

LEGISLATIVE BILL 704

Approved by the Governor May 5, 1999

Introduced by Transportation Committee: Bromm, 23, Chairperson; Baker, 44; Hudkins, 21; Janssen, 15; Jones, 43; Dw. Pedersen, 39; C. Peterson, 35; Thompson, 14; and Coordsen, 32

AN ACT relating to motor vehicles; to amend sections 60-302, 60-330, 60-480, 60-484, 60-486, 60-487, 60-490, 60-491, 60-493, 60-494, 60-497.03, 60-499, 60-4,105, 60-4,113, 60-4,114, 60-4,115, 60-4,118, 60-4,119, 60-4,120.01, 60-4,120.02, 60-4,121, 60-4,122, 60-4,123, 60-4,127, 60-4,130, 60-4,130.02, 60-4,141, 60-4,144, 60-4,145, 60-4,146, 60-4,146.01, 60-4,148, 60-4,149, 60-4,149.01, 60-4,153, 60-4,158, 60-4,170, 60-4,171, 60-4,178, 60-4,181, 60-4,184, 60-524, 60-529, 60-534, 60-544, 60-6,288, and 60-2131, Reissue Revised Statutes of Nebraska, section 60-315.01, Reissue Revised Statutes of Nebraska, as amended by section 3, Legislative Bill 57, Ninety-sixth Legislature, First Session, 1999, and section 75-363, Revised Statutes Supplement, 1998, as amended by section 1, Legislative Bill 161, Ninety-sixth Legislature, First Session, 1999; to change and eliminate provisions relating to proof of financial responsibility, license plates, registration fees, operators' licenses, commercial drivers' licenses, state identification cards, over-dimensional vehicles, and motor carrier regulations; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 60-4,101 and 60-4,116, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Section 1. Section 60-302, Reissue Revised Statutes of Nebraska, is amended to read:

60-302. (1) No motor vehicle, trailer, semitrailer, or cabin trailer, unless otherwise expressly provided, shall be operated or parked on the highways of this state unless the vehicle is registered in accordance with Chapter 60, article 3. There shall be a rebuttable presumption that any vehicle stored and kept more than thirty days in the state is being operated or parked on the highways of this state and shall be registered in accordance with Chapter 60, article 3, from the date of title of the motor vehicle or, if no transfer in ownership of the motor vehicle has occurred, from the expiration of the last registration period for which the motor vehicle was registered. Every owner of a vehicle required to be registered shall make application for registration to the county treasurer of the county in which the vehicle has situs as defined in section 60-3001. The application shall be a copy of a certificate of title or, in the case of a renewal of a registration, the application shall be the previous registration period's certificate. A salvage certificate of title as defined in section 60-129 and a nontransferable certificate of title provided for in section 60-131 shall not be valid for registration purposes.

(2) An application for registration of a motor vehicle shall be accompanied by proof of financial responsibility or evidence of insurance covering the motor vehicle. Proof of financial responsibility shall be evidenced by a copy of proof of financial responsibility filed pursuant to subdivision (2), (3), or (4) of section 60-528 bearing the seal of the Department of Motor Vehicles. Evidence of insurance shall give the effective dates of the automobile liability policy, which dates shall be evidence that the coverage is in effect on and following the date of registration, and shall designate, by explicit description or by appropriate reference, all motor vehicles covered. Evidence of insurance in the form of a certificate of insurance for fleet vehicles may include, as an appropriate reference, a designation that the insurance coverage is applicable to all vehicles owned by the named insured, or wording of similar effect, in lieu of an explicit description.

(3) Any nonresident owner who desires to register a vehicle or vehicles in this state shall register in the county where the vehicle is domiciled or where the owner conducts a bona fide business.

(4) Each new application shall contain, in addition to other information as may be required by the department, the name and post office address of the applicant and a description of the vehicle, including the color, the manufacturer, the identification number, and the weight of the vehicle required by Chapter 60, article 3. With the application the applicant

shall pay the proper registration fee as provided in sections 60-305.08 to 60-339 and shall state whether the vehicle is propelled by alternative fuel as defined in section 66-686 and, if alternative fuel, the type of fuel. The form shall also contain a notice that bulk fuel purchasers may be subject to federal excise tax liability. The department shall prescribe a form, containing the notice, for supplying the information for vehicles to be registered. The county treasurer shall include the form in each mailing made pursuant to section 60-3003. The county treasurer or his or her agent shall notify the Motor Fuel Tax Enforcement and Collection Division of the Department of Revenue whenever a vehicle powered by an alternative fuel as defined in section 66-686 is registered. The notification shall include the name and address of the registrant, the date of registration, the type of motor vehicle registered, and the type of alternative fuel used to propel the vehicle as indicated on the registration application.

(5) The county treasurer or his or her agent shall collect, in addition to the registration fees, one dollar and fifty cents for each certificate issued and shall remit one dollar and fifty cents of each additional fee collected to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(6) The county treasurer or his or her agent shall collect, in addition to other registration fees, one dollar and fifty cents for each certificate issued and shall remit the fee to the State Treasurer for credit to the State Recreation Road Fund.

(7) If a citation is issued to an owner or operator of a vehicle for a violation of this section and the owner properly registers and licenses the vehicle not in compliance and pays all taxes and fees due and the owner or operator provides proof of such registration to the prosecuting attorney within ten days after the issuance of the citation, no prosecution for the offense cited shall occur.

(8) If a county board consolidates services under the office of a designated county official other than the county treasurer pursuant to section 23-186, the powers and duties of the county treasurer relating to registration under sections 60-301 to 60-347 shall be performed by the designated county official.

(9) A county treasurer or county official or his or her agent may accept credit cards, charge cards, or debit cards as a means of payment for registration pursuant to section 13-609.

Sec. 2. Section 60-315.01, Reissue Revised Statutes of Nebraska, as amended by section 3, Legislative Bill 57, Ninety-sixth Legislature, First Session, 1999, is amended to read:

60-315.01. The owner of a vehicle bearing personalized message license plates may make application to the county treasurer or designated county official as provided in section 60-302 to have such plates transferred to a motor vehicle other than the vehicle for which such plates were originally purchased if such vehicle is owned by the owner of the plates. Application for such transfer shall be accompanied by a fee of three dollars. ~~Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.~~ The fees shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

Sec. 3. Section 60-330, Reissue Revised Statutes of Nebraska, is amended to read:

60-330. The registration fee on local trucks shall be based on the gross vehicle weight as defined in section 60-331, and local trucks shall be registered at a fee of thirty percent of the commercial registration fee, except that (1) no local truck shall be registered for a fee of less than eighteen dollars, (2) the registration fee for each pickup truck with a factory-rated capacity of one ton or less shall be eighteen dollars, and (3) commercial pickup trucks with a gross load of over three tons shall be registered for the fee provided for commercial trucks. For the registration of farm trucks, except for trucks or combinations of trucks or truck-tractors and trailers or semitrailers having a gross vehicle weight exceeding sixteen tons, the registration fee shall be eighteen dollars for up to and including five tons gross vehicle weight, and in excess of five tons the fee shall be twenty-two dollars. For a truck or a combination of a truck or truck-tractor and trailer or semitrailer weighing in excess of sixteen tons registered as a farm truck, except as provided in sections 60-331.04 and 60-332, the registration fee shall be based upon the gross vehicle weight as defined in section 60-331. The registration fee on such trucks weighing in excess of sixteen tons shall be at the following rates: For a gross weight in excess of sixteen tons up to and including twenty tons, forty dollars plus five dollars for each ton of gross weight over seventeen tons, and for gross weight

exceeding twenty tons, sixty-five dollars plus ten dollars for each ton of gross weight over twenty tons. ~~Such a combination of a truck-tractor and trailer or semitrailer shall not be used in exchange of services.~~ Pole and cable reel trailers owned and operated exclusively by public utility companies shall be licensed at a fee based on two dollars for each one-thousand-pound load to be hauled or any fraction thereof, and such load shall not exceed sixteen thousand pounds.

Sec. 4. Section 60-480, Reissue Revised Statutes of Nebraska, is amended to read:

60-480. Operators' licenses issued by the Department of Motor Vehicles pursuant to the Motor Vehicle Operator's License Act shall be classified as follows:

(1) Class O license. The operator's license which authorizes the person to whom it is issued to operate on highways any motor vehicle except a commercial motor vehicle or motorcycle;

(2) Class M license. The operator's license or endorsement on a Class O license, provisional operator's permit, or commercial driver's license which authorizes the person to whom it is issued to operate a motorcycle on highways;

(3) CDL-commercial driver's license. The operator's license which authorizes the person to whom it is issued to operate a class of commercial motor vehicles or any motor vehicle, except a motorcycle, on highways;

(4) RCDL-restricted commercial driver's license. The class of commercial driver's license which, when held with an annual seasonal permit, authorizes a seasonal commercial motor vehicle operator as defined in section 60-4,146.01 to operate any Class B Heavy Straight Vehicle or Class C Small Vehicle commercial motor vehicle for purposes of a farm-related or ranch-related service industry as defined in such section within one hundred fifty miles of the employer's place of business or the farm or ranch currently being served as provided in such section or any other motor vehicle, except a motorcycle, on highways;

(5) POP-provisional operator's permit. A motor vehicle operating permit with restrictions issued pursuant to section 60-4,120.01 to a person who is at least sixteen years of age but less than eighteen years of age which authorizes the person to operate any motor vehicle except a commercial motor vehicle or motorcycle;

(6) SCP-school permit. A permit issued to a student between fourteen and sixteen years of age for the purpose of driving to and from school in accordance with the requirements of section 60-4,124;

(7) FMP-farm permit. A permit issued to a person for purposes of operating farm tractors and other motorized implements of farm husbandry on highways in accordance with the requirements of section 60-4,126;

(8) LPC-learner's permit. A permit which when held in conjunction with a Class O license or commercial driver's license authorizes a person to operate a commercial motor vehicle for learning purposes when accompanied by a person who is at least twenty-one years of age;

(9) LPD-learner's permit. A permit issued in accordance with the requirements of section 60-4,123 to a person at least fifteen years of age which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, for learning purposes when accompanied by a licensed operator who is at least twenty-one years of age and who possesses a valid operator's license issued by this state or another state;

(10) LPE-learner's permit. A permit issued to a person at least fourteen years of age which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, while learning to drive in preparation for application for a school permit;

(11) EDP-employment driving permit. A permit issued to a person which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, pursuant to the requirements of sections 60-4,129 and 60-4,130;

(12) SEP-seasonal permit. A permit issued to a person who holds a restricted commercial driver's license authorizing the person to operate a commercial motor vehicle, as prescribed by section 60-4,146.01, for no more than one hundred eighty consecutive days in any twelve-month period. The seasonal permit shall be valid and run from the date of original issuance of the permit for one hundred eighty days and from the date of annual revalidation of the permit; and

(13) MHP-medical hardship driving permit. A permit issued to a person which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, pursuant to the requirements of sections 60-4,130.01 and 60-4,130.02.

Sec. 5. Section 60-484, Reissue Revised Statutes of Nebraska, is amended to read:

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

(2) Application for an operator's license shall ~~may~~ be made ~~under oath or affirmation~~ on uniform blanks prepared and furnished by the director to the county treasurers, and the examiners of the Department of Motor Vehicles, ~~and any local examiners~~ prior to January 1, 2003. Such application may be made to an examiner in any county. The standard application blanks shall be sufficient in form and content to substantially carry out the purposes of the act.

(3) Beginning October 1, 2000, application for an operator's license may also be made in a manner prescribed by the department. Such application may be made to an examiner in any county. The examiner shall personally conduct the examination of the applicant and deliver to each successful applicant an examiner's certificate containing the statements made pursuant to subsection (4) of this section.

(4) In addition to any other information and questions necessary to comply with the requirements and purposes of the act, the ~~application~~ applicant (a) shall ~~include the~~ provide his or her name, age, post office address, place of residence, date of birth, sex, social security number, and brief description of ~~the applicant~~ himself or herself, (b) may complete the voter registration portion pursuant to section 32-308, (c) shall be provided the advisement language required by subsection (10) of section 60-6,197, ~~and~~ (d) shall answer the following:

(a) ~~Do you suffer from any physical impairment that would detract from normal ability to safely operate a motor vehicle?~~

(b) ~~Have you suffered dismemberment of foot, leg, hand, or arm?~~

(c) ~~Are you subject to vertigo or fainting spells?~~

(d) ~~Has your operator's license ever been revoked or suspended in Nebraska or in any other state or jurisdiction in the United States and, if so, give date and period of and reason for each such occurrence.~~

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

(A) lost voluntary control or consciousness

... yes ... no

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

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

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

(E) experienced impairment of memory, memory loss

... yes ... no

Please explain:

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

Please explain:

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

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

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

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

~~(f) (ii) Do you wish to make an anatomical gift?*~~

~~If yes: so, please complete the following:~~

~~I give:~~

~~(i) (A) any needed organs or tissues-~~

~~(ii) (B) only the following organs or tissues~~

~~.....~~

~~(specify the organ or tissue)~~

~~for transplantation, therapy, or medical or dental education or research-~~

~~(iii)~~

~~(C) my body for anatomical study, if needed.**~~

~~Limitations or special wishes if any~~

~~(g) (iii) Do you wish to receive any additional specific information regarding anatomical gifts?~~

~~*An anatomical gift means a gift of all or any part of your body for transplantation, therapy, or medical or dental education or research. For purposes of an anatomical gift, parts of your body include organs, tissues,~~

eyes, bones, arteries, blood, other fluids, and other portions of a human body. You may make an anatomical gift if you are of sound mind. The anatomical gift is effective upon your death and the consent of your next of kin, guardian, or other person as listed in section 71-4802.

**In order for you to donate your body to the State Anatomical Board, you must complete a bequeathal form which is available from the board.

..... Signature of Donor Date of Birth of Donor
..... Date Signed City and State
..... Witness Witness
..... Signature of Donor Date of Birth
..... City and State Witness
..... Date Signed Witness

~~(2)~~ (5) Application for an operator's license shall be made under oath or affirmation of the applicant.

(6) In addition to the information prescribed in subsection ~~(1)~~ (4) of this section, ~~beginning on January 1, 1998,~~ the application or examiner's certificate shall also provide in a clear and conspicuous manner a notice that the personal information on the application or examiner's certificate is subject to disclosure as a motor vehicle record unless the individual chooses to prohibit such disclosure by filing a prescribed form with the department.

~~(3)~~ (7) The social security number shall not be printed on the operator's license and shall be used only (a) to furnish driver record information to the United States Selective Service System under section 60-483, (b) with the permission of the director in connection with the verification of the status of an individual's driving record in this state or any other state, or (c) for purposes of child support enforcement pursuant to section 42-358.08 or 43-512.06.

~~(4)(a)~~ (8)(a) Except for an individual under the age of eighteen years, each individual making an application applying for an operator's license or a state identification card shall furnish proof of date of birth and identity by a valid Nebraska operator's license, a valid Nebraska learner's permit, a valid Nebraska school permit, a valid operator's license from another state or jurisdiction of the United States, a certified birth certificate, a ~~notarized birth registration,~~ a certified birth registration, a valid United States passport, a valid United States military identification card, United States military discharge papers, or other United States-based identification as approved by the director.

(b) Any individual under the age of eighteen years making an application applying for an operator's license or a state identification card shall provide a certified copy of his or her birth certificate, a ~~notarized birth registration,~~ a certified birth registration, or other reliable proof of his or her identity and age accompanied by an affidavit signed by a parent or guardian explaining the inability to produce a copy of such birth certificate. The applicant may be required to furnish proof to the examiner that the parent or guardian signing any written information is in fact the parent or guardian of such applicant.

Sec. 6. Section 60-486, Reissue Revised Statutes of Nebraska, is amended to read:

60-486. (1) No person shall be licensed to operate a motor vehicle by the State of Nebraska if such person has an operator's license currently under suspension or revocation in any other state or jurisdiction in the United States.

(2) If a license is issued to a person while his or her operator's license was suspended or revoked in any other state or jurisdiction, the Department of Motor Vehicles may cancel the license upon forty-five days' written notice by registered or certified mail to the licensee's last-known address. The cancellation may be appealed as provided in section 60-4,105.

(3) When such a person presents to the ~~Department of Motor Vehicles~~ department an official notice from the state or jurisdiction that suspended or revoked his or her motor vehicle operator's license that such suspension or revocation has been terminated, he or she may then be licensed to operate a motor vehicle by the State of Nebraska.

Sec. 7. Section 60-487, Reissue Revised Statutes of Nebraska, is amended to read:

60-487. If any magistrate or judge finds in his or her judgment of conviction that the application or examiner's certificate pursuant to which the director has issued an operator's license under the Motor Vehicle Operator's License Act contains any false or fraudulent statement deliberately

and knowingly made to any officer as to any matter material to the issuance of such license or does not contain required or correct information or that the person to whom the license was issued was not eligible to receive such license, then the license shall be absolutely void from the date of issue and such motor vehicle operator shall be deemed to be not licensed to operate a motor vehicle. Such license shall be at once canceled of record in his or her office by the director upon receipt of a copy of such judgment of conviction. The director may, upon his or her own motion, summarily revoke any license for any of the reasons set forth in this section if such reason or reasons affirmatively appear on his or her official records.

Sec. 8. Section 60-490, Reissue Revised Statutes of Nebraska, is amended to read:

60-490. (1) Except as otherwise provided in subsection (2) or (6) of this section and except for operators' licenses issued to persons less than twenty-one years of age, all operators' licenses issued pursuant to the Motor Vehicle Operator's License Act prior to January 1, 1999, expire on the licensee's birthday in the first year after issuance in which his or her age is divisible by four. An operator's license issued to a person who is less than twenty-one years of age expires on his or her twenty-first birthday.

(2) Operators' licenses issued to persons required to use bioptic or telescopic lenses as provided in section 60-4,118 shall expire annually on the licensee's birthday.

(3) Except as otherwise provided in subsection (6) of this section and except for state identification cards issued to persons less than twenty-one years of age, all state identification cards issued on or after January 1, 1990, and prior to January 1, 1999, expire on the cardholder's birthday in the first year after issuance in which his or her age is divisible by four. Except for state identification cards issued to persons less than twenty-one years of age, all state identification cards issued on or after January 1, 1999, expire on the cardholder's birthday in the fifth year after issuance. A state identification card issued to a person who is less than twenty-one years of age expires on his or her twenty-first birthday.

(4) Except as otherwise provided in subsection (2) of this section and except for operators' licenses issued to persons less than twenty-one years of age, operators' licenses issued pursuant to the Motor Vehicle Operator's License Act on or after January 1, 1999, expire on the licensee's birthday in the fifth year after issuance. An operator's license issued to a person less than twenty-one years of age expires on his or her twenty-first birthday. Beginning December 1, 2003, the Department of Motor Vehicles shall mail out a renewal notice for each operator's license at least thirty days before the expiration of the operator's license.

(5)(a) The expiration date shall be stated on each operator's license or state identification card.

(b) All licenses and cards issued to persons who are twenty-one years of age or older which expire under this section may be renewed within a ninety-day period before the expiration date. Any person who is twenty-one years of age or older and who is the holder of a valid operator's license or state identification card may renew his or her license or card prior to the ninety-day period before the expiration date on such license or card if such applicant furnishes proof that he or she will be absent from the state during the ninety-day period prior to such expiration date.

(c) A person who is twenty years of age may apply for ~~and be issued~~ an operator's license or a state identification card within ~~ten~~ sixty days prior to his or her twenty-first birthday. The operator's license or state identification card may be issued within ten days prior to such birthday.

(6) In order to ease the transition to a system of five-year operators' licenses and five-year state identification cards, approximately twenty percent of the number of persons in each county whose operators' licenses or state identification cards expire in the years 1999, 2000, 2001, and 2002 shall have the expiration date of their operators' licenses or state identification cards extended to the year 2003. Such persons shall be chosen at random from a list of persons who are less than sixty-five years of age. Extension stickers for the operators' licenses or state identification cards of such persons shall be designed by the department. Beginning August 1, 1998, the department shall provide notice to and mail out or make available through the examiners of the department the extension stickers to the persons who have had the expiration date of their licenses or cards extended. The fee for each Class O or Class M operator's license or identification card extension sticker shall be three dollars and seventy-five cents per year of extension and the fee for each commercial driver's license extension sticker shall be ten dollars per year of extension. The fee shall be collected by the department and remitted to the State Treasurer. Eight dollars and twenty-five

cents of each four-year extension fee, six dollars of each three-year extension fee, three dollars and twenty-five cents of each two-year extension fee, and one dollar of each one-year extension fee shall be credited to the General Fund. All remaining fees shall be credited to the Department of Motor Vehicles Cash Fund. For those persons who have had the expiration date of their operators' licenses or state identification cards extended, the department shall note such extended expiration date on its computerized records. This subsection does not apply to an operator's license or state identification card issued to a person less than twenty-one years of age.

Sec. 9. Section 60-491, Reissue Revised Statutes of Nebraska, is amended to read:

60-491. It shall be unlawful for any person:

(1) To display or cause or permit to be displayed or have in his or her possession any canceled, revoked, suspended, fictitious, or fraudulently altered operator's license or state identification card issued by the State of Nebraska or any other state;

(2) To lend his or her operator's license or state identification card to any person or knowingly permit the use thereof by another;

(3) To display or represent as one's own any operator's license or state identification card not issued to him or her by the State of Nebraska or any other state;

(4) To fail or refuse to surrender to the director upon his or her lawful demand any operator's license or state identification card which has been suspended, revoked, or canceled;

(5) To use a false or fictitious name in any application applying for an operator's license or state identification card or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in any such application applying for an operator's license or state identification card;

(6) To permit any unlawful use of an operator's license or state identification card issued to him or her by the State of Nebraska or any other state;

(7) To do any act forbidden or fail to perform any act required by the Motor Vehicle Operator's License Act;

(8) To make any false affidavit or knowingly to swear or affirm falsely to any matter or thing required by the terms of the act to be sworn to or affirmed. Such person shall be guilty of perjury and, upon conviction thereof, shall be punished as other persons committing perjury are punishable;

(9) To cause or knowingly permit his or her child or ward under the age of sixteen years to drive a motor vehicle upon any highway when such minor is not authorized under the act or is in violation of any of the provisions of the act;

(10) To authorize or knowingly permit a motor vehicle owned by him or her or under his or her control to be driven upon any highway by any person who is not authorized under the act or is in violation of any of the provisions of the act; or

(11) To manufacture any fraudulent state identification card whether of the State of Nebraska or any other state.

Sec. 10. Section 60-493, Reissue Revised Statutes of Nebraska, is amended to read:

60-493. When a person applies for an operator's license or state identification card, the county treasurer, or ~~or~~ examiner of the Department of Motor Vehicles, ~~or local examiner~~ shall distribute a brochure provided by an organ and tissue recovery agency and approved by the Department of Health and Human Services Regulation and Licensure containing a description and explanation of the Uniform Anatomical Gift Act to each person applying for a new or renewal license or card. Beginning October 1, 2000, the brochure shall include the information prescribed in subsection (1) of section 60-494.

If an individual desires to receive additional specific information regarding anatomical gifts as indicated on an application or examiner's certificate under section 60-484, 60-4,144, or 60-4,181, the department shall notify a representative of the Nebraska Organ Retrieval System within five working days of the name and address of such individual.

Sec. 11. Section 60-494, Reissue Revised Statutes of Nebraska, is amended to read:

60-494. (1) Each operator's license and state identification card shall provide anatomical gift information ~~on~~ regarding the licensee or cardholder. The location of the information on the license or card shall be determined by the Department of Motor Vehicles. A special notification shall be included on the front of the license or card if the licensee or cardholder desires to make an anatomical gift. The information shall include the following items to be completed by the licensee or cardholder ~~on the~~

application for a new or renewal license or card if he or she desires to make an anatomical gift:

(a) A suitable notation indicating that the licensee or cardholder is a potential donor;

(b) A designation as to which body organs or tissues may be donated;

(c) A dated signature of the licensee or cardholder;

(d) The signatures of two witnesses who witnessed the signature of the licensee or cardholder; and

(e) Such other information as the director may determine.

(2) The gift shall be renewed upon renewal of each license or card only if the licensee or cardholder, at the time of renewal, complies with the requirements of subsection (1) of this section.

(3) No licensee or cardholder shall be deemed to have authorized an anatomical gift if the notation authorized in subsection (1) of this section has not been marked.

(4) Any person whose operator's license or state identification card indicates that he or she desires to make an anatomical gift may obtain a replacement license or card changing his or her status to that of a nondonor. The fee for such replacement license or card shall be the fee charged for obtaining a duplicate license or card as provided in section 60-4,120.

Sec. 12. Section 60-497.03, Reissue Revised Statutes of Nebraska, is amended to read:

60-497.03. To enable the director punctually and economically to perform his or her ministerial duties in revoking or suspending operators' licenses and to insure uniformity in the keeping of the records of operators' licenses suspended or revoked by courts of the state, the director shall authorize electronic transmission of abstract-of-conviction reports. The director ~~in consultation with the State Court Administrator~~ shall prescribe the standard format of abstract-of-conviction reports.

In the administration of any section of the Motor Vehicle Operator's License Act, the powers and duties conferred upon the director or his or her subordinates or successors with respect to the revocation or suspension of any operator's license are ministerial in character. The director may revoke or suspend operators' licenses only when positively directed to do so by the terms of the abstract of the judgment of conviction transmitted by the trial court except as otherwise provided in section 60-4,183 and Chapter 60, articles 4 and 5.

Sec. 13. Section 60-499, Reissue Revised Statutes of Nebraska, is amended to read:

60-499. The director may revoke the operator's license of a person upon receipt of a copy of a judgment of conviction from the trial magistrate or judge which states that the licensee: (1) Has committed an offense for which mandatory revocation is required upon conviction as set forth in section 60-498; (2) has been involved as a driver in an accident resulting in the death or personal injury of another or in serious property damage; (3) is a habitually reckless or negligent driver of a motor vehicle; (4) is a habitual violator of the traffic laws; (5) is incompetent to drive a motor vehicle; (6) has permitted an unlawful or fraudulent use of such license; (7) was not entitled to the issuance of the license; (8) failed to give the required or correct information in his or her application; (9) committed fraud in ~~making such his or her application process~~; or (10) has, as a nonresident, suffered revocation or suspension of his or her operator's license or of his or her driving privilege by the trial court and the director and has, during the period of revocation or suspension, violated the terms of that revocation or suspension by exercising the driving privilege under a new operator's license fraudulently obtained or otherwise.

Sec. 14. Section 60-4,105, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,105. ~~Any person who feels aggrieved because of any order of the director on account of a refusal to issue any operator's license contemplated under sections 60-4,101 and 60-4,107~~ (1) Unless otherwise provided by statute, any person aggrieved by a final decision or order of the director or the Department of Motor Vehicles to cancel, suspend, revoke, or refuse to issue or renew any operator's license, any decision of the director made after consideration of advice from the Health Advisory Board, or suspension of an operator's license under the License Suspension Act may appeal to either the district court of the county in which the application for the license was person originally made applied for the license or to the district court of the county in which such person resides or, in the case of a nonresident, to the district court of Lancaster County within thirty days after the date of the final decision or order.

(2) Summons shall be served on the department within thirty days

after the filing of the petition in the manner provided for service of a summons in section 25-510.02. Within thirty days after service of the petition and summons, the department shall prepare and transmit to the petitioner a certified copy of the official record of the proceedings before the department. The department shall require payment of a five-dollar fee prior to the transmittal of the official record. The petitioner shall file the transcript with the court before answer day as provided in section 25-821. as provided in this section.

The director shall reduce the ruling, order, or decision to writing, file a copy in his or her office, and furnish a copy together with a statement of reasons for the ruling to the applicant or licensee, as the case may be, upon request. The ruling, order, or decision of the director in refusing to issue or reinstate such license or in suspending, canceling, or revoking the same shall be as final and binding as the final order or judgment of a court of general jurisdiction.

The applicant, licensee, or appellant shall, within thirty days from the date of the final order complained of, execute a bond for costs to the State of Nebraska in the sum of two hundred dollars with sufficient surety to be approved by the Auditor of Public Accounts. The bond shall be filed in the office of the director. In lieu of the bond, the sum of two hundred dollars in cash, certified check, or money order may be deposited at the office of the director.

It shall be the duty of the director, on payment or tender of the cost of preparing the transcript at the rate of ten cents per hundred words, to prepare a complete transcript of the proceedings relating to the refusal to issue or to reinstate any license or relating to the proceedings concerning the suspension, cancellation, or revocation of such license.

The applicant or licensee shall file a petition in such district court within thirty days from the date of filing of the director's final order in the matter and shall file the transcript before answer day as provided in section 25-821.

(3) The district court shall hear the appeal as in equity without a jury and determine anew all questions raised before the director. Either party may appeal from the decision of the district court to the Court of Appeals.

(4) The appeal procedures described in the Administrative Procedure Act shall not apply to this section.

Sec. 15. Section 60-4,113, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,113. In and for each county in the State of Nebraska, the director shall appoint as his or her agents one or more examiners who shall examine all applicants for an operator's license as provided in section 60-4,114 and may, in his or her discretion, also appoint one or more examining officers with similar powers as are set forth in such section. 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. If the examiner refuses to issue such certificate for cause, he or she shall state such cause in writing and deliver the same to the applicant. The successful applicant shall, within ninety days, present his or her certificate to the county treasurer ~~of his or her county~~, who shall immediately issue the operator's license and collect the fee therefor. The certificate shall be presented in the applicant's county of residence until the Department of Motor Vehicles has established the appropriate procedures for the certificate to be presented to the county treasurer of any county which shall be not later than January 1, 2003. The county treasurer shall report the issuance of such licenses to the Department of Motor Vehicles within five days after issuance. ~~The director shall furnish to the examiner in every county in this state the blank applications provided for in section 60-484 and a sufficient supply of blank certificates for successful applicants to cover all probable requirements.~~

Sec. 16. Section 60-4,114, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,114. (1) The county treasurer may employ such additional clerical help as may be necessary to assist him or her in the performance of the ministerial duties required of him or her under the Motor Vehicle Operator's License Act and, for such additional expense, shall be reimbursed as set out in section 60-4,115.

(2) The director may, in his or her discretion, appoint one or more examining officers who shall personally examine all applicants who ~~do not possess and who cannot present an operator's license and apply for an initial~~

license or whose licenses have been revoked, canceled, or suspended in accordance with rules and regulations of the director to ascertain such person's ability to operate a motor vehicle properly and safely.

(3) The application process, such examination shall, in addition to the other requisites of the act, shall include the following:

(1) (a) An inquiry into the ~~physical fitness~~ medical condition and visual ability of the applicant to operate a motor vehicle;

(2) (b) An inquiry into the applicant's ability to drive and maneuver a motor vehicle;

(3) (c) An inquiry touching upon the applicant's knowledge of the motor vehicle laws of this state, which shall include sufficient questions to indicate familiarity with the provisions thereof; and

(4) (d) An inquiry into the applicant's knowledge of the laws for operating a motor vehicle to avoid arrest.

(4) If an applicant is denied or refused a certificate for license by the examiners, such applicant shall have the right to an immediate appeal to the director from the decision of such examiners. It shall be the duty of the director to ~~pass upon the appeal and to render a prompt finding~~ review the appeal and issue a final order, to be made not later than ten days ~~from~~ after the receipt of the appeal by the director, except that if the director requests the advice of the Health Advisory Board on the matter, the director shall have up to forty-five days ~~from~~ after the day a medical or vision problem is referred to him or her to consult with members of the board to obtain the medical opinion necessary to make a decision and shall ~~render a prompt finding~~ issue a final order not later than ten days following receipt of the medical opinion. ~~If after~~ After consideration of the advice of the board, the director ~~determines that the applicant lacks the~~ shall make a determination of the applicant's physical or mental ability to operate a motor vehicle, the director shall notify the applicant in writing of the decision and shall issue a final order. The order shall be in writing, shall be accompanied by findings of fact and conclusions of law, and shall be sent by registered or certified mail to the applicant's last-known address. The order may be appealed as provided in section 60-4,105.

Sec. 17. Section 60-4,115, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,115. (1) The applications or examiners' certificates for operators' licenses, school permits, farm permits, LPD-learners' permits, or LPE-learners' permits shall be filed with the county treasurer who is required to transmit them weekly to the director.

(2) Except as provided in subsection (3) or (4) of this section, a fee of eighteen dollars and seventy-five cents shall be charged to each successful applicant for an original or renewal Class O or M operator's license issued under the Motor Vehicle Operator's License Act. Three dollars and fifty cents of each of the original and renewal fees for operators' licenses and twenty-five cents of each of the fees for school permits, farm permits, LPD-learners' permits, or LPE-learners' permits shall be credited immediately to the general fund of the county of issuance and shall be included by the county treasurer in his or her report of fees as provided by law. The county treasurer shall remit five dollars of each of the original and renewal fees for Class O or M operator's licenses to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. An amount equal to three dollars and fifty cents times the number of original or renewal Class M licenses issued pursuant to section 60-4,127 during the previous year shall be transferred to the Motorcycle Safety Education Fund. The balance of the original and renewal operator's license, school permit, farm permit, LPD-learner's permit, or LPE-learner's permit fees shall be remitted by the county treasurer to the State Treasurer and shall be credited to the General Fund.

(3) A fee of three dollars and seventy-five cents shall be charged to each successful applicant for an operator's license issued to persons required to use bioptic or telescopic lenses as provided in section 60-4,118. Two dollars and seventy-five cents of such fee shall be credited to the general fund of the county of issuance. The county treasurer shall remit the remainder of the fee to the State Treasurer for credit to the General Fund.

(4) An application for an operator's license for a person under twenty-one years of age shall be accompanied by a fee of eighteen dollars and seventy-five cents from a successful applicant for an original or renewal Class O or M operator's license issued under the act, except that the fee for a license which will be valid for one year or less shall be three dollars and seventy-five cents, the fee for a license which will be valid for more than one year but not more than two years shall be seven dollars and fifty cents, the fee for a license which will be valid for three years or less but more

than two years shall be eleven dollars and twenty-five cents, and the fee for a license which will be valid for four years or less but more than three years shall be fifteen dollars. Two dollars and seventy-five cents of the original and renewal fee for such operator's license shall be credited immediately to the general fund of the county of issuance and shall be included by the county treasurer in his or her report of fees as provided by law. The county treasurer shall remit four dollars of the original and renewal fee for such operator's license to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund, except that for a license which is valid for one year or less, none of the fee shall be credited to the fund, for a license which is valid for more than one year but not more than two years, one dollar and fifty cents of the fee shall be credited to the fund, and for a license which is valid for three years or less but more than two years, two dollars and fifty cents of the fee shall be credited to the fund. An amount equal to two dollars and fifty cents times the number of such original or renewal Class M licenses issued pursuant to section 60-4,127 during the previous year shall be transferred to the Motorcycle Safety Education Fund. The balance of the original and renewal operator's license fee shall be remitted by the county treasurer to the State Treasurer and shall be credited to the General Fund.

Sec. 18. Section 60-4,118, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,118. (1) No operator's license shall be granted to any applicant until such applicant satisfies the examiner that he or she possesses sufficient powers of eyesight to enable him or her to obtain a Class O license and to operate a motor vehicle on the highways of this state with a reasonable degree of safety. The Department of Motor Vehicles, with the advice of the Health Advisory Board, shall adopt and promulgate rules and regulations:

(a) Requiring a minimum acuity level of vision. Such level may be obtained through the use of standard eyeglasses, contact lenses, or bioptic or telescopic lenses which are specially constructed vision correction devices which include a lens system attached to or used in conjunction with a carrier lens; and

(b) Requiring a minimum field of vision. Such field of vision may be obtained through standard eyeglasses, contact lenses, or the carrier lens of the bioptic or telescopic lenses.

(2) If a vision aid is used by the applicant to meet the vision requirements of this section, the operator's license of the applicant shall be restricted to the use of such vision aid when operating the motor vehicle. If the applicant fails to meet the vision requirements, the examiner shall require the applicant to present an optometrist's or ophthalmologist's statement certifying the vision reading obtained when testing the applicant within ninety days of the applicant's license examination. If the vision reading meets the vision requirements prescribed by the department, the vision requirements of this section shall have been met.

(3) If the applicant for an operator's license discloses that he or she has any other physical impairment which may affect the safety of operation by such applicant of a motor vehicle, the examiner shall require the applicant to show cause why such license should be granted and, through such personal examination and demonstration as may be prescribed by the director with the advice of the Health Advisory Board, to show the necessary ability to safely operate a motor vehicle on the highways. The director may also require the person to appear before the board or a designee of the board. If the examiner, board, or designee is then satisfied that such applicant has the ability to safely operate a motor vehicle, an operator's license may be issued to the applicant subject, at the discretion of the director, to a limitation to operate only such motor vehicles at such time, for such purpose, and within such area as the license shall designate.

(4)(a) The director may, when requested by a law enforcement officer, when the director has reason to believe that a person may be physically or mentally incompetent to operate a motor vehicle, or when a person's driving record appears to the department to justify an examination, request the advice of the Health Advisory Board and may give notice to the person to appear before an examiner, the board, or a designee of the director for examination concerning the person's ability to operate a motor vehicle safely. Any such request by a law enforcement officer shall be accompanied by written justification for such request and shall be approved by a supervisory law enforcement officer, police chief, or county sheriff.

(b) A refusal to appear before an examiner, the board, or a designee of the director for an examination after notice to do so shall be unlawful and shall result in the immediate cancellation of the person's operator's license by the director.

(c) If the person cannot qualify at the examination by an examiner,

his or her operator's license shall be immediately surrendered to the examiner and forwarded to the director who shall cancel the person's operator's license.

(d) If in the opinion of the board the person cannot qualify at the examination by the board, the board shall advise the director. If the director determines after consideration of the advice of the board that the person lacks the physical or mental ability to operate a motor vehicle, the director shall notify the person in writing of the decision. Upon receipt of the notice, the person shall immediately surrender his or her operator's license to the director who shall cancel the person's operator's license.

(e) Refusal to surrender an operator's license on demand shall be unlawful, and any person failing to surrender his or her operator's license as required by this subsection shall be guilty of a Class III misdemeanor.

(5) No operator's license referred to in this section shall, under any circumstances, be issued to any person who has not attained the age of seventeen years. ~~7 but upon application therefor and proof of age in the manner provided in section 60-484, any such person may take the examination required by this section at any time within sixty days prior to his or her seventeenth birthday.~~

(6) No operator's license shall be issued to a person under eighteen years of age applying for an operator's license under this section unless such person:

(a) Has possessed a valid provisional operator's permit for at least a twelve-month period beginning on the date of issuance of such person's provisional operator's permit;

(b) Has not accumulated three or more points pursuant to section 60-4,182 during the twelve-month period immediately preceding the date of the application for the operator's license; and

(c) Has surrendered the provisional operator's permit to the examiner.

(7) The department shall waive the written examination and the driving test required under this section for any person ~~eighteen~~ seventeen to twenty-one years of age ~~or older~~ applying for his or her initial operator's license, except a commercial driver's license or permit, if he or she has ~~held~~ been issued a provisional operator's permit. ~~within the twenty-four months immediately preceding the date of application.~~

(8)(a) Upon receipt by the director of (i) a certified copy of a court order issued pursuant to section 60-6,211.05, (ii) sufficient evidence that the defendant has surrendered his or her operator's license to the department and installed an approved ignition interlock device in accordance with such court order, and (iii) payment by the defendant of the fee provided in section 60-4,115, the defendant shall be eligible for reinstatement of his or her operator's license following the expiration of thirty days after revocation under section 60-6,206 and the director shall issue to the defendant a Class O license restricted to the operation of a motor vehicle equipped with an ignition interlock device.

(b) Upon expiration of the court order issued pursuant to section 60-6,211.05 or an order issued by the Board of Pardons pursuant to section 83-1,127.02, the defendant may apply to the department in writing for issuance of an operator's license which does not contain such restriction. If the license surrendered by the defendant under subdivision (a) of this subsection has not expired, the director shall return such license to the defendant. If such license has expired, the defendant shall reapply for an operator's license pursuant to the Motor Vehicle Operator's License Act.

Sec. 19. Section 60-4,119, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,119. (1) All state identification cards and operators' licenses, except farm permits, school bus operators' permits, replacement and duplicate licenses as provided by subsections (3) and (4) of section 60-4,120, and licenses issued pursuant to subsection (2) of this section, shall include a color photograph of the cardholder or licensee. State identification cards and operators' licenses shall be issued by the county treasurer. The director shall negotiate and enter into a contract to provide the necessary equipment, supplies, and forms for the photographs. All costs incurred by the Department of Motor Vehicles under this section shall be paid by the state out of appropriations made to the department. All costs of taking the photographs shall be paid by the county from the fees provided pursuant to sections 60-4,115 and 60-4,181.

(2) A person who is out of the state at the time of renewal of his or her operator's license may apply for a license without a photograph upon payment of a fee as provided in section 60-4,115. The license may be issued at any time within ~~six months~~ one year after the expiration of the original

license. Such application shall be made to the county treasurer of the county in which the applicant resides until such time as the Department of Motor Vehicles establishes the appropriate procedures for statewide licensing at which time the application shall be made to the department and the department shall issue the license. The department shall establish such procedures not later than January 1, 2003.

(3) Any operator's license and any state identification card issued to a minor as defined in section 53-103, as such definition may be amended from time to time by the Legislature, shall be of a distinct designation, of a type prescribed by the director, from the operator's license or state identification card of a person who is not a minor. When a person is no longer a minor, he or she may apply for a replacement license or card with the distinct designation used for persons who are not minors. The fee for such replacement license or card shall be the same as the fee for a replacement license issued for a change of address pursuant to subsection (2) of section 60-4,120.

Sec. 20. Section 60-4,120.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,120.01. (1) Any person who is at least sixteen years of age but less than eighteen years of age may apply for ~~be issued~~ a provisional operator's permit ~~from~~ by the Department of Motor Vehicles. The provisional operator's permit shall expire on the applicant's eighteenth birthday. The requirements for the provisional operator's permit prescribed in subdivisions (2)(a) and (b) of this section may be completed prior to the applicant's sixteenth birthday. A person may apply for a provisional operator's permit and take the driving test and the written examination, if required, at any time within sixty days prior to his or her sixteenth birthday upon proof of age in the manner provided in section 60-484.

(2) In order to obtain a provisional operator's permit, the applicant shall present to the examiner (a)(i) ~~successfully complete proof of successful completion of~~ a department-approved driver safety course which includes behind-the-wheel driving specifically emphasizing (A) the effects of the consumption of alcohol on a person operating a motor vehicle, (B) occupant protection systems, (C) risk assessment, and (D) railroad crossing safety and (ii) ~~successfully complete proof of successful completion of~~ a written examination and driving test administered by a driver safety course instructor or (b) ~~present to the examiner~~ an affidavit and driving log on a form prescribed by the department verifying that the applicant has completed fifty hours of lawful motor vehicle operation, under conditions that reflect department-approved driver safety course curriculum, with a parent, guardian, or adult at least twenty-one years of age, who has a current Nebraska operator's license or who is licensed in another state. If the applicant presents such an affidavit, the applicant shall be required to successfully complete a driving test administered by an examiner of the department. The written examination shall be waived if the applicant has held an LPD-learner's permit issued on or after January 1, 1999. Upon presentation to the examiner by the applicant of a form prescribed by the department showing successful completion of the driver safety course, the examiner shall waive the written examination and driving test. Upon presentation to the examiner of the affidavit and driving log, the examiner shall waive the written examination but not the driving test. Upon presentation to the examiner by the applicant of his or her school permit, the examiner shall waive the written examination and the driving test.

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

(4) ~~(3)~~ The county treasurer shall collect a fee for the issuance of each provisional operator's permit in the amount of ten dollars. Two dollars and seventy-five cents of each fee shall be credited to the county general fund, and the remainder of the fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

Sec. 21. Section 60-4,120.02, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,120.02. (1) Any person convicted of violating a provisional operator's permit issued pursuant to section 60-4,120.01 by operating a motor vehicle in violation of subsection ~~(2)~~ (3) of such section shall be guilty of

an infraction and may have his or her provisional operator's permit suspended by the court pursuant to section 60-496 for a time period specified by the court. Before such person has his or her provisional operator's permit reinstated, he or she shall pay a reinstatement fee of ninety-five dollars to the Department of Motor Vehicles after the period of suspension has expired. The reinstatement fee shall be remitted to the State Treasurer. The State Treasurer shall credit fifty dollars of each reinstatement fee to the General Fund and forty-five dollars of each reinstatement fee to the Department of Motor Vehicles Cash Fund.

(2) A copy of an abstract of the court's conviction, including an adjudication, shall be transmitted to the director pursuant to sections 60-497.01 to 60-497.04.

(3) For purposes of this section, conviction includes any adjudication of a juvenile.

Sec. 22. Section 60-4,121, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,121. (1) The operator's license of any person serving on active duty, other than members of the National Guard or reserves activated for training purposes only, outside the State of Nebraska as a member of the United States Armed Forces, or the spouse of any such person or a dependent of such member of the armed forces, shall be valid during such person's period of active duty and for not more than sixty days immediately following such person's date of separation from service and shall be renewed after the expiration date without examination upon written application to the county treasurer who issued the license. No person shall be permitted to renew a license in such manner more than twice.

(2) The county treasurer also shall issue a renewal license, without examination, to any person who is serving in the armed forces of the United States, or the spouse of any such person or a dependent of such member of the armed forces, and who makes application for renewal within ninety days prior to the expiration date of his or her license while the member is still on active duty upon proof that such member is still on active duty. If such person is twenty years of age, he or she may be issued a renewal license in such manner within ten days prior to his or her twenty-first birthday.

(3) The county treasurer also shall issue a renewal license, without examination, to any person whose license expired while serving in the armed forces of the United States, or the spouse of any such person or a dependent of such member of the armed forces, and who makes application for renewal within sixty days after his or her ~~(1)~~ (a) discharge or return to the State of Nebraska to reside, whichever is later, or ~~(2)~~ (b) return to the State of Nebraska while the member is still on active duty upon proof that such member is still on active duty.

(4) Each individual who is applying for renewal of his or her operator's license shall submit his or her previous license to the examiner or, when the previous license is unavailable, furnish proof of identification in accordance with section 60-484.

Sec. 23. Section 60-4,122, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,122. (1) Except as provided in subsections (2) and (3) of this section, no original or renewal operator's license shall be issued to any person until such person has appeared before an examiner to demonstrate his or her ability to operate a motor vehicle safely as provided in section 60-4,114.

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

(3) Any person who renews his or her Class O or Class M license prior to or within one year after its expiration shall not be required to demonstrate his or her knowledge of the motor vehicle laws of this state as provided in subdivision ~~(3)~~ (3)(c) of section 60-4,114 if his or her driving record abstract maintained in the ~~department's~~ computerized records of the Department of Motor Vehicles shows that such person ~~has had no traffic violations as described in section 60-4,182 from the date the operator's license was last issued to the date the application for renewal is made~~ person's license is not suspended, revoked, or canceled.

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

(5) Any person who renews a state identification card shall appear before an examiner and present his or her current state identification card. The examining officer, upon examination of the card, may require one additional form of proof of identification described in section 60-484.

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

(7) An applicant for an original operator's license shall not be required to demonstrate his or her knowledge of the motor vehicle laws of this state if he or she surrenders to the examiner his or her valid Nebraska LPD-learner's permit issued after January 1, 1999.

Sec. 24. Section 60-4,123, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,123. (1) Any person who is at least fifteen years of age may apply for an LPD-learner's permit from the Department of Motor Vehicles. In order to obtain an LPD-learner's permit, the applicant shall successfully complete a written examination. A person may take the written examination beginning sixty days prior to his or her fifteenth birthday but shall not be issued a permit until he or she is fifteen years of age.

(2) Upon successful completion of the written examination and the payment of a fee, the applicant shall be issued an LPD-learner's permit from the county treasurer. The permit shall be valid for twelve months.

(3) The holder of an LPD-learner's permit shall only operate a motor vehicle on the highways of this state if he or she is accompanied at all times by a licensed operator who is at least twenty-one years of age and who has been licensed by this state or another state and if he or she is actually occupying the seat beside the licensed operator or, in the case of a motorcycle or moped, if he or she is within visual contact of and under the supervision of, in the case of a motorcycle, a licensed motorcycle operator or, in the case of a moped, a licensed motor vehicle operator.

(4) The county treasurer shall collect a fee of three dollars for the issuance of each LPD-learner's permit.

Sec. 25. Section 60-4,127, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,127. No person shall operate a motorcycle on the alleys or highways of the State of Nebraska until such person has obtained a Class M license. No such license shall be issued until the applicant has appeared before an examiner and (1) satisfied the examiner that he or she meets the vision and physical requirements established under section 60-4,118 for operation of a motor vehicle and (2) successfully completed an examination, including the actual operation of a motorcycle, prescribed by the director, except that an examiner shall waive the required examination, including the actual operation of a motorcycle, if the applicant presents proof of successful completion of a motorcycle safety course under the Motorcycle Safety Education Act within the immediately preceding forty-eight months or if the driving record abstract of the applicant ~~pursuant to section 60-4,122~~ maintained in the computerized records of the Department of Motor Vehicles shows that the applicant has had no traffic violations as described in section 60-4,182 from the date the applicant's operator's license was last issued to the date of the abstract. ~~was issued.~~

Any applicant who qualifies for a Class M license shall be issued a license for such operation by the county treasurer with a color photograph included as provided for the issuance of an operator's license, or if he or she is the holder of an operator's license, the county treasurer shall, upon receipt of the examiner's certificate, endorse on the license the authorization to operate a motorcycle. Fees for Class M licenses shall be the same as provided by section 60-4,115 for operators' licenses.

Sec. 26. Section 60-4,130, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,130. (1) Application for an employment driving permit shall be made to the Department of Motor Vehicles on forms furnished for that purpose by the department. The application form shall contain such information as deemed necessary by the director to carry out this section and section 60-4,129. The application form shall also include a voter registration portion pursuant to section 32-308 and the following specific question: Do you wish to register to vote as part of this application process? To be eligible for an employment driving permit, the applicant shall furnish, along with the application to the director, the following:

(a) An affidavit from the applicant's employer stating that such applicant is required to operate a motor vehicle from his or her residence to

his or her place of employment and return;

(b) If such applicant requires the use of a motor vehicle during the normal course of employment, an affidavit from the applicant's employer setting forth the facts establishing such requirement;

(c) An affidavit stating that there exists no other reasonable alternative means of transportation to and from work available to the applicant; and

(d) If the applicant is self-employed, an affidavit to the department setting forth the provisions of his or her employment.

(2) Except as otherwise provided in this subsection, upon making application for such permit, the applicant shall certify that he or she will attend and complete, within sixty days, a driver improvement course presented by the department or show successful completion of the driver education and training course as provided in section 60-4,183. If such course is not completed, the employment driving permit shall be surrendered to the department. If any person fails to return to the department the permit as provided in this subsection, the department shall direct any peace officer or authorized representative of the department to secure possession of the permit and to return the permit to the department. An applicant whose operator's license has been suspended pursuant to section 43-3318 is not required to fulfill such driver improvement or education and training course requirements. All applicants shall file and maintain proof of financial responsibility as required by the Motor Vehicle Safety Responsibility Act.

(3) Any person who fails to surrender a permit, as required by this section, shall be guilty of a Class IV misdemeanor.

(4) A fee of forty dollars shall be submitted to the department along with the application for an employment driving permit. All fees collected shall be deposited in the General Fund.

(5) When the holder of an employment driving permit is convicted, on or after the date of issuance of the employment driving permit, of any traffic violation or of operating a motor vehicle for a purpose other than specified by such permit, the person shall not be eligible to receive another employment driving permit during that particular period of revocation. This subsection does not apply to a holder of an employment driving permit if the reason for his or her license revocation or suspension only involved a suspension under section 43-3318 and not a revocation under any other section.

(6) Any person who feels himself or herself aggrieved because of the refusal of the director to issue the employment driving permit may appeal ~~to the district court of the county in which such person resides or, in the case of a nonresident, to the district court of Lancaster County~~ in the manner set forth in section 60-4,105.

Sec. 27. Section 60-4,130.02, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,130.02. (1) Application for a medical hardship driving permit shall be made to the Department of Motor Vehicles on forms furnished for that purpose by the department. The application form shall contain such information as deemed necessary by the director to carry out this section and section 60-4,130.01. The application form shall also include a voter registration portion pursuant to section 32-308 and the following specific question: Do you wish to register to vote as part of this application process? To be eligible for a medical hardship driving permit, the applicant shall furnish, along with the application to the director, the following:

(a) An affidavit from the applicant's physician stating that it is necessary for such applicant to receive medical treatment at a location other than the applicant's residence and that the treatment will not impair the applicant's ability to operate a motor vehicle; and

(b) An affidavit stating that there exists no other reasonable alternative means of transportation to and from the site of medical treatment available to the applicant.

(2) The applicant shall also be required to file and maintain proof of financial responsibility as required by the Motor Vehicle Safety Responsibility Act.

(3) A fee of forty dollars shall be submitted to the department along with the application for a medical hardship driving permit. All fees collected shall be deposited in the General Fund.

(4) When the holder of a medical hardship driving permit is convicted, on or after the date of issuance of the permit, of any traffic violation or of operating a motor vehicle for a purpose other than specified by such permit, the person shall not be eligible to receive another medical hardship driving permit during that particular period of revocation.

(5) Any person who feels himself or herself aggrieved because of the refusal of the director to issue the medical hardship driving permit may

appeal to the district court of the county in which such person resides or, in the case of a nonresident, to the district court of Lancaster County in the manner set forth in section 60-4,105.

Sec. 28. Section 60-4,141, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,141. (1) Except as provided in subsections (2) and (3) of this section, no person shall operate any class of commercial motor vehicle upon the highways of this state unless such person possesses a valid commercial driver's license authorizing the operation of the class of commercial motor vehicle being operated, except that (a) any person possessing a valid commercial driver's license authorizing the operation of a Class A commercial motor vehicle may lawfully operate any Class B or C commercial motor vehicle and (b) any person possessing a valid commercial driver's license authorizing the operation of a Class B commercial motor vehicle may lawfully operate a Class C commercial motor vehicle. No person shall operate upon the highways of this state any commercial motor vehicle which requires a specific endorsement unless such person possesses a valid commercial driver's license with such endorsement. No person possessing a restricted commercial driver's license shall operate upon the highways of this state any commercial motor vehicle to which such restriction is applicable.

(2) Any person holding an LPC-learner's permit may operate a commercial motor vehicle for learning purposes upon the highways of this state if accompanied by a person who is twenty-one years of age or older, who holds a commercial driver's license valid for the class of commercial motor vehicle being operated, and who occupies the seat beside the person for the purpose of giving instruction in the operation of the commercial motor vehicle. Any person holding an LPC-learner's permit may operate a commercial motor vehicle upon the highways of this state for purposes of taking a driving skills examination if accompanied by an examiner who is designated by the director under section 60-4,149 or employed by a third-party tester certified pursuant to section 60-4,158 and who occupies the seat beside the person for the purpose of giving the examination.

(3) The provisions of subsection (1) of this section shall not apply to any nonresident until the state of residence of such nonresident begins the issuance of commercial drivers' licenses in conformance with the requirements of the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, and such nonresident is required by his or her state of residence to possess a commercial driver's license to operate a commercial motor vehicle. Any nonresident who is in this state for a period of thirty consecutive days or more shall apply for a Nebraska-issued commercial driver's license and shall surrender to the Department of Motor Vehicles any operator's license issued to such nonresident by any other state.

(4) Any person who operates a commercial motor vehicle upon the highways of this state in violation of this section shall, upon conviction, be guilty of a Class III misdemeanor.

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

60-4,144. (1) Application for any original or renewal commercial driver's license or application for any change of class of commercial motor vehicle, endorsement, or restriction ~~shall~~ may be made upon uniform blanks prepared and furnished by the director to the examiners of the Department of Motor Vehicles prior to January 1, 2003.

(2) Beginning October 1, 2000, application for any original or renewal commercial driver's license or application for any change of class of commercial motor vehicle, endorsement, or restriction may be made in a manner prescribed by the department. Such application may be made to an examiner in any county. The examiner shall personally conduct the examination of the applicant and deliver to each successful applicant an examiner's certificate containing the statements made pursuant to subsection (3) of this section. All applications shall be made under oath or affirmation of the applicant and

(3) The application or examiner's certificate shall include the voter registration portion pursuant to section 32-308, the advisement language required by subsection (10) of section 60-6,197, and the following:

(a) The full name and current mailing and residential addresses of the applicant;

(b) A physical description of the applicant, including sex, height, weight, and eye and hair colors;

(c) The applicant's date of birth;

(d) The applicant's social security number;

(e) The applicant's signature;

(f) Certification that the commercial motor vehicle in which the applicant takes any driving skills examination is representative of the class

of commercial motor vehicle that the applicant operates or expects to operate;
(g) The certification required pursuant to section 60-4,145 or 60-4,146;

(h) The following specific ~~question~~ questions:

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

(A) lost voluntary control or consciousness

... yes ... no

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

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

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

(E) experienced impairment of memory, memory loss

... yes ... no

Please explain:

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

Please explain:

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

Please explain, including how the above affects your ability to drive:

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

(i) Any other information required by the director, and

(j) The following questions regarding anatomical gifts:

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

(i) (j) Do you wish to make an anatomical gift?*

If yes: so, please complete the following:

I give:

(A) any needed organs or tissues.

(B) only the following organs or tissues

.....

(specify the organ or tissue)

for transplantation, therapy, or medical or dental education or research.

(C) my body for anatomical study, if needed.**

Limitations or special wishes if any

(ii) (k) Do you wish to receive any additional specific information regarding anatomical gifts?

*An anatomical gift means a gift of all or any part of your body for transplantation, therapy, or medical or dental education or research. For purposes of an anatomical gift, parts of your body include organs, tissues, eyes, bones, arteries, blood, other fluids, and other portions of the human body. You may make an anatomical gift if you are of sound mind. The anatomical gift is effective upon your death and the consent of your next of kin, guardian, or other person as listed in section 71-4802.

**In order for you to donate your body to the State Anatomical Board, you must complete a bequeathal form which is available from the board.

Signature of Donor, Date Signed, Date of Birth of Donor, City and State, Witness fields with dotted lines for input.

(2) (4) Application shall be made under oath or affirmation of the applicant.

(5) In addition to the information prescribed in subsection (1) (3) of this section, beginning on January 1, 1998, the application or examiner's certificate shall also provide in a clear and conspicuous manner a notice that the personal information on the application or examiner's certificate is subject to disclosure as a motor vehicle record unless the individual chooses to prohibit such disclosure by filing a prescribed form with the department.

Sec. 30. Section 60-4,145, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,145. Upon making any application pursuant to section 60-4,144, any applicant who operates or expects to operate a commercial motor vehicle in

interstate or foreign commerce and who is subject to part 391 of the federal Motor Carrier Safety Regulations adopted pursuant to section 75-363 shall certify that the applicant meets the qualification requirements of part 391. A commercial driver's license examiner may require any applicant making certification pursuant to this section to demonstrate with or without the aid of corrective devices sufficient powers of eyesight to enable him or her to operate a commercial motor vehicle in conformance with the minimum vision requirements of part 391 of the federal Motor Carrier Safety Regulations adopted pursuant to section 75-363. If from the examination given it appears that any applicant's powers of eyesight are such that he or she cannot meet the minimum vision requirements, the examiner shall allow the applicant to present an ophthalmologist's or optometrist's certificate to the effect that the applicant has sufficient powers of eyesight for such purpose before issuing a commercial driver's license to the applicant. If the examination given by the commercial driver's license examiner or the ophthalmologist's or optometrist's certificate indicates that the applicant must wear a corrective device to meet the minimum vision requirements established by this section, the applicant shall have the use of the commercial driver's license issued to him or her restricted to wearing a corrective device while operating a motor vehicle. An applicant who has been issued a waiver or exemption by the Federal Highway Administration from the vision requirements set forth in 49 C.F.R. 391.41(b)(10) may be issued an interstate commercial driver's license without meeting the vision requirements set forth in 49 C.F.R. 391.41(b)(10).

Sec. 31. Section 60-4,146, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,146. (1) Upon making application pursuant to section 60-4,144, any applicant who operates or expects to operate a commercial motor vehicle solely in intrastate commerce and who is not subject to 49 C.F.R. part 391 of the federal Motor Carrier Safety Regulations adopted pursuant to section 75-363 shall certify that he or she is not subject to 49 C.F.R. part 391. Any applicant for a Class A commercial driver's license shall satisfy the examiner that he or she is eighteen years of age or older. Any applicant for a Class B or C commercial driver's license shall satisfy the examiner that he or she is eligible for issuance of a Class O operator's license. Any applicant making certification pursuant to this section shall meet the physical and vision requirements established in section 60-4,118 and shall be subject to the provisions of such section relating to the Health Advisory Board.

(2) An applicant who certifies that he or she is exempt from the physical qualifications and examination requirements of 49 C.F.R. part 391 pursuant to subsection (2) of section 75-363 shall meet the physical and vision requirements established in section 60-4,118 and shall be subject to the provisions of such section relating to the Health Advisory Board. A successful applicant shall be issued a commercial driver's license which restricts the holder to operating a commercial motor vehicle solely in intrastate commerce and which also indicates that the holder is exempt from the physical qualifications and examination requirements prescribed by 49 C.F.R. part 391. Two years after the initial issuance of such license and upon renewal, and every two years following renewal, the holder of the commercial driver's license shall present to the Department of Motor Vehicles upon request, on a form to be prescribed by the department, a statement from a physician detailing that based upon his or her examination of the applicant the medical or physical condition in existence prior to July 30, 1996, which would otherwise render the individual not qualified under federal standards, has not significantly worsened or that another nonqualifying medical or physical condition has not developed.

(3) An applicant who certifies that he or she is not subject to 49 C.F.R. part 391 under subsection (1) of this section or who certifies that he or she is exempt from 49 C.F.R. part 391 under subsection (2) of this section shall answer the following questions on the application:

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

(i) lost voluntary control or consciousness
 ... yes ... no

(ii) experienced vertigo or multiple episodes of dizziness or fainting ... yes ... no

(iii) experienced disorientation ... yes ... no

(iv) experienced seizures ... yes ... no

(v) experienced impairment of memory, memory loss

... yes ... no

Please explain:

(b) Do you experience any condition which affects your ability to

operate a motor vehicle? (e.g. due to loss of, or impairment of, foot, leg, hand, arm; neurological or neuromuscular disease, etc.) yes no
Please explain:

(c) Since the issuance of your last driver's license/permit has your health or medical condition changed or worsened? yes no
Please explain, including how the above affects your ability to drive:

Sec. 32. Section 60-4,146.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,146.01. (1) Any resident of this state who is a seasonal commercial motor vehicle operator for a farm-related or ranch-related service industry may apply for a restricted commercial driver's license. If the applicant is an individual, the application or examiner's certificate shall include the applicant's social security number. A restricted commercial driver's license shall authorize the holder to operate any Class B Heavy Straight Vehicle commercial motor vehicle or any Class B Heavy Straight Vehicle or Class C Small Vehicle commercial motor vehicle required to be placarded pursuant to section 75-364 when the hazardous material being transported is (a) diesel fuel in quantities of one thousand gallons or less, (b) liquid fertilizers in vehicles or implements of husbandry with total capacities of three thousand gallons or less, or (c) solid fertilizers that are not transported or mixed with any organic substance within one hundred fifty miles of the employer's place of business or the farm or ranch being served.

(2) Any applicant for a restricted commercial driver's license or seasonal permit shall be eighteen years of age or older, shall have possessed a valid operator's license during the twelve-month period immediately preceding application, and shall demonstrate, in a manner to be prescribed by the director, that:

(a) If the applicant has possessed a valid operator's license for two or more years, that in the two-year period immediately preceding application the applicant:

- (i) Has not possessed more than one operator's license at one time;
- (ii) Has not been subject to any order of suspension, revocation, or cancellation of any type;
- (iii) Has no convictions involving any type or classification of motor vehicle of the disqualification offenses enumerated in sections 60-4,168 and 60-4,168.01; and

(iv) Has no convictions for traffic law violations that are accident-connected and no record of at-fault accidents; and

(b) If the applicant has possessed a valid operator's license for more than one but less than two years, the applicant shall demonstrate that he or she meets the requirements prescribed in subdivision (a) of this subsection for the entire period of his or her driving record history.

(3) The commercial motor vehicle operating privilege as conferred by the restricted commercial driver's license shall be valid for five years if annually revalidated by the seasonal permit which shall be valid for no more than one hundred eighty consecutive days in any twelve-month period. To revalidate the restricted commercial driver's license, the applicant shall meet the requirements of subsection (2) of this section and shall designate a time period he or she desires the commercial motor vehicle operating privilege to be valid. The time period designated by the applicant shall appear and be clearly indicated on the seasonal permit. A seasonal permit shall not be issued to any person more than once in any twelve-month period. The holder of a restricted commercial driver's license shall operate commercial motor vehicles in the course or scope of his or her employment within one hundred fifty miles of the employer's place of business or the farm or ranch currently being served.

(4) Any person who violates any provision of this section shall, upon conviction, be guilty of a Class III misdemeanor. In addition to any penalty imposed by the court, the director shall also revoke such person's restricted commercial driver's license and shall disqualify such person from operating any commercial motor vehicle in Nebraska for a period of five years.

(5) The Department of Motor Vehicles shall adopt and promulgate rules and regulations to carry out the requirements of this section.

(6) For purposes of this section:

(a) Agricultural chemical business means any business that transports agricultural chemicals predominately to or from a farm or ranch;

(b) Farm-related or ranch-related service industry means any custom harvester, retail agricultural outlet or supplier, agricultural chemical business, or livestock feeder which operates commercial motor vehicles for the purpose of transporting agricultural products, livestock, farm machinery and

equipment, or farm supplies to or from a farm or ranch;

(c) Retail agricultural outlet or supplier means any retail outlet or supplier that transports either agricultural products, farm machinery, farm supplies, or both, predominately to or from a farm or ranch; and

(d) Seasonal commercial motor vehicle operator means any person who, exclusively on a seasonal basis, operates a commercial motor vehicle for a farm-related or ranch-related service industry.

Sec. 33. Section 60-4,148, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,148. (1) All commercial drivers' licenses shall be issued by the Department of Motor Vehicles as provided in section 60-4,149. Successful applicants shall pay to the county treasurer a fee of fifty dollars for an original or renewal commercial driver's license, except that the fee for a commercial driver's license issued to a minor which will be valid for one year or less shall be fourteen dollars, the fee for a commercial driver's license issued to a minor which will be valid for more than one year but less than two years shall be twenty-two dollars, the fee for a commercial driver's license issued to a minor which will be valid for two years or more but less than three years shall be thirty-two dollars, and the fee for a commercial driver's license issued to a minor that will be valid for three years or more but less than four years shall be forty dollars.

(2) Any person making application to add or remove a class of commercial motor vehicle, any endorsement, or any restriction to or from a previously issued and outstanding commercial driver's license shall pay a fee of five dollars. The fee for an original or renewal seasonal permit to revalidate the restricted commercial motor vehicle operating privilege to a previously issued and outstanding restricted commercial driver's license shall be five dollars.

(3) One dollar and seventy-five cents of the fees for each original, renewal, duplicate, or replacement commercial driver's license or restricted commercial driver's license and twenty-five cents of each of the original and renewal fees for LPC-learner's permits and seasonal permits shall be credited to the general fund of the county and shall be included by the county treasurer in his or her report of fees as provided by law. The balance of such fees shall be remitted by the county treasurer to the State Treasurer for credit to the General Fund.

Sec. 34. Section 60-4,149, Reissue Revised Statutes of Nebraska, is amended to read:

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

(2) Except as provided for by section 60-4,157, all commercial driver's license examinations shall be conducted by examiners designated by the director. The examiner shall deliver to each successful applicant a certificate entitling the applicant to secure a commercial driver's license. If the examiner refuses to issue such certificate for cause, he or she shall state such cause in writing and deliver the same to the applicant. An examiner is not required to hold a commercial driver's license to administer a driving skills examination and occupy the seat beside an applicant for a commercial driver's license.

(3) The successful applicant shall, within thirty days, present his or her certificate to the county treasurer who shall immediately issue the commercial driver's license and collect the fee. The county treasurer shall report the issuance of commercial drivers' licenses and LPC-learners' permits to the department within five days after issuance. ~~The director shall provide each county treasurer with a sufficient number of commercial driver's license blanks to supply the needs of his or her county.~~

Sec. 35. Section 60-4,149.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,149.01. (1) A commercial driver's license examiner ~~may waive the written~~ shall not require the commercial driver's license knowledge examination, except the hazardous material portion of the test examination, if the applicant-

~~(1) Has a valid commercial driver's license from another state which was issued within the two years immediately preceding the date of application for a commercial driver's license from this state; and~~

~~(2) Provides suitable evidence that within at least two years immediately preceding the date of application he or she has taken a written test which was given by a state with a classified licensing and testing~~

system, which was the same as the test that would otherwise be given by this state, and which was for the class of commercial motor vehicle the applicant is applying to operate.

Any commercial driver's license applicant who renews his or her commercial driver's license prior to its expiration is not required to take the written portion of the examination, except for the hazardous material portion of the examination, or within one year after its expiration, if his or her the applicant's driving record abstract maintained in the department's computerized records shows that he or she has not had a traffic violation as described in section 60-4,182 from the date his or her commercial driver's license was issued to the date his or her application for renewal was made his or her commercial driver's license is not suspended, revoked, canceled, or disqualified, and if the renewal application is for the same class of commercial motor vehicle the applicant was licensed to operate.

(2) A nonresident who holds a valid commercial driver's license from another state shall not be required to take the commercial driver's license knowledge examination, except the hazardous material portion of the examination, if the application is for the same class of commercial motor vehicle the nonresident was licensed to operate and the nonresident surrenders his or her valid out-of-state commercial driver's license to the commercial driver's license examiner.

Sec. 36. Section 60-4,153, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,153. Prior to the issuance of any original or renewal commercial driver's license or the reissuance of any commercial driver's license with a change of any classification, endorsement, or restriction, the Department of Motor Vehicles shall, within twenty-four hours prior to issuance if the applicant does not currently possess a valid commercial driver's license issued by this state and within ten days prior to the issuance or reissuance for all other applicants:

(1) Check the driving record of the applicant as maintained by the department or by any other state which has issued an operator's license to the applicant;

(2) Contact the Commercial Driver License Information System to determine whether the applicant possesses any valid commercial driver's license issued by any other state, whether such license or the applicant's privilege to operate a commercial motor vehicle has been suspended, revoked, or canceled, or whether the applicant has been disqualified from operating a commercial motor vehicle; and

(3) Contact the National Driver Register to determine if the applicant (a) has been disqualified from operating any motor vehicle, (b) has had an operator's license suspended, revoked, or canceled for cause in the three-year period ending on the date of application, or (c) has been convicted of operation of a motor vehicle while under the influence of or while impaired by alcohol or a controlled substance, a traffic violation arising in connection with a fatal traffic accident, reckless driving, racing on the highways, failure to render aid or provide identification when involved in an accident which resulted in a fatality or personal injury, or perjury or the knowledgeable making of a false affidavit or statement to officials in connection with activities governed by a law, rule, or regulation related to the operation of a motor vehicle.

Sec. 37. Section 60-4,158, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,158. (1) The director shall adopt and promulgate rules and regulations governing the certification of third-party testers by the Department of Motor Vehicles. Such rules and regulations shall substantially comply with the requirements of 49 C.F.R. 383.75. An examiner employed by a certified third-party tester is not required to hold a commercial driver's license to administer a driving skills examination and occupy the seat beside an applicant for a commercial driver's license.

(2) A certification to conduct third-party testing shall be valid for two years, and the department shall charge a fee of one hundred dollars to issue or renew the certification of any third-party tester. The department shall remit the fees collected to the State Treasurer for credit to the General Fund.

(3) Any third-party tester who violates any of the rules and regulations adopted and promulgated pursuant to this section shall be subject to having his or her certification revoked by the department.

Sec. 38. Section 60-4,170, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,170. Within ten days after the revocation provided for by section 60-4,169, the director shall notify in writing the person whose

commercial driver's license or privilege to operate a commercial motor vehicle has been revoked that such license or privilege has been revoked. Such notice shall: (1) Contain a list of the disqualifying convictions or administrative determinations upon which the director relies as his or her authority for the revocation, with the dates on which such disqualifying violations occurred and the dates of such convictions or administrative determinations and the trial courts or administrative agencies in which such convictions or administrative determinations were rendered; (2) state the term of revocation; (3) include a demand that the commercial driver's license be returned to the director immediately; and (4) be served by mailing the notice to such person by registered or certified mail to the address of such person. If any person fails to return a commercial driver's license following a demand by the director, the director shall immediately direct any peace officer or authorized representative of the director to secure possession of such license and return the license to the director. Any person refusing or failing to surrender a commercial driver's license as required by this section shall, upon conviction, be guilty of a Class III misdemeanor.

Any person who feels himself or herself aggrieved because of a revocation pursuant to section 60-4,169 may appeal from such revocation ~~to the district court of the county wherein such person resides or, in the case of a nonresident, to the district court of Lancaster County~~ in the manner set forth in section 60-4,105. Such appeal shall not suspend the order of revocation unless a stay of such revocation shall be allowed by the court pending a final determination of the review. The license of any person claiming to be aggrieved shall not be restored to such person, in the event of a final judgment of a court against such person, until the full time of revocation, as fixed by the director, has elapsed.

Sec. 39. Section 60-4,171, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,171. (1) Following any period of revocation ordered by a court, a resident who has had a commercial driver's license revoked pursuant to section 60-4,169 may apply, ~~on a form prescribed by the director,~~ for a Class O or M operator's license. ~~If in the judgment of the director such person is eligible to be issued a Class O or M operator's license, the application shall be presented to the county treasurer of the person's county of residence. The county treasurer shall issue the Class O or M operator's license upon payment of the fee provided for in section 60-4,115.~~

(2) Any person who has had his or her commercial driver's license revoked pursuant to section 60-4,169 may, at the end of such revocation period, apply to have his or her commercial driver's license reinstated. The applicant shall (a) apply ~~on a form prescribed by~~ to the Department of Motor Vehicles ~~which and,~~ if the applicant is an individual, shall ~~include the applicant's~~ provide his or her social security number, (b) take the ~~written commercial driver's license~~ knowledge and driving skills examinations prescribed pursuant to section 60-4,155, (c) comply with section 60-4,145 regarding physical requirements, (d) be subject to a check of his or her driving record, (e) pay the fees specified in section 60-4,148 and a ninety-five-dollar reinstatement fee, and (f) surrender any operator's license issued pursuant to subsection (1) of this section. The reinstatement fee shall be remitted to the State Treasurer. The State Treasurer shall credit fifty dollars of each reinstatement fee to the General Fund and forty-five dollars of each reinstatement fee to the Department of Motor Vehicles Cash Fund.

Sec. 40. Section 60-4,178, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,178. The director may cancel, suspend, revoke, or refuse to issue or renew a school or instructor's license in any case when he or she finds the licensee or applicant has not complied with or has violated any of the provisions of sections 60-4,173 to 60-4,179 or any rule or regulation adopted and promulgated by the director under such sections. A suspended or revoked license shall be returned to the director by the licensee, and its holder shall not be eligible to apply for a license under such sections until twelve months have elapsed since the date of such suspension or revocation. Any action taken by the director to cancel, suspend, revoke, or refuse to issue or renew a license shall comply with the Administrative Procedure Act. ~~A licensee or applicant may appeal the cancellation, suspension, or revocation of or the refusal to issue or renew a license, and the appeal shall be in accordance with section 60-4,105.~~

Sec. 41. Section 60-4,181, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,181. (1) A state identification card shall be issued by the county treasurer after the person requesting the card (a) files an application

or examiner's certificate with an examining officer, (b) furnishes two forms of proof of identification described in section 60-484, and (c) pays a fee to the county treasurer of eighteen dollars and seventy-five cents. Three dollars and fifty cents of the fee shall be credited to the general fund of the county of issuance and shall be included by the county treasurer in the report of fees as required by law. Five dollars of the fee shall be remitted to the State Treasurer by the county treasurer for credit to the Department of Motor Vehicles Cash Fund. The balance of the fee shall be remitted to the State Treasurer by the county treasurer and credited to the General Fund. The state identification card shall contain the anatomical gift information specified in section 60-494.

(2) The application or examiner's certificate shall include the name, age, post office address, place of residence, date of birth, sex, social security number, and physical description of the applicant, the voter registration portion pursuant to section 32-308, and the following:

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

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

(a) (b) Do you wish to make an anatomical gift?*

If so, please complete the following:

I give:

(i) any needed organs or tissues.

(ii) only the following organs or tissues

.....
(specify the organ or tissue)

for transplantation, therapy, or medical or dental education or research.

(iii) my body for anatomical study if needed.**

Limitations or special wishes if any

(b) (c) Do you wish to receive any additional specific information regarding anatomical gifts?

*An anatomical gift means a gift of all or any part of your body for transplantation, therapy, or medical or dental education or research. For purposes of an anatomical gift, parts of your body include organs, tissues, eyes, bones, arteries, blood, other fluids, and other portions of the human body. You may make an anatomical gift if you are of sound mind. The anatomical gift is effective upon your death and the consent of your next of kin, guardian, or other person as listed in section 71-4802.

**In order for you to donate your body to the State Anatomical Board, you must complete a bequeathal form which is available from the board.

..... Signature of Donor Date Signed Witness Date of Birth of Donor City and State Witness
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(3) In addition to the information prescribed in subsection (2) of this section, the application or examiner's certificate shall also provide in a clear and conspicuous manner a notice that the personal information on the application is subject to disclosure as a motor vehicle record unless the individual chooses to prohibit such disclosure by filing a prescribed form with the ~~department~~ Department of Motor Vehicles.

(4) The director may summarily cancel any state identification card, and any judge or magistrate may order a state identification card canceled in a judgment of conviction, if the application or examiner's certificate for the card contains any false or fraudulent statements which were deliberately and knowingly made as to any matter material to the issuance of the card or if the application or examiner's certificate does not contain required or correct information. Any state identification card so obtained shall be void from the date of issuance. Any judgment of conviction ordering cancellation of a state identification card shall be transmitted to the director who shall cancel the card.

Sec. 42. Section 60-4,184, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,184. Within ten days after the revocation provided for by section 60-4,183, the director shall notify in writing the person whose operator's license has been revoked that such license has been revoked. Such notice shall:

(1) Contain a list of the convictions for violations upon which the director relies as his or her authority for the revocation, with the dates of such violations upon which convictions were had and the dates of such convictions, the trial courts in which such judgments of conviction were rendered, and the points charged for each conviction;

(2) State the term of such revocation;

(3) Include a demand that the license be returned to the director immediately; and

(4) Be served by mailing it to such person by either registered or certified mail to the last-known residence of such person or, if such address is unknown, to the last-known business address of such person.

If any person fails to return his or her license to the director as demanded, the director shall immediately direct any peace officer or authorized representative of the director to secure possession of such license and return the license to the director. A refusal to surrender an operator's license on demand shall be unlawful, and any person failing to surrender his or her license as required by this section shall be guilty of a Class III misdemeanor.

Any person who feels aggrieved because of such revocation may appeal from such revocation ~~to the district court of the county in which such person resides or, in the case of a nonresident, to the district court of Lancaster County~~ in the manner set forth in section 60-4,105. Such appeal shall not suspend the order of revocation of such license unless a stay of such order is allowed by a judge of such court pending a final determination of the review. The license of any person claiming to be aggrieved shall not be restored to such person, in the event the final judgment of a court finds against such person, until the full time of revocation, as fixed by the Department of Motor Vehicles, has elapsed.

Sec. 43. Section 60-524, Reissue Revised Statutes of Nebraska, is amended to read:

60-524. (1) Whenever the department, under any law of this state, suspends or revokes the license of any person upon receiving record of a conviction, the department shall also suspend all registrations in the name of such person, except that it shall not suspend such registrations, unless otherwise required by law, if such person has previously given or shall immediately give and shall maintain for three years proof of financial responsibility.

(2) Whenever the department, under any law of this state, suspends or revokes the license of any person upon receiving record of a conviction, and such person was not the owner of the motor vehicle used at the time of the violation resulting in the conviction, the department shall also suspend the license and all registrations in the name of the owner of the motor vehicle so used, if such vehicle was operated with such owner's permission or consent at the time of the violation, unless such owner has previously given or shall immediately give and maintain for three years proof of financial responsibility. This subsection shall not apply to such owner if he or she had in effect at the time of the violation an automobile liability policy or bond with respect to such motor vehicle; or if there was then in effect an automobile liability policy or bond with respect to the operation of the motor vehicle; or if the liability of such operator or owner was then, in the judgment of the department, covered by any other form of liability insurance policy or bond; or if the owner or operator was then qualified as a self-insurer under sections 60-562 to 60-564.

(3) ~~Whenever a person whose license has been suspended or revoked and he has been committed to or incarcerated in a state institution, penal or otherwise, for a period of longer than one year, such person shall be entitled to have his operator's license restored to him upon his release from the institution by passing a satisfactory examination for obtaining an operator's license.~~

(4) Whenever the department, pursuant to any law of this state, suspends or revokes the license of any person after having received a record of conviction of the licensee, such person shall not be eligible for reinstatement of his or her driving privilege until he or she shall give and thereafter maintain proof of financial responsibility.

Sec. 44. Section 60-529, Reissue Revised Statutes of Nebraska, is amended to read:

60-529. Proof of financial responsibility may be furnished by filing with the department the written certificate of any insurance carrier, duly authorized to do business in this state, certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and designate, by explicit description or by appropriate reference, all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle. A certificate of insurance for fleet vehicles may include, as an appropriate reference, a designation that the insurance coverage is applicable

to all vehicles owned by the named insured, or wording of similar effect, in lieu of an explicit description.

Sec. 45. Section 60-534, Reissue Revised Statutes of Nebraska, is amended to read:

60-534. Such motor vehicle liability policy* shall (1) ~~shall~~ designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted, and (2) ~~shall~~ insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle as follows: Twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to ~~said~~ such limit for one person, fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.

Sec. 46. Section 60-544, Reissue Revised Statutes of Nebraska, is amended to read:

60-544. When an insurance carrier has certified a motor vehicle liability policy under sections 60-529 to 60-531, the insurance so certified shall not be canceled or terminated until at least ten days after a notice of cancellation or termination of the insurance so certified is mailed to the insured. If the insurance is not reinstated by the insured within ten days, the insurance carrier shall provide notice to the department by filing a notice of the cancellation or termination in the office of the department. A motor vehicle liability shall be filed in the office of the department, except that such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

Sec. 47. Section 60-6,288, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,288. (1) No vehicle which exceeds a total outside width of one hundred two inches, including any load but excluding designated safety devices, shall be permitted on any portion of the National System of Interstate and Defense Highways. The Director-State Engineer shall adopt and promulgate rules and regulations, consistent with federal requirements, designating safety devices which shall be excluded in determining vehicle width.

(2) No vehicle which exceeds a total outside width of one hundred two inches, including any load but excluding designated safety devices, shall be permitted on any highway which is not a portion of the National System of Interstate and Defense Highways, except that such prohibition shall not apply to:

(a) Farm equipment in temporary movement, during daylight hours or during hours of darkness when the clearance light requirements of section 60-6,235 are fully complied with, in the normal course of farm operations;

(b) Combines eighteen feet or less in width, while in the normal course of farm operations and while being driven during daylight hours or during hours of darkness when the clearance light requirements of section 60-6,235 are fully complied with;

(c) Combines in excess of eighteen feet in width, while in the normal course of farm operations, while being driven during daylight hours for distances of twenty-five miles or less on highways and while preceded by a well-lighted pilot vehicle or flagperson, except that such combines may be driven on highways while in the normal course of farm operations for distances of twenty-five miles or less and while preceded by a well-lighted pilot vehicle or flagperson during hours of darkness when the clearance light requirements of section 60-6,235 are fully complied with;

(d) Combines and vehicles used in transporting combines, and only when transporting combines, to be engaged in harvesting, while being transported into or through the state during daylight hours, when the total width including the width of the combine being transported does not exceed fifteen feet, except that vehicles used in transporting combines may, when necessary to the harvesting operation, travel unloaded for distances not to exceed twenty-five miles, while the combine to be transported is engaged in a harvesting operation;

(e) Farm equipment dealers hauling, driving, delivering, or picking up farm equipment, including portable livestock buildings not exceeding fourteen feet in width, or implements of husbandry during daylight hours;

(f) Alfalfa harvesting machinery in temporary movement during daylight hours and hours of darkness when (i) the clearance light requirements of section 60-6,235 are fully complied with, (ii) there is, on the front vehicle and above the line of the regular lights of such vehicle, a flashing, amber-colored light at least four inches in diameter and clearly visible to traffic approaching from any direction, and (iii) there is a well-lighted pilot vehicle or flagperson at least three hundred feet in advance of such vehicles to give warning of the approach of overwidth equipment, and such prohibition shall not apply to equipment of thirteen feet or less in width to be used in highway or other public construction or in agricultural land treatment in temporary movement during daylight hours on roads other than dustless-surfaced state highways and for necessary access to points on such highways;

(g) Livestock forage vehicles loaded or unloaded that comply with subsection (2) of section 60-6,305;

(h) During daylight hours only, vehicles en route to pick up, delivering, or returning unloaded from delivery of baled livestock forage which, including the load if any, may be twelve feet in width;

(i) Mobile homes or prefabricated livestock buildings not exceeding sixteen feet in width and with an outside tire width dimension not exceeding one hundred twenty inches moving during daylight hours;

(j) A rubber-tired crane with a fixed load when:

(i) The crane will be transported on a state highway, excluding any portion of the National System of Interstate and Defense Highways, on a city street, or on a road within the corporate limits of a city;

(ii) The city in which the crane is intended to be transported has authorized a ~~one-day~~ permit pursuant to section 60-6,298 for the transportation of the crane, specifying the route to be used and the hours during which the crane can be transported, except that no permit shall be issued by a city for travel on a state highway containing a bridge or structure which is structurally inadequate to carry the crane as determined by the Department of Roads;

(iii) ~~The crane will be escorted by another vehicle or vehicles assigned by the city;~~

~~(iv)~~ The crane's gross weight does not exceed ninety-four thousand pounds, if a four-axle crane, or seventy-two thousand pounds, if a three-axle crane; and

~~(v)~~ (iv) If a four-axle crane, the maximum weight on each set of tandem axles does not exceed forty-seven thousand pounds, or if a three-axle crane, the maximum weight on the front axle does not exceed twenty-five thousand pounds and the total maximum weight on the rear tandem axles does not exceed forty-seven thousand pounds; or

(k) Vehicles which have been issued a permit pursuant to section 60-6,299.

(3) The Director-State Engineer, with respect to highways under his or her jurisdiction, may designate certain highways upon which vehicles of no more than ninety-six inches in width may be permitted to travel. Highways so designated shall be limited to one or more of the following:

(a) Highways with traffic lanes of ten feet or less;

(b) Highways upon which are located narrow bridges; and

(c) Highways which because of sight distance, surfacing, unusual curves, topographic conditions, or other unusual circumstances would not in the opinion of the Director-State Engineer safely accommodate vehicles of more than ninety-six inches in width.

Sec. 48. Section 60-2131, Reissue Revised Statutes of Nebraska, is amended to read:

60-2131. The director may cancel, suspend, revoke, or refuse to issue or renew a motorcycle safety instructor's permit or chief instructor's permit in any case when the director finds the permittee or applicant has not complied with or has violated the Motorcycle Safety Education Act or any rule or regulation adopted and promulgated by the director. A suspended or revoked permit shall be returned to the director by the permittee, and its holder shall not be eligible to apply for a permit under section 60-2127 or 60-2129 until twelve months have elapsed since the date of such suspension or revocation. Any action taken by the director to cancel, suspend, revoke, or refuse to issue or renew a permit shall comply with the Administrative Procedure Act. ~~A permittee or applicant may appeal the cancellation, suspension, or revocation of or the refusal to issue or renew a permit, and the appeal shall be in accordance with section 60-4,105.~~

Sec. 49. Section 75-363, Revised Statutes Supplement, 1998, as amended by section 1, Legislative Bill 161, Ninety-sixth Legislature, First Session, 1999, is amended to read:

75-363. (1) The parts of the federal Motor Carrier Safety Regulations, 49 C.F.R., listed in subdivisions (a) through (j) of this subsection or as modified in this section and any other parts referred to by such parts, in existence and effective as of January 1, 1999, are adopted as Nebraska law. ~~The Except as otherwise provided in this section, the~~ regulations shall be applicable to all carriers, drivers, and vehicles to which the federal regulations apply, to all vehicles of intrastate motor carriers with a gross vehicle weight rating over ten thousand pounds, to all intrastate motor carriers in the operation of vehicles with a gross vehicle weight rating over ten thousand pounds, and to all drivers of such vehicles if the drivers are operating a commercial motor vehicle as defined in section 60-465 which requires a commercial driver's license. ~~except as provided in subsections (2) and (3) of this section.~~ The Legislature hereby adopts, as modified in this section:

- (a) Part 382 -- Controlled Substances And Alcohol Use And Testing;
- (b) Part 385 -- Safety Fitness Procedures;
- (c) Part 390 -- Federal Motor Carrier Safety Regulations: General;
- (d) Part 391 -- Qualifications Of Drivers;
- (e) Part 392 -- Driving Of Motor Vehicles;
- (f) Part 393 -- Parts And Accessories Necessary For Safe Operations;
- (g) Part 395 -- Hours Of Service Of Drivers;
- (h) Part 396 -- Inspection, Repair And Maintenance;
- (i) Part 397 -- Transportation Of Hazardous Materials; Driving And Parking Rules; and
- (j) Part 398 -- Transportation Of Migrant Workers.

(2) The provisions of subpart E, Physical Qualifications And Examinations, of 49 C.F.R. part 391, Qualifications Of Drivers, shall not apply to any driver subject to this section who: (a) Operates a commercial motor vehicle exclusively in intrastate commerce; and (b) holds, or has held, a commercial driver's license issued by this state prior to July 30, 1996.

(3) The regulations adopted in subsection (1) of this section shall not apply to farm trucks registered pursuant to section 60-330 with a gross weight of sixteen tons or less or to fertilizer and agricultural chemical application and distribution equipment transported in units with a capacity of three thousand five hundred gallons or less if the equipment is not required to be placarded pursuant to section 75-364. The following parts and sections of the federal Motor Carrier Safety Regulations shall not apply to drivers of farm trucks registered pursuant to section 60-330 and operated solely in intrastate commerce:

- (a) All of part 391;
- (b) Section ~~395.08~~ 395.8 of part 395; and
- (c) Section 396.11 of part 396.

(4) For purposes of this section, intrastate motor carriers shall not include any motor carrier or driver excepted from the federal Motor Carrier Safety Regulations by section 390.3(f) of part 390 or any nonprofit entity, operating solely in intrastate commerce, organized for the purpose of furnishing electric service.

(5) Part 395 -- Hours Of Service Of Drivers, ~~of the federal Motor Carrier Safety Regulations adopted in subsection (1) of this section,~~ shall apply to motor carriers and drivers who engage in intrastate commerce as defined in section 75-302, except that no motor carrier who engages in intrastate commerce shall permit or require any driver used by it to drive nor shall any driver drive:

- (a) More than twelve hours following eight consecutive hours off duty; or
- (b) For any period after having been on duty sixteen hours following eight consecutive hours off duty.

No motor carrier who engages in intrastate commerce shall permit or require a driver of a commercial motor vehicle, regardless of the number of motor carriers using the driver's services, to drive for any period after:

- (i) Having been on duty seventy hours in any seven consecutive days if the employing motor carrier does not operate every day of the week; or
- (ii) Having been on duty eighty hours in any period of eight consecutive days if the employing motor carrier operates motor vehicles every day of the week.

(6) Part 395 -- Hours Of Service Of Drivers, ~~of the federal Motor Carrier Safety Regulations~~ as adopted in subsections (1) and (5) of this section relating to maximum driving and on-duty time for drivers, shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes when the transportation of such commodities or supplies occurs within a one-hundred-air-mile radius of the source of the commodities or the distribution point for the supplies when such transportation occurs

during the period beginning on February 15 up to and including December 15 of each calendar year.

(7) ~~Part Section 390.21 of part 390 -- Federal Motor Carrier Safety Regulations: General, of the federal Motor Carrier Safety Regulations, adopted in subsection (1) of this section relating to 49 C.F.R. 390.21 -- Marking of commercial motor vehicles, shall not apply to farm trucks and farm truck-tractors registered pursuant to section 60-330 and operated solely in intrastate commerce.~~ apply to all Nebraska intrastate motor carriers operating vehicles solely in intrastate commerce and:

(a) All motor vehicles or combinations of vehicles in intrastate commerce that transport property or passengers and have a manufacturer's gross vehicle weight rating over ten thousand pounds; or

(b) All farm trucks and farm truck tractors, except for those farm trucks and farm truck tractors registered pursuant to section 60-330 with a gross weight of sixteen tons or less; or

(c) All motor vehicles required to be placarded pursuant to section 75-364.

Sec. 50. Sections 2 and 51 of this act become operative January 1, 2000. The other sections of this act become operative on their effective date.

Sec. 51. Original section 60-315.01, Reissue Revised Statutes of Nebraska, as amended by section 3, Legislative Bill 57, Ninety-sixth Legislature, First Session, 1999, is repealed.

Sec. 52. Original sections 60-302, 60-330, 60-480, 60-484, 60-486, 60-487, 60-490, 60-491, 60-493, 60-494, 60-497.03, 60-499, 60-4,105, 60-4,113, 60-4,114, 60-4,115, 60-4,118, 60-4,119, 60-4,120.01, 60-4,120.02, 60-4,121, 60-4,122, 60-4,123, 60-4,127, 60-4,130, 60-4,130.02, 60-4,141, 60-4,144, 60-4,145, 60-4,146, 60-4,146.01, 60-4,148, 60-4,149, 60-4,149.01, 60-4,153, 60-4,158, 60-4,170, 60-4,171, 60-4,178, 60-4,181, 60-4,184, 60-524, 60-529, 60-534, 60-544, 60-6,288, and 60-2131, Reissue Revised Statutes of Nebraska, and section 75-363, Revised Statutes Supplement, 1998, as amended by section 1, Legislative Bill 161, Ninety-sixth Legislature, First Session, 1999, are repealed.

Sec. 53. The following sections are outright repealed: Sections 60-4,101 and 60-4,116, Reissue Revised Statutes of Nebraska.

Sec. 54. Since an emergency exists, this act takes effect when passed and approved according to law.