of two or more persons in any one accident, and (c) in the amount of
25 twenty-five thousand dollars because of injury to or destruction of
26 property of others in any one accident;

27 (15) Registration means registration certificate or certificates and
28 registration plates issued under the laws of this state pertaining to the
29 registration of motor vehicles;

30 (16) State means any state, territory, or possession of the United
31 States, the District of Columbia, or any province of the Dominion of

1 Canada; and

2 (17) The forfeiture of bail, not vacated, or of collateral deposited
3 to secure an appearance for trial shall be regarded as equivalent to
4 conviction of the offense charged.

5 Sec. 35. Section 60-601, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 60-601 Sections 60-601 to 60-6,383 and sections 38, 39, 40, and 41
8 of this act shall be known and may be cited as the Nebraska Rules of the
9 Road.

10 Sec. 36. Section 60-605, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 60-605 For purposes of the Nebraska Rules of the Road, the
13 definitions found in sections 60-606 to 60-676 and sections 38, 39, 40,
14 and 41 of this act shall be used.

15 Sec. 37. Section 60-611, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 60-611 Bicycle shall mean:

18 (1) Every ~~every~~ device propelled solely by human power, upon which
19 any person may ride, and having two, three, or four wheels any one or
20 more of which being tandem wheels either of which is more than fourteen
21 inches in diameter; and ~~or~~

22 (2) An electric bicycle. ~~a device with two or three wheels, fully~~
23 ~~operative pedals for propulsion by human power, and an electric motor~~
24 ~~with a capacity not exceeding seven hundred fifty watts which produces no~~
25 ~~more than one brake horsepower and is capable of propelling the bicycle~~
26 ~~at a maximum design speed of no more than twenty miles per hour on level~~
27 ~~ground.~~

28 Sec. 38. Class I electric bicycle means a device with the following
29 components:

30 (1) Two, three, or four wheels;

31 (2) A saddle or seat for the rider;

- 1 (3) Fully operative pedals for propulsion by human power; and
- 2 (4) An electric motor:
- 3 (a) Not exceeding seven hundred fifty watts of power;
- 4 (b) That produces no more than one brake horsepower;
- 5 (c) Capable of propelling the bicycle at a maximum design speed of
- 6 no more than twenty miles per hour on level ground;
- 7 (d) That only provides power when the rider is pedaling; and
- 8 (e) That does not provide power if the electric bicycle is traveling
- 9 at a speed of more than twenty miles per hour.

10 Sec. 39. Class II electric bicycle means a device with the
11 following components:

- 12 (1) Two, three, or four wheels;
- 13 (2) A saddle or seat for the rider;
- 14 (3) Fully operative pedals for propulsion by human power; and
- 15 (4) An electric motor:
- 16 (a) Not exceeding seven hundred fifty watts of power;
- 17 (b) That produces no more than one brake horsepower;
- 18 (c) Capable of propelling the bicycle at a maximum design speed of
- 19 no more than twenty miles per hour on level ground;
- 20 (d) Capable of providing power whether or not the rider is pedaling;
- 21 and
- 22 (e) That does not provide power if the electric bicycle is traveling
- 23 at a speed of more than twenty miles per hour.

24 Sec. 40. Class III electric bicycle means a device with the
25 following components:

- 26 (1) Two, three, or four wheels;
- 27 (2) A saddle or seat for the rider;
- 28 (3) Fully operative pedals for propulsion by human power; and
- 29 (4) An electric motor:
- 30 (a) Not exceeding seven hundred fifty watts of power;
- 31 (b) That produces no more than one brake horsepower;

1 (c) Capable of propelling the bicycle at a maximum design speed of
2 no more than twenty-eight miles per hour on level ground;

3 (d) That only provides power when the rider is pedaling; and

4 (e) That does not provide power if the electric bicycle is traveling
5 at a speed of more than twenty-eight miles per hour.

6 Sec. 41. Electric bicycle means a Class I electric bicycle, a Class
7 II electric bicycle, and a Class III electric bicycle.

8 Sec. 42. Section 60-628.01, Revised Statutes Cumulative Supplement,
9 2022, is amended to read:

10 60-628.01 Low-speed vehicle means a (1) four-wheeled motor vehicle
11 (a) whose speed attainable in one mile is more than twenty miles per hour
12 and not more than twenty-five miles per hour on a paved, level surface,
13 (b) whose gross vehicle weight rating is less than three thousand pounds,
14 and (c) that complies with 49 C.F.R. part 571, as such part existed on
15 January 1, ~~2023~~ 2022, or (2) three-wheeled motor vehicle (a) whose
16 maximum speed attainable is not more than twenty-five miles per hour on a
17 paved, level surface, (b) whose gross vehicle weight rating is less than
18 three thousand pounds, and (c) which is equipped with a windshield and an
19 occupant protection system. A motorcycle with a sidecar attached is not a
20 low-speed vehicle.

21 Sec. 43. Section 60-640, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 60-640 (1) Motor-driven cycle means every motorcycle, including
24 every motor scooter, with a motor which produces not to exceed five brake
25 horsepower as measured at the drive shaft, mopeds, and every bicycle with
26 a motor attached except for an electric a bicycle as described in
27 subdivision (2) of section 60-611. Motor-driven cycle shall not include
28 an electric personal assistive mobility device.

29 (2) For purposes of this section, motorcycle does not include an
30 autocycle.

31 Sec. 44. Section 60-678, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 60-678 (1) The State of Nebraska or any department, board,
3 commission, or governmental subdivision thereof is hereby authorized, in
4 its respective jurisdiction, to enact regulations permitting,
5 prohibiting, and controlling the use of motor vehicles, minibikes,
6 motorcycles, off-road recreation vehicles of any and all types, electric
7 bicycles, other powered vehicles, electric personal assistive mobility
8 devices, and vehicles which are not self-propelled. Any person who
9 operates any of such vehicles without the permission of the appropriate
10 governmental entity or in a place, time, or manner which has been
11 prohibited by such entity shall be guilty of a Class III misdemeanor.

12 (2) Such governmental entity described in subsection (1) of this
13 section may further authorize the supervising official of any area under
14 its ownership or control to permit, control, or prohibit operation of any
15 motor vehicle, minibike, motorcycle, off-road recreational vehicle of any
16 or all types, electric bicycles, other powered vehicle, electric personal
17 assistive mobility device, or vehicle which is not self-propelled on all
18 or any portion of any area under its ownership or control at any time by
19 posting or, in case of an emergency, by personal notice. Any person
20 operating any such vehicle where prohibited, where not permitted, or in a
21 manner so as to endanger the peace and safety of the public or as to harm
22 or destroy the natural features or manmade features of any such area
23 shall be guilty of a Class III misdemeanor.

24 Sec. 45. Section 60-6,265, Revised Statutes Cumulative Supplement,
25 2022, is amended to read:

26 60-6,265 For purposes of sections 60-6,266 to 60-6,273:

27 (1) Occupant protection system means a system utilizing a lap belt,
28 a shoulder belt, or any combination of belts installed in a motor vehicle
29 which (a) restrains drivers and passengers and (b) conforms to Federal
30 Motor Vehicle Safety Standards, 49 C.F.R. 571.207, 571.208, 571.209, and
31 571.210, as such standards existed on January 1, 2023 ~~2022~~, or, as a

1 minimum standard, to the federal motor vehicle safety standards for
2 passenger restraint systems applicable for the motor vehicle's model
3 year; and

4 (2) Three-point safety belt system means a system utilizing a
5 combination of a lap belt and a shoulder belt installed in a motor
6 vehicle which restrains drivers and passengers.

7 Sec. 46. Section 60-6,279, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 60-6,279 (1) A person shall not operate or be a passenger ~~in an~~
10 ~~autocycle described in subsection (2) of this section,~~ on a motorcycle
11 ~~other than an autocycle,~~ or ~~on a~~ moped on any highway in this state
12 unless such person is:

13 (a) Wearing ~~wearing~~ a protective helmet of the type and design
14 manufactured for use by operators of such vehicles and unless such helmet
15 is secured properly on the user's ~~his or her~~ head with a chin strap while
16 the vehicle is in motion. All such protective helmets shall be designed
17 to reduce injuries to the user resulting from head impacts and shall be
18 designed to protect the user by remaining on the user's head, deflecting
19 blows, resisting penetration, and spreading the force of impact. Each
20 such helmet shall consist of lining, padding, and chin strap and shall
21 meet or exceed the standards established in the United States Department
22 of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49
23 C.F.R. 571.218, for motorcycle helmets; or -

24 (b) Beginning January 1, 2024:

25 (i) At least twenty-one years of age; and

26 (ii)(A) For a resident of Nebraska, has completed the basic
27 motorcycle safety course as provided in the Motorcycle Safety Education
28 Act and submitted proof of such completion to the Department of Motor
29 Vehicles. Proof of such completion shall be in a manner approved by the
30 department; or

31 (B) For a nonresident of Nebraska, has completed an equivalent to

1 the Motorcycle Safety Foundation basic motorcycle rider course or some
2 other substantially similar motorcycle rider course approved by the state
3 of the person's residence and provides proof of such completion to a law
4 enforcement officer upon request.

5 (2) The Department of Motor Vehicles shall modify the existing
6 system of the department by January 1, 2024, to allow the date of
7 completion of such course to be recorded on the person's record provided
8 for in section 60-483.

9 (3) A person shall not operate a motorcycle or moped on any highway
10 in this state unless such person employs one of the following forms of
11 eye protection: (a) Glasses that cover the orbital region of the person's
12 face, (b) a protective face shield attached to a protective helmet, (c)
13 goggles, or (d) a windshield on the motorcycle or moped that protects the
14 operator's and passenger's horizontal line of vision in all operating
15 positions ~~(2) This section applies to an autocyycle that has a seating~~
16 ~~area that is not completely enclosed.~~

17 Sec. 47. Section 60-6,282, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 60-6,282 (1) Until December 31, 2023, a Any person who violates
20 section 60-6,279 shall be guilty of a traffic infraction and shall be
21 fined fifty dollars.

22 (2) Beginning January 1, 2024:

23 (a) A person violating any provision of subsection (1) or (3) of
24 section 60-6,279 shall be guilty of an infraction as defined in section
25 29-431 and shall be fined two hundred fifty dollars for each violation.

26 (b) Enforcement of subsection (1) or (3) of section 60-6,279 shall
27 be accomplished only as a secondary action when an operator of a
28 motorcycle or moped has been cited or charged with a violation or some
29 other offense unless the violation involves a person under the age of
30 eighteen years riding on any portion of the motorcycle or moped not
31 designed or intended for the use of passengers when the motorcycle or

1 moped is in motion.

2 Sec. 48. Section 60-2705, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:

4 60-2705 The Director of Motor Vehicles shall adopt standards for an
5 informal dispute settlement procedure which substantially comply with the
6 provisions of 16 C.F.R. part 703, as such part existed on January 1, 2023
7 ~~2022~~.

8 If a manufacturer has established or participates in a dispute
9 settlement procedure certified by the Director of Motor Vehicles within
10 the guidelines of such standards, the provisions of section 60-2703
11 concerning refunds or replacement shall not apply to any consumer who has
12 not first resorted to such a procedure.

13 Sec. 49. Section 60-2909.01, Revised Statutes Cumulative Supplement,
14 2022, is amended to read:

15 60-2909.01 The department and any officer, employee, agent, or
16 contractor of the department having custody of a motor vehicle record
17 shall, upon the verification of identity and purpose of a requester,
18 disclose and make available the requested motor vehicle record, including
19 the sensitive personal information in the record, other than the social
20 security number, for the following purposes:

21 (1) For use by any federal, state, or local governmental agency,
22 including any court or law enforcement agency, in carrying out the
23 agency's functions or by a private person or entity acting on behalf of a
24 governmental agency in carrying out the agency's functions;

25 (2) For use in connection with any civil, criminal, administrative,
26 or arbitral proceeding in any federal, state, or local court or
27 governmental agency or before any self-regulatory body, including service
28 of process, investigation in anticipation of litigation, and execution or
29 enforcement of judgments and orders, or pursuant to an order of a
30 federal, state, or local court, an administrative agency, or a self-
31 regulatory body;

1 (3) For use by any insurer or insurance support organization, or by
2 a self-insured entity, or its agents, employees, or contractors, in
3 connection with claims investigation activities, anti-fraud activities,
4 rating, or underwriting;

5 (4) For use by an employer or the employer's agent or insurer to
6 obtain or verify information relating to a holder of a commercial
7 driver's license or CLP-commercial learner's permit that is required
8 under the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31301 et
9 seq., as such act existed on January 1, 2023 ~~2022~~, or pursuant to
10 sections 60-4,132 and 60-4,141; and

11 (5) For use by employers of a holder of a commercial driver's
12 license or CLP-commercial learner's permit and by the Commercial Driver
13 License Information System as provided in section 60-4,144.02 and 49
14 C.F.R. 383.73, as such regulation existed on January 1, 2023 ~~2022~~.

15 Sec. 50. Section 66-4,100, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 66-4,100 The Highway Cash Fund and the Roads Operations Cash Fund
18 are hereby created. If bonds are issued pursuant to subsection (2) of
19 section 39-2223, the balance of the share of the Highway Trust Fund
20 allocated to the Department of Transportation and deposited into the
21 Highway Restoration and Improvement Bond Fund as provided in subsection
22 (6) of section 39-2215 and the balance of the money deposited in the
23 Highway Restoration and Improvement Bond Fund as provided in section
24 39-2215.01 shall be transferred by the State Treasurer, on or before the
25 last day of each month, to the Highway Cash Fund. If no bonds are issued
26 pursuant to subsection (2) of section 39-2223, the share of the Highway
27 Trust Fund allocated to the Department of Transportation shall be
28 transferred by the State Treasurer on or before the last day of each
29 month to the Highway Cash Fund.

30 The Legislature may direct the State Treasurer to transfer funds
31 from the Highway Cash Fund to the Roads Operations Cash Fund. Both funds

1 shall be expended by the department (1) for acquiring real estate, road
2 materials, equipment, and supplies to be used in the construction,
3 reconstruction, improvement, and maintenance of state highways, (2) for
4 the construction, reconstruction, improvement, and maintenance of state
5 highways, including grading, drainage, structures, surfacing, roadside
6 development, landscaping, and other incidentals necessary for proper
7 completion and protection of state highways as the department shall,
8 after investigation, find and determine shall be for the best interests
9 of the highway system of the state, either independent of or in
10 conjunction with federal-aid money for highway purposes, (3) for the
11 share of the department of the cost of maintenance of state aid bridges,
12 (4) for planning studies in conjunction with federal highway funds for
13 the purpose of analyzing traffic problems and financial conditions and
14 problems relating to state, county, township, municipal, federal, and all
15 other roads in the state and for incidental costs in connection with the
16 federal-aid grade crossing program for roads not on state highways, (5)
17 for tests and research by the department or proportionate costs of
18 membership, tests, and research of highway organizations when
19 participated in by the highway departments of other states, (6) for the
20 payment of expenses and costs of the Board of Examiners for County
21 Highway and City Street Superintendents as set forth in section 39-2310,
22 (7) for support of the public transportation assistance program
23 established under section 13-1209 and the intercity bus system assistance
24 program established under section 13-1213, ~~and~~ (8) for purchasing from
25 political or governmental subdivisions or public corporations, pursuant
26 to section 39-1307, any federal-aid transportation funds available to
27 such entities, and (9) for costs related to the administration of the
28 Division of Aeronautics of the Department of Transportation as specified
29 in section 3-107.

30 Any money in the Highway Cash Fund and the Roads Operations Cash
31 Fund not needed for current operations of the department shall, as

1 directed by the Director-State Engineer to the State Treasurer, be
2 invested by the state investment officer pursuant to the Nebraska Capital
3 Expansion Act and the Nebraska State Funds Investment Act, subject to
4 approval by the board of each investment. All income received as a result
5 of such investment shall be placed in the Highway Cash Fund.

6 ~~Transfers may be made from the Roads Operations Cash Fund to the~~
7 ~~General Fund at the direction of the Legislature through June 30, 2019.~~
8 ~~The State Treasurer shall transfer seven million five hundred thousand~~
9 ~~dollars from the Roads Operations Cash Fund to the General Fund on or~~
10 ~~before June 30, 2018, on such date as directed by the budget~~
11 ~~administrator of the budget division of the Department of Administrative~~
12 ~~Services. The State Treasurer shall transfer seven million five hundred~~
13 ~~thousand dollars from the Roads Operations Cash Fund to the General Fund~~
14 ~~on or after July 1, 2018, but on or before June 30, 2019, on such date as~~
15 ~~directed by the budget administrator of the budget division of the~~
16 ~~Department of Administrative Services.~~

17 Sec. 51. Section 75-363, Revised Statutes Cumulative Supplement,
18 2022, is amended to read:

19 75-363 (1) The parts, subparts, and sections of Title 49 of the Code
20 of Federal Regulations listed below, as modified in this section, or any
21 other parts, subparts, and sections referred to by such parts, subparts,
22 and sections, in existence and effective as of January 1, 2023 2022, are
23 adopted as Nebraska law.

24 (2) Except as otherwise provided in this section, the regulations
25 shall be applicable to:

26 (a) All motor carriers, drivers, and vehicles to which the federal
27 regulations apply; and

28 (b) All motor carriers transporting persons or property in
29 intrastate commerce to include:

30 (i) All vehicles of such motor carriers with a gross vehicle weight
31 rating, gross combination weight rating, gross vehicle weight, or gross

1 combination weight over ten thousand pounds;

2 (ii) All vehicles of such motor carriers designed or used to
3 transport more than eight passengers, including the driver, for
4 compensation, or designed or used to transport more than fifteen
5 passengers, including the driver, and not used to transport passengers
6 for compensation;

7 (iii) All vehicles of such motor carriers transporting hazardous
8 materials required to be placarded pursuant to section 75-364; and

9 (iv) All drivers of such motor carriers if the drivers are operating
10 a commercial motor vehicle as defined in section 60-465 which requires a
11 commercial driver's license.

12 (3) The Legislature hereby adopts, as modified in this section, the
13 following parts of Title 49 of the Code of Federal Regulations:

14 (a) Part 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING;

15 (b) Part 385 - SAFETY FITNESS PROCEDURES;

16 (c) Part 386 - RULES OF PRACTICE FOR FMCSA PROCEEDINGS;

17 (d) Part 387 - MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR
18 CARRIERS;

19 (e) Part 390 - FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL;

20 (f) Part 391 - QUALIFICATIONS OF DRIVERS AND LONGER COMBINATION
21 VEHICLE (LCV) DRIVER INSTRUCTORS;

22 (g) Part 392 - DRIVING OF COMMERCIAL MOTOR VEHICLES;

23 (h) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION;

24 (i) Part 395 - HOURS OF SERVICE OF DRIVERS;

25 (j) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE;

26 (k) Part 397 - TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND
27 PARKING RULES; and

28 (l) Part 398 - TRANSPORTATION OF MIGRANT WORKERS.

29 (4) The provisions of subpart E - Physical Qualifications and
30 Examinations of 49 C.F.R. part 391 - QUALIFICATIONS OF DRIVERS AND LONGER
31 COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS shall not apply to any

1 driver subject to this section who: (a) Operates a commercial motor
2 vehicle exclusively in intrastate commerce; and (b) holds, or has held, a
3 commercial driver's license issued by this state prior to July 30, 1996.

4 (5) The regulations adopted in subsection (3) of this section shall
5 not apply to farm trucks registered pursuant to section 60-3,146 with a
6 gross weight of sixteen tons or less. The following parts and sections of
7 49 C.F.R. chapter III shall not apply to drivers of farm trucks
8 registered pursuant to section 60-3,146 and operated solely in intrastate
9 commerce:

10 (a) All of part 391;

11 (b) Section 395.8 of part 395; and

12 (c) Section 396.11 of part 396.

13 (6) The following parts and subparts of 49 C.F.R. chapter III shall
14 not apply to the operation of covered farm vehicles:

15 (a) Part 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING;

16 (b) Part 391, subpart E - Physical Qualifications and Examinations;

17 (c) Part 395 - HOURS OF SERVICE OF DRIVERS; and

18 (d) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE.

19 (7) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION
20 and Part 396 - INSPECTION, REPAIR, AND MAINTENANCE shall not apply to
21 fertilizer and agricultural chemical application and distribution
22 equipment transported in units with a capacity of three thousand five
23 hundred gallons or less.

24 (8) For purposes of this section, intrastate motor carriers shall
25 not include any motor carrier or driver excepted from 49 C.F.R. chapter
26 III by section 390.3(f) of part 390.

27 (9)(a) Part 395 - HOURS OF SERVICE OF DRIVERS shall apply to motor
28 carriers and drivers who engage in intrastate commerce as defined in
29 section 75-362, except that no motor carrier who engages in intrastate
30 commerce shall permit or require any driver used by it to drive nor shall
31 any driver drive:

1 (i) More than twelve hours following ten consecutive hours off duty;
2 or

3 (ii) For any period after having been on duty sixteen hours
4 following ten consecutive hours off duty.

5 (b) No motor carrier who engages in intrastate commerce shall permit
6 or require a driver of a commercial motor vehicle, regardless of the
7 number of motor carriers using the driver's services, to drive, nor shall
8 any driver of a commercial motor vehicle drive, for any period after:

9 (i) Having been on duty seventy hours in any seven consecutive days
10 if the employing motor carrier does not operate every day of the week; or

11 (ii) Having been on duty eighty hours in any period of eight
12 consecutive days if the employing motor carrier operates motor vehicles
13 every day of the week.

14 (10) Part 395 - HOURS OF SERVICE OF DRIVERS, as adopted in
15 subsections (3) and (9) of this section, shall not apply to drivers
16 transporting agricultural commodities or farm supplies for agricultural
17 purposes during planting and harvesting season when:

18 (a) The transportation of such agricultural commodities is from the
19 source of the commodities to a location within a one-hundred-fifty-air-
20 mile radius of the source of the commodities;

21 (b) The transportation of such farm supplies is from a wholesale or
22 retail distribution point of the farm supplies to a farm or other
23 location where the farm supplies are intended to be used which is within
24 a one-hundred-fifty-air-mile radius of the wholesale or retail
25 distribution point; or

26 (c) The transportation of such farm supplies is from a wholesale
27 distribution point of the farm supplies to a retail distribution point of
28 the farm supplies which is within a one-hundred-fifty-air-mile radius of
29 the wholesale distribution point.

30 (11) 49 C.F.R. 390.21 - Marking of self-propelled CMVs and
31 intermodal equipment shall not apply to farm trucks and farm truck-

1 tractors registered pursuant to section 60-3,146 and operated solely in
2 intrastate commerce.

3 (12) 49 C.F.R. 392.9a - Operating authority shall not apply to
4 Nebraska motor carriers operating commercial motor vehicles solely in
5 intrastate commerce.

6 (13) No motor carrier shall permit or require a driver of a
7 commercial motor vehicle to violate, and no driver of a commercial motor
8 vehicle shall violate, any out-of-service order.

9 Sec. 52. Section 75-364, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 75-364 The parts, subparts, and sections of Title 49 of the Code of
12 Federal Regulations listed below, or any other parts, subparts, and
13 sections referred to by such parts, subparts, and sections, in existence
14 and effective as of January 1, 2023 ~~2022~~, are adopted as part of Nebraska
15 law and shall be applicable to all motor carriers whether engaged in
16 interstate or intrastate commerce, drivers of such motor carriers, and
17 vehicles of such motor carriers:

18 (1) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart F -
19 Registration of Cargo Tank and Cargo Tank Motor Vehicle Manufacturers,
20 Assemblers, Repairers, Inspectors, Testers, and Design Certifying
21 Engineers;

22 (2) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart G -
23 Registration of Persons Who Offer or Transport Hazardous Materials;

24 (3) Part 171 - GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS;

25 (4) Part 172 - HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS,
26 HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION,
27 TRAINING REQUIREMENTS, AND SECURITY PLANS;

28 (5) Part 173 - SHIPPERS - GENERAL REQUIREMENTS FOR SHIPMENTS AND
29 PACKAGINGS;

30 (6) Part 177 - CARRIAGE BY PUBLIC HIGHWAY;

31 (7) Part 178 - SPECIFICATIONS FOR PACKAGINGS; and

1 (8) Part 180 - CONTINUING QUALIFICATION AND MAINTENANCE OF
2 PACKAGINGS.

3 Sec. 53. Section 75-366, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 75-366 For the purpose of enforcing Chapter 75, article 3, any
6 officer of the Nebraska State Patrol may, upon demand, inspect the
7 accounts, records, and equipment of any motor carrier or shipper. Any
8 officer of the Nebraska State Patrol shall have the authority to enforce
9 the federal motor carrier safety regulations, as such regulations existed
10 on January 1, 2023 ~~2022~~, and federal hazardous materials regulations, as
11 such regulations existed on January 1, 2023 ~~2022~~, and is authorized to
12 enter upon, inspect, and examine any and all lands, buildings, and
13 equipment of any motor carrier, any shipper, and any other person subject
14 to the federal Interstate Commerce Act, the federal Department of
15 Transportation Act, and other related federal laws and to inspect and
16 copy any and all accounts, books, records, memoranda, correspondence, and
17 other documents of a motor carrier, a shipper, and any other person
18 subject to Chapter 75, article 3, for the purposes of enforcing Chapter
19 75, article 3. To promote uniformity of enforcement, the carrier
20 enforcement division of the Nebraska State Patrol shall cooperate and
21 consult with the Public Service Commission and the Division of Motor
22 Carrier Services.

23 Sec. 54. Section 75-369.03, Revised Statutes Cumulative Supplement,
24 2022, is amended to read:

25 75-369.03 (1) The Superintendent of Law Enforcement and Public
26 Safety may issue an order imposing a civil penalty against a motor
27 carrier transporting persons or property in interstate commerce for a
28 violation of sections 75-392 to 75-3,100 or against a motor carrier
29 transporting persons or property in intrastate commerce for a violation
30 or violations of section 75-363 or 75-364 based upon an inspection
31 conducted pursuant to section 75-366 in an amount which shall not exceed

1 ~~nine hundred one~~ ~~eight hundred forty-eight~~ dollars for any single
2 violation in any proceeding or series of related proceedings against any
3 person or motor carrier as defined in 49 C.F.R. 390.5 as adopted in
4 section 75-363.

5 (2) The superintendent shall issue an order imposing a civil penalty
6 in an amount not to exceed seventeen thousand nine hundred ninety-five
7 ~~sixteen thousand nine hundred forty-one~~ dollars against a motor carrier
8 transporting persons or property in interstate commerce for a violation
9 of subdivision (2)(e) of section 60-4,162 based upon a conviction of such
10 a violation.

11 (3) The superintendent shall issue an order imposing a civil penalty
12 against a driver operating a commercial motor vehicle, as defined in
13 section 60-465, that requires a commercial driver's license or CLP-
14 commercial learner's permit, in violation of an out-of-service order. The
15 civil penalty shall be in an amount not less than three thousand four
16 hundred seventy-one ~~two hundred sixty-eight~~ dollars for a first violation
17 and not less than six thousand nine hundred forty-three ~~five hundred~~
18 ~~thirty-six~~ dollars for a second or subsequent violation.

19 (4) The superintendent shall issue an order imposing a civil penalty
20 against a motor carrier who knowingly allows, requires, permits, or
21 authorizes the operation of a commercial motor vehicle, as defined in
22 section 60-465, that requires a commercial driver's license or CLP-
23 commercial learner's permit, in violation of an out-of-service order. The
24 civil penalty shall be not less than six thousand two hundred sixty-nine
25 ~~five thousand nine hundred two~~ dollars but not more than thirty-four
26 thousand seven hundred twelve ~~thirty-two thousand six hundred seventy-~~
27 ~~nine~~ dollars per violation.

28 (5) Upon the discovery of any violation by a motor carrier
29 transporting persons or property in interstate commerce of section
30 75-307, 75-363, or 75-364 or sections 75-392 to 75-3,100 based upon an
31 inspection conducted pursuant to section 75-366, the superintendent shall

1 immediately refer such violation to the appropriate federal agency for
2 disposition, and upon the discovery of any violation by a motor carrier
3 transporting persons or property in intrastate commerce of section 75-307
4 based upon such inspection, the superintendent shall refer such violation
5 to the Public Service Commission for disposition.

6 Sec. 55. Section 75-392, Revised Statutes Cumulative Supplement,
7 2022, is amended to read:

8 75-392 For purposes of sections 75-392 to 75-3,100:

9 (1) Director means the Director of Motor Vehicles;

10 (2) Division means the Division of Motor Carrier Services of the
11 Department of Motor Vehicles; and

12 (3) Unified carrier registration plan and agreement means the plan
13 and agreement established and authorized pursuant to 49 U.S.C. 14504a, as
14 such section existed on January 1, 2023 ~~2022~~.

15 Sec. 56. Section 75-393, Revised Statutes Cumulative Supplement,
16 2022, is amended to read:

17 75-393 The director may participate in the unified carrier
18 registration plan and agreement pursuant to the Unified Carrier
19 Registration Act of 2005, 49 U.S.C. 13908, as the act existed on January
20 1, 2023 ~~2022~~, and may file on behalf of this state the plan required by
21 such plan and agreement for enforcement of the act in this state.

22 Sec. 57. Sections 22 and 58 of this act become operative on July 1,
23 2023. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17,
24 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36,
25 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54,
26 55, 56, and 59 of this act become operative three calendar months after
27 the adjournment of this legislative session. Sections 57 and 60 of this
28 act become operative on their effective date.

29 Sec. 58. Original section 60-4,115, Revised Statutes Cumulative
30 Supplement, 2022, is repealed.

31 Sec. 59. Original sections 3-107, 13-1205, 29-431, 39-1348,

1 60-484.05, 60-484.06, 60-4,120, 60-4,142, 60-4,144, 60-4,172, 60-4,181,
2 60-601, 60-605, 60-611, 60-640, 60-678, 60-6,279, 60-6,282, and 66-4,100,
3 Reissue Revised Statutes of Nebraska, and sections 39-847, 39-1351,
4 60-107, 60-119.01, 60-169, 60-302.01, 60-336.01, 60-386, 60-3,113.04,
5 60-3,193.01, 60-462, 60-462.01, 60-479.01, 60-4,111.01, 60-4,122,
6 60-4,132, 60-4,134, 60-4,138, 60-4,147.02, 60-4,168, 60-501, 60-628.01,
7 60-6,265, 60-2705, 60-2909.01, 75-363, 75-364, 75-366, 75-369.03, 75-392,
8 and 75-393, Revised Statutes Cumulative Supplement, 2022, are repealed.

9 Sec. 60. Since an emergency exists, this act takes effect when
10 passed and approved according to law.