

LEGISLATIVE BILL 90

Approved by the Governor April 25, 1977

Introduced by Goodrich, 20

AN ACT to amend sections 60-406 and 60-415, Reissue Revised Statutes of Nebraska, 1943, and sections 60-403.01, 60-404, and 60-409, Revised Statutes Supplement, 1976, relating to motor vehicle operators' licenses; to require color photographs on licenses as prescribed; to change fees; to provide temporary licenses; to provide an advisory committee; to provide for transition; and to repeal the original sections.

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

Section 1. All motor vehicle operators' licenses except limited, special, learners', or school permits issued in the state after January 1, 1978, shall have a color photograph of the licensee affixed thereto. Such license shall be issued by the county treasurer either in person or by mail. If the license is to be mailed to the licensee, the county treasurer shall, upon receipt of the examiner's certificate of approval and the necessary fees, issue to the applicant a temporary license without a color photograph which license shall be valid until the permanent license, with color photograph affixed, is issued but in no event shall such temporary license be valid for more than thirty days. The Director of Motor Vehicles shall negotiate and enter into a contract to provide the necessary equipment, supplies, and forms for the photographs. All costs incurred by the department under this section shall be paid by the state out of appropriations made to the Department of Motor Vehicles. All costs of taking and affixing the photographs shall be paid by the county from the fees provided pursuant to section 60-409.

Sec. 2. That section 60-403.01, Revised Statutes Supplement, 1976, be amended to read as follows:

60-403.01. No person shall operate a motorcycle on the streets, alleys, or public highways of the State of Nebraska until such person shall have obtained a motorcycle operator's license or permit. No such license or permit shall be issued until the applicant has appeared before an examiner and (1) satisfied the examiner that he meets the vision and physical requirements established under the provisions of section 60-407 for operation of a motor vehicle, and (2) successfully completed such examination, including the

actual operation of a motorcycle, as may be prescribed by the Director of Motor Vehicles. Any applicant who qualifies for a motorcycle operator's license or permit shall be issued a license or permit for such operation by the county treasurer, to which license shall be affixed a color photograph as provided for the issuance of a motor vehicle operator's license or, if he is the holder of a valid motor vehicle operator's license, shall have endorsed thereon by the county treasurer, upon receipt of the examiner's certificate, the authorization to operate a motorcycle. Fees for motorcycle operators' licenses shall be the same as provided by section 60-409 for motor vehicle operators' licenses. A person operating a motorcycle without a motorcycle operator's license or permit shall be guilty of a traffic infraction, and shall, upon conviction thereof, be fined not less than ten dollars nor more than one hundred dollars.

Sec. 3. That section 60-404, Revised Statutes Supplement, 1976, be amended to read as follows:

60-404. In and for each county in the State of Nebraska the Director of Motor Vehicles shall appoint as his agents one or more examiners who shall examine all applicants for license to operate motor vehicles as provided in section 60-408, and may, in his discretion, also appoint one or more examining officers with similar powers as is set forth in section 60-408; Provided, the same examiner may be assigned to one or more counties by the director. Each county shall furnish office space for the administration of the operator's license examination. The examiner shall actually conduct the examination of applicants and deliver to each successful applicant a certificate entitling such applicant to secure an operator's license as hereinafter set forth. If the examiner shall refuse to issue such certificate for cause he shall state such cause in writing and deliver the same to the applicant. The successful applicant shall present his certificate to the county treasurer of his county, who shall forthwith issue the license or a temporary license to operate a motor vehicle and collect the fee therefor. The county treasurer shall report the issuance of such licenses to the Department of Motor Vehicles within five days. The director shall furnish to the examiner in every county in this state the blank applications provided for in section 60-403, and a sufficient supply of blank certificates for successful applicants to cover all probable requirements.

Sec. 4. That section 60-406, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-406. The director shall provide each county treasurer with a sufficient number of official motor vehicle operator's license blanks to supply the needs of his county, and immediately on the presentation to the county treasurer of the certificate for license issued by the examining officer of his county to the applicant for such license, the county treasurer shall forthwith issue such license or a temporary license to the applicant and the same shall be in full force and effect until the expiration date thereon, or until officially revoked or canceled by the director, or suspended or revoked by a court of competent jurisdiction as set forth in section 60-427.

Sec. 5. That section 60-409, Revised Statutes Supplement, 1976, be amended to read as follows:

60-409. The applications for operators' licenses, school permits, or learners' permits shall be filed with the county treasurer who is required to transmit the same weekly to the Director of Motor Vehicles. The application shall be accompanied by a fee of six seven dollars from each successful applicant for an original or renewal operator's license issued under this act; Provided, that the fee for licenses which will be valid for one year or less shall be one--dollar two dollars and fifty cents, the fee for licenses which will be valid for more than one year but less than two years shall be three four dollars, and the fee for licenses which will be valid for more than two years but less than three years shall be four five dollars and fifty cents. Twenty Twenty-five per cent of each of the original and renewal fees for operators' licenses, school permits, and learners' permits shall be credited forthwith to the general fund of the county and shall be included by the county treasurer in his report of fees as provided by law. The balance of the license fees provided herein shall be remitted by the county treasurer to the State Treasurer and fifty per cent of the original and renewal operator's license and school or learner's permit fee shall be credited to the Driver Education Fund established by section 60-409.01 and the remainder shall be credited by the State Treasurer to the General Fund.

Sec. 6. That section 60-415, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-415. (1) In the event of the loss of a license or permit by any person duly licensed under the provisions of this act, such person may obtain a duplicate upon filing with the county treasurer an application and affidavit showing such loss. Upon the

officer being satisfied that the loss is genuine, he shall cause to be issued, upon the payment of a fee of one-dollar two dollars, a duplicate license or permit; Provided, that not more than two duplicates of a license may be issued in this manner; and provided further, that upon the issuance of any duplicate or replaced license the license from which the duplicate or replaced license is issued shall be void. Such fee shall be handled by the treasurers in the same manner as original or renewal license fees; Provided, such duplicate license or permit fee in each instance shall be credited, allocated, and accounted for by the county treasurer as in the cases of original and renewal motor vehicle operators' license fees as provided in section 60-409. Pending preparation of the duplicate license, a temporary license may be issued under the provisions of section 1 of this act.

(2) If any person changes his or her name because of marriage or divorce or other court order, he shall apply to the county treasurer for a replacement motor vehicle operator's license, and furnish satisfactory evidence of such change, and such license shall be issued without charge. Such application shall be made within thirty days after the change of name. If any person changes his or her address, he may apply to the county treasurer for a replacement motor vehicle operator's license, and furnish satisfactory evidence of such change, and such license shall be issued without charge.

(3) In the event of a mutilated and unreadable license or permit by any person duly licensed under the provisions of this act, such person may obtain a replaced license or permit upon showing the original mutilated or unreadable license or permit to the county treasurer. If the county treasurer is satisfied that the license or permit is mutilated or unreadable, he shall issue cause to be issued, upon the payment of a fee of fifty--cents one dollar, a replaced license or permit. Such fee shall be handled by the treasurer in the same manner as the original or renewal license fees; Provided, such replacement license or permit fee in each instance shall be credited, allocated, and accounted for by the county treasurer as in the cases of original and renewal motor vehicle operators' license fees as provided in section 60-409.

Sec. 7. The Director of Motor Vehicles shall adopt such rules and regulations as may be necessary to carry out the provisions of this act. The director shall establish an advisory committee consisting of three county treasurers and two laymen holding no public office in this state. The three county treasurers shall be elected by mail vote of the county treasurers of the

state and the two laymen shall be appointed by the Director of Motor Vehicles. It shall be the duty of such committee to make an annual review of the rules and regulations adopted under this section and to report its findings and recommendations to the director no later than December 31 of each year. The committee shall be appointed and furnished copies of the initial rules and regulations on or before October 1, 1977, and shall report its findings and recommendations thereon no later than December 1, 1977. The chairman of the committee shall be named by the director at the time of selection. The committee shall meet upon call of the chairman. Members of the committee shall serve at the pleasure of the director. Members of the committee shall receive no compensation for their services but shall be reimbursed for their necessary expenses while engaged in the performance of their duties.

Sec. 8. In the event any person licensed to operate a motor vehicle desires to have a color photograph affixed to his or her license prior to the renewal period of the license, such person may file with the county treasurer an application for that purpose. Upon being satisfied that such application is in proper form the county treasurer shall issue, upon the payment of a fee of two dollars, a license with a color photograph of the licensee affixed thereto. Such fee shall be credited, allocated, and accounted for by each county treasurer in the same manner as original or renewal operators' license fees as provided in section 60-409.

Sec. 9. That original sections 60-406 and 60-415, Reissue Revised Statutes of Nebraska, 1943, and sections 60-403.01, 60-404, and 60-409, Revised Statutes Supplement, 1976, are repealed.