

AMENDMENTS TO LB138

Introduced by Brewer, 43.

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

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

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

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

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

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

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

25           (4) If an individual has an operator's license or a state  
26 identification card issued under section 14 of this act or based on  
27 approved lawful status granted under section 202(c)(2)(B)(i) through (x)

1 of the federal REAL ID Act of 2005, Public Law 109-13, and the basis for  
2 the approved lawful status is terminated, the individual shall return the  
3 operator's license or state identification card to the Department of  
4 Motor Vehicles.

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

7 60-484.06 Before issuing any operator's license or state  
8 identification card under the Motor Vehicle Operator's License Act, the  
9 department may verify, with the issuing agency, the issuance, validity,  
10 and completeness of each document required to be presented by a person  
11 pursuant to sections 60-484, 60-484.04, and 60-4,144 and section 14 of  
12 this act.

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

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

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

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

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

28 60-4,120 (1) Any person duly licensed or holding a valid state  
29 identification card issued under the Motor Vehicle Operator's License Act  
30 who loses his or her operator's license or card may make application to  
31 the department for a replacement license or card.

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

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

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

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

31           (6) Application for a replacement operator's license or state

1 identification card shall include the information required under sections  
2 60-484 and 60-484.04 and section 14 of this act.

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

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

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

19 Sec. 17. Section 60-4,122, Revised Statutes Cumulative Supplement,  
20 2022, is amended to read:

21 60-4,122 (1) Except as otherwise provided in subsections (2), (3),  
22 and (8) of this section, no original or renewal operator's license shall  
23 be issued to any person until such person has demonstrated his or her  
24 ability to operate a motor vehicle safely as provided in section  
25 60-4,114.

26 (2) Except as otherwise provided in this section and section  
27 60-4,127, any person who renews his or her Class O or Class M license  
28 shall demonstrate his or her ability to drive and maneuver a motor  
29 vehicle safely as provided in subdivision (3)(b) of section 60-4,114 only  
30 at the discretion of department personnel, except that a person required  
31 to use bioptic or telescopic lenses shall be required to demonstrate his

1 or her ability to drive and maneuver a motor vehicle safely each time he  
2 or she renews his or her license.

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

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

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

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

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

28 (c) Upon issuing an initial operator's license described in  
29 subdivision (a) of this subsection, the department shall notify the state  
30 that issued the valid operator's license described in subdivision (a) of  
31 this subsection to invalidate such license.

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

8           (8)(a) A qualified licensee as determined by the department who is  
9 twenty-one years of age or older, whose license expires prior to his or  
10 her seventy-second birthday, and who has a digital image and digital  
11 signature preserved in the digital system may renew his or her Class 0 or  
12 Class M license twice by electronic means in a manner prescribed by the  
13 department using the preserved digital image and digital signature  
14 without taking any examination required under section 60-4,114 if such  
15 renewal is prior to or within one year after the expiration of the  
16 license, if his or her driving record abstract maintained in the records  
17 of the department shows that such person's license is not impounded,  
18 suspended, revoked, or canceled, and if his or her driving record  
19 indicates that he or she is otherwise eligible. Every licensee, including  
20 a licensee who is out of the state at the time of renewal, must apply for  
21 renewal in person at least once every sixteen years and have a new  
22 digital image and digital signature captured.

23           (b) In order to allow for an orderly progression through the various  
24 types of operators' licenses issued to persons under twenty-one years of  
25 age, a qualified holder of an operator's license who is under twenty-one  
26 years of age and who has a digital image and digital signature preserved  
27 in the digital system may apply for an operator's license by electronic  
28 means in a manner prescribed by the department using the preserved  
29 digital image and digital signature if the applicant has passed any  
30 required examinations prior to application, if his or her driving record  
31 abstract maintained in the records of the department shows that such

1 person's operator's license is not impounded, suspended, revoked, or  
2 canceled, and if his or her driving record indicates that he or she is  
3 otherwise eligible.

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

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

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

19 60-4,144 (1) An applicant for issuance of any original or renewal  
20 commercial driver's license or an applicant for a change of class of  
21 commercial motor vehicle, endorsement, or restriction shall demonstrate  
22 his or her knowledge and skills for operating a commercial motor vehicle  
23 as prescribed in the Motor Vehicle Operator's License Act. An applicant  
24 for a commercial driver's license shall provide the information and  
25 documentation required by this section and section 60-4,144.01. Such  
26 information and documentation shall include any additional information  
27 required by 49 C.F.R. parts 383 and 391 and also include:

28 (a) Certification that the commercial motor vehicle in which the  
29 applicant takes any driving skills examination is representative of the  
30 class of commercial motor vehicle that the applicant operates or expects  
31 to operate; and

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (5)(a) Whenever a person is renewing, replacing, upgrading,

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

6 (b) The following are acceptable as proof of citizenship or lawful  
7 status:

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

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

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

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

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

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

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

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

28 (i) If the applicant is domiciled in a foreign jurisdiction and the  
29 Federal Motor Carrier Safety Administrator has not determined that the  
30 commercial motor vehicle operator testing and licensing standards of that  
31 jurisdiction meet the standards contained in subparts G and H of 49

1 C.F.R. part 383; or

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

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

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

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

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

1 mailing address to the Department of Motor Vehicles.

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

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

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

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

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

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

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

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

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

30 (11) Every person who holds any commercial driver's license must  
31 provide to the department medical certification as required by section

1 60-4,144.01. The department may provide notice and prescribe medical  
2 certification compliance requirements for all holders of commercial  
3 drivers' licenses. Holders of commercial drivers' licenses who fail to  
4 meet the prescribed medical certification compliance requirements may be  
5 subject to downgrade.

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

8 60-4,181 (1) Each applicant for a state identification card shall  
9 provide the information and documentation required by sections 60-484 and  
10 60-484.04 and section 14 of this act. The form of the state  
11 identification card shall comply with section 60-4,117. The applicant  
12 shall present an issuance certificate to the county treasurer for a state  
13 identification card. Department personnel or the county treasurer shall  
14 collect the fee and surcharge as prescribed in section 60-4,115 and issue  
15 a receipt to the applicant which is valid up to thirty days. The state  
16 identification card shall be delivered to the applicant as provided in  
17 section 60-4,113.

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

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

31 Sec. 38. Original sections 60-484.05, 60-484.06, 60-4,120,

1 60-4,142, 60-4,144, 60-4,172, and 60-4,181, Reissue Revised Statutes of  
2 Nebraska, and sections 60-107, 60-119.01, 60-169, 60-302.01, 60-336.01,  
3 60-386, 60-3,113.04, 60-3,193.01, 60-462, 60-462.01, 60-479.01,  
4 60-4,111.01, 60-4,122, 60-4,132, 60-4,134, 60-4,138, 60-4,147.02,  
5 60-4,168, 60-501, 60-628.01, 60-6,265, 60-2705, 60-2909.01, 75-363,  
6 75-364, 75-366, 75-369.03, 75-392, and 75-393, Revised Statutes  
7 Cumulative Supplement, 2022, are repealed.

8 2. Renumber the remaining sections accordingly.