

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 398

Introduced by Moser, 22.

Read first time January 17, 2025

Committee:

1 A BILL FOR AN ACT relating to motor vehicles; to amend sections
2 60-4,144.01 and 60-4,144.02, Reissue Revised Statutes of Nebraska,
3 and sections 18-1737, 60-107, 60-119.01, 60-169, 60-302.01,
4 60-336.01, 60-386, 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01,
5 60-4,111.01, 60-4,131, 60-4,132, 60-4,134, 60-4,144, 60-4,147.02,
6 60-4,168, 60-501, 60-628.01, 60-6,265, 60-2705, 60-2909.01, 75-363,
7 75-364, 75-366, 75-369.03, 75-392, and 75-393, Revised Statutes
8 Cumulative Supplement, 2024; to adopt updates to federal law and
9 update certain federal references; to change provisions relating to
10 commercial driver's licenses and CLP-commercial learner's permits;
11 to redefine terms; to provide a duty for the Revisor of Statutes; to
12 repeal the original sections; and to declare an emergency.
13 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 18-1737, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 18-1737 (1) Any city or village, any state agency, and any person in
4 lawful possession of any offstreet parking facility may designate stalls
5 or spaces, including access aisles, in such facility owned or operated by
6 the city, village, state agency, or person for the exclusive use of
7 handicapped or disabled persons whose motor vehicles display the
8 distinguishing license plates issued to such individuals pursuant to
9 section 60-3,113, such other handicapped or disabled persons or
10 temporarily handicapped or disabled persons whose motor vehicles display
11 a handicapped or disabled parking permit, and such other motor vehicles
12 which display a handicapped or disabled parking permit. Such designation
13 shall be made by posting aboveground and immediately adjacent to and
14 visible from each stall or space, including access aisles, a sign which
15 is in conformance with the Manual on Uniform Traffic Control Devices
16 adopted pursuant to section 60-6,118 and the federal Americans with
17 Disabilities Act of 1990 and the federal regulations adopted in response
18 to the act, as the act and the regulations existed on January 1, 2025
19 2024.

20 (2) The owner or person in lawful possession of an offstreet parking
21 facility, after notifying the police or sheriff's department, as the case
22 may be, and any city, village, or state agency providing onstreet parking
23 or owning, operating, or providing an offstreet parking facility may
24 cause the removal, from a stall or space, including access aisles,
25 designated exclusively for handicapped or disabled persons or temporarily
26 handicapped or disabled persons or motor vehicles for the transportation
27 of handicapped or disabled persons or temporarily handicapped or disabled
28 persons, of any vehicle not displaying the proper handicapped or disabled
29 parking permit or the distinguishing license plates specified in this
30 section if there is posted aboveground and immediately adjacent to and
31 visible from such stall or space, including access aisles, a sign which

1 clearly and conspicuously states the area so designated as a tow-in zone.

2 (3) A person who parks a vehicle in any onstreet parking space or
3 access aisle which has been designated exclusively for handicapped or
4 disabled persons or temporarily handicapped or disabled persons or motor
5 vehicles for the transportation of handicapped or disabled persons or
6 temporarily handicapped or disabled persons, or in any so exclusively
7 designated parking space or access aisle in any offstreet parking
8 facility, without properly displaying the proper license plates or
9 handicapped or disabled parking permit or when the handicapped or
10 disabled person to whom or for whom, as the case may be, the license
11 plate or permit is issued will not enter or exit the vehicle while it is
12 parked in the designated space or access aisle shall be guilty of a
13 handicapped parking infraction as defined in section 18-1741.01 and shall
14 be subject to the penalties and procedures set forth in sections
15 18-1741.01 to 18-1741.07. The display on a motor vehicle of a
16 distinguishing license plate or permit issued to a handicapped or
17 disabled person by and under the duly constituted authority of another
18 state shall constitute a full and complete defense in any action for a
19 handicapped parking infraction as defined in section 18-1741.01. If the
20 identity of the person who parked the vehicle in violation of this
21 section cannot be readily determined, the owner or person in whose name
22 the vehicle is registered shall be held prima facie responsible for such
23 violation and shall be guilty and subject to the penalties and procedures
24 described in this section. In the case of a privately owned offstreet
25 parking facility, a city or village shall not require the owner or person
26 in lawful possession of such facility to inform the city or village of a
27 violation of this section prior to the city or village issuing the
28 violator a handicapped parking infraction citation.

29 (4) For purposes of this section and section 18-1741.01, state
30 agency means any division, department, board, bureau, commission, or
31 agency of the State of Nebraska created by the Constitution of Nebraska

1 or established by act of the Legislature, including the University of
2 Nebraska and the Nebraska state colleges, when the entity owns, leases,
3 controls, or manages property which includes offstreet parking
4 facilities.

5 **Sec. 2.** Section 60-107, Revised Statutes Cumulative Supplement,
6 2024, is amended to read:

7 60-107 Cabin trailer means a trailer or a semitrailer, which is
8 designed, constructed, and equipped as a dwelling place, living abode, or
9 sleeping place, whether used for such purposes or instead permanently or
10 temporarily for the advertising, sale, display, or promotion of
11 merchandise or services or for any other commercial purpose except
12 transportation of property for hire or transportation of property for
13 distribution by a private carrier. Cabin trailer does not mean a trailer
14 or semitrailer which is permanently attached to real estate. There are
15 four classes of cabin trailers:

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

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

21 (3) Travel trailer which includes cabin trailers not more than one
22 hundred two inches in width nor more than forty feet in length from front
23 hitch to rear bumper, except as provided in subdivision (2)(k) of section
24 60-6,288; and

25 (4) Manufactured home means a structure, transportable in one or
26 more sections, which in the traveling mode is eight body feet or more in
27 width or forty body feet or more in length or when erected on site is
28 three hundred twenty or more square feet and which is built on a
29 permanent frame and designed to be used as a dwelling with or without a
30 permanent foundation when connected to the required utilities and
31 includes the plumbing, heating, air conditioning, and electrical systems

1 contained in the structure, except that manufactured home includes any
2 structure that meets all of the requirements of this subdivision other
3 than the size requirements and with respect to which the manufacturer
4 voluntarily files a certification required by the United States Secretary
5 of Housing and Urban Development and complies with the standards
6 established under the National Manufactured Housing Construction and
7 Safety Standards Act of 1974, as such act existed on the date specified
8 in section 5 of this act ~~January 1, 2024~~, 42 U.S.C. 5401 et seq.

9 **Sec. 3.** Section 60-119.01, Revised Statutes Cumulative Supplement,
10 2024, is amended to read:

11 60-119.01 (1) Low-speed vehicle means any:

12 (a) Four-wheeled ~~a (1) four-wheeled~~ motor vehicle:

13 (i) With a ~~(a) whose~~ speed attainable in one mile of ~~is~~ more than
14 twenty miles per hour and not more than twenty-five miles per hour on a
15 paved, level surface; ~~τ~~

16 (ii) With a ~~(b) whose~~ gross vehicle weight rating of ~~is~~ less than
17 three thousand pounds; ~~τ~~ and

18 (iii) That ~~(c) that~~ complies with 49 C.F.R. part 571, as such part
19 existed on the date specified in section 5 of this act; ~~January 1, 2024,~~
20 or

21 (b) Three-wheeled ~~(2) three-wheeled~~ motor vehicle:

22 (i) With a ~~(a) whose~~ maximum speed attainable of ~~is~~ not more than
23 twenty-five miles per hour on a paved, level surface; ~~τ~~

24 (ii) With a ~~(b) whose~~ gross vehicle weight rating of ~~is~~ less than
25 three thousand pounds; ~~τ~~ and

26 (iii) That ~~(c) which~~ is equipped with a windshield and an occupant
27 protection system.

28 (2) Low-speed vehicle does not include a A motorcycle with a sidecar
29 attached ~~is not a low-speed vehicle.~~

30 **Sec. 4.** Section 60-169, Revised Statutes Cumulative Supplement,
31 2024, is amended to read:

1 60-169 (1)(a) Except as otherwise provided in subdivision (c) of
2 this subsection, each owner of a vehicle and each person mentioned as
3 owner in the last certificate of title, when the vehicle is dismantled,
4 destroyed, or changed in such a manner that it loses its character as a
5 vehicle or changed in such a manner that it is not the vehicle described
6 in the certificate of title, shall surrender his or her certificate of
7 title to any county treasurer or to the department. If the certificate of
8 title is surrendered to a county treasurer, he or she shall, with the
9 consent of any holders of any liens noted thereon, enter a cancellation
10 upon the records and shall notify the department of such cancellation.
11 Beginning on the implementation date designated by the director pursuant
12 to subsection (3) of section 60-1508, a wrecker or salvage dealer shall
13 report electronically to the department using the electronic reporting
14 system. If the certificate is surrendered to the department, it shall,
15 with the consent of any holder of any lien noted thereon, enter a
16 cancellation upon its records.

17 (b) This subdivision applies to all licensed wrecker or salvage
18 dealers and, except as otherwise provided in this subdivision, to each
19 vehicle located on the premises of such dealer. For each vehicle required
20 to be reported under 28 C.F.R. 25.56, as such regulation existed on the
21 date specified in section 5 of this act ~~January 1, 2024~~, the information
22 obtained by the department under this section may be reported to the
23 National Motor Vehicle Title Information System in a format that will
24 satisfy the requirement for reporting under 28 C.F.R. 25.56, as such
25 regulation existed on the date specified in section 5 of this act ~~January~~
26 ~~1, 2024~~. Such report shall include:

- 27 (i) The name, address, and contact information for the reporting
28 entity;
- 29 (ii) The vehicle identification number;
- 30 (iii) The date the reporting entity obtained such motor vehicle;
- 31 (iv) The name of the person from whom such motor vehicle was

1 obtained, for use only by a law enforcement or other appropriate
2 government agency;

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

5 (vi) Whether the motor vehicle is intended for export outside of the
6 United States.

7 The department may set and collect a fee, not to exceed the cost of
8 reporting to the National Motor Vehicle Title Information System, from
9 wrecker or salvage dealers for electronic reporting to the National Motor
10 Vehicle Title Information System, which shall be remitted to the State
11 Treasurer for credit to the Department of Motor Vehicles Cash Fund. This
12 subdivision does not apply to any vehicle reported by a wrecker or
13 salvage dealer to the National Motor Vehicle Title Information System as
14 required under 28 C.F.R. 25.56, as such regulation existed on the date
15 specified in section 5 of this act ~~January 1, 2024~~.

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

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

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

30 (C) The legal description of the real property upon which the mobile
31 home or manufactured home is affixed and the names of all of the owners

1 of record of the real property;

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

4 (E) The written consent of each holder of a lien duly noted on the
5 certificate of title to the release of such lien and the cancellation of
6 the certificate of title;

7 (F) A copy of the certificate of title surrendered for cancellation;
8 and

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

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

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

1 (3) If a mobile home or manufactured home is affixed to real estate
2 before June 1, 2006, a person who is the holder of a lien or security
3 interest in both the mobile home or manufactured home and the real estate
4 to which it is affixed on such date may enforce its liens or security
5 interests by accepting a deed in lieu of foreclosure or in the manner
6 provided by law for enforcing liens on the real estate.

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

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

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

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

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

30 (iii) The legal description of the real estate from which the mobile
31 home or manufactured home is to be detached and the names of all of the

1 owners of record of the real estate;

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

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

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

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

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

22 (7) For purposes of this section:

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

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

30 (8) Upon cancellation of a certificate of title in the manner
31 prescribed by this section, the county treasurer and the department may

1 cancel and destroy all certificates and all memorandum certificates in
2 that chain of title.

3 **Sec. 5.** When another section of the Revised Statutes of Nebraska
4 refers to the date specified in this section, such date is January 1,
5 2025.

6 **Sec. 6.** Section 60-302.01, Revised Statutes Cumulative Supplement,
7 2024, is amended to read:

8 60-302.01 Access aisle means a space adjacent to a handicapped
9 parking space or passenger loading zone which is constructed and designed
10 in compliance with the federal Americans with Disabilities Act of 1990
11 and the federal regulations adopted in response to the act, as the act
12 and the regulations existed on the date specified in section 5 of this
13 act January 1, 2024.

14 **Sec. 7.** Section 60-336.01, Revised Statutes Cumulative Supplement,
15 2024, is amended to read:

16 60-336.01 (1) Low-speed vehicle means any: a

17 (a) Four-wheeled ~~(1) four-wheeled~~ motor vehicle:

18 (i) With a ~~(a) whose~~ speed attainable in one mile of ~~is~~ more than
19 twenty miles per hour and not more than twenty-five miles per hour on a
20 paved, level surface; ~~;~~ ~~τ~~

21 (ii) With a ~~(b) whose~~ gross vehicle weight rating of ~~is~~ less than
22 three thousand pounds; ~~;~~ ~~τ~~ and

23 (iii) That ~~(c) that~~ complies with 49 C.F.R. part 571, as such part
24 existed on the date specified in section 5 of this act; January 1, 2024,

25 or

26 (b) Three-wheeled ~~(2) three-wheeled~~ motor vehicle:

27 (i) With a ~~(a) whose~~ maximum speed attainable of ~~is~~ not more than
28 twenty-five miles per hour on a paved, level surface; ~~;~~ ~~τ~~

29 (ii) With a ~~(b) whose~~ gross vehicle weight rating of ~~is~~ less than
30 three thousand pounds; ~~;~~ ~~τ~~ and

31 (iii) That ~~(c) which~~ is equipped with a windshield and an occupant

1 protection system.

2 (2) Low-speed vehicle does not include a A motorcycle with a sidecar
3 attached ~~is not a low-speed vehicle.~~

4 **Sec. 8.** Section 60-386, Revised Statutes Cumulative Supplement,
5 2024, is amended to read:

6 60-386 (1) Each new application shall contain, in addition to other
7 information as may be required by the department, the name and
8 residential and mailing address of the applicant and a description of the
9 motor vehicle or trailer, including the color, the manufacturer, the
10 identification number, the United States Department of Transportation
11 number if required by 49 C.F.R. 390.5 through 390.21, as such regulations
12 existed on the date specified in section 5 of this act ~~January 1, 2024,~~
13 and the weight of the motor vehicle or trailer required by the Motor
14 Vehicle Registration Act. For trailers which are not required to have a
15 certificate of title under section 60-137 and which have no
16 identification number, the assignment of an identification number shall
17 be required and the identification number shall be issued by the county
18 treasurer or department. With the application the applicant shall pay the
19 proper registration fee and shall state whether the motor vehicle is
20 propelled by alternative fuel and, if alternative fuel, the type of fuel.
21 The application shall also contain a notification that bulk fuel
22 purchasers may be subject to federal excise tax liability. The department
23 shall include such notification in the notices required by section
24 60-3,186.

25 (2) In addition to the information required under subsection (1) of
26 this section, the application for registration shall contain (a)(i) the
27 full legal name as defined in section 60-468.01 of each owner or (ii) the
28 name of each owner as such name appears on the owner's motor vehicle
29 operator's license or state identification card and (b)(i) the motor
30 vehicle operator's license number or state identification card number of
31 each owner, if applicable, and one or more of the identification elements

1 as listed in section 60-484 of each owner, if applicable, and (ii) if any
2 owner is a business entity, a nonprofit organization, an estate, a trust,
3 or a church-controlled organization, its tax identification number.

4 **Sec. 9.** Section 60-3,113.04, Revised Statutes Cumulative Supplement,
5 2024, is amended to read:

6 60-3,113.04 (1) A handicapped or disabled parking permit shall be of
7 a design, size, configuration, color, and construction and contain such
8 information as specified in the regulations adopted by the United States
9 Department of Transportation in 23 C.F.R. part 1235, UNIFORM SYSTEM FOR
10 PARKING FOR PERSONS WITH DISABILITIES, as such regulations existed on the
11 date specified in section 5 of this act ~~January 1, 2024~~.

12 (2) No handicapped or disabled parking permit shall be issued to any
13 person or for any motor vehicle if any permit has been issued to such
14 person or for such motor vehicle and such permit has been suspended
15 pursuant to section 18-1741.02. At the expiration of such suspension, a
16 permit may be renewed in the manner provided for renewal in sections
17 60-3,113.02, 60-3,113.03, and 60-3,113.05.

18 (3) A duplicate handicapped or disabled parking permit may be
19 provided up to two times during any single permit period if a permit is
20 destroyed, lost, or stolen. Such duplicate permit shall be issued as
21 provided in section 60-3,113.02 or 60-3,113.03, whichever is applicable,
22 except that a new certification by a physician, a physician assistant, or
23 an advanced practice registered nurse need not be provided. A duplicate
24 permit shall be valid for the remainder of the period for which the
25 original permit was issued. If a person has been issued two duplicate
26 permits under this subsection and needs another permit, such person shall
27 reapply for a new permit under section 60-3,113.02 or 60-3,113.03,
28 whichever is applicable.

29 **Sec. 10.** Section 60-3,193.01, Revised Statutes Cumulative
30 Supplement, 2024, is amended to read:

31 60-3,193.01 For purposes of the Motor Vehicle Registration Act, the

1 International Registration Plan is adopted and incorporated by reference
2 as the plan existed on the date specified in section 5 of this act
3 ~~January 1, 2024~~.

4 **Sec. 11.** Section 60-462.01, Revised Statutes Cumulative Supplement,
5 2024, is amended to read:

6 60-462.01 For purposes of the Motor Vehicle Operator's License Act,
7 the following federal regulations are adopted as Nebraska law as they
8 existed on the date specified in section 5 of this act ~~January 1, 2024~~:

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

11 **Sec. 12.** Section 60-479.01, Revised Statutes Cumulative Supplement,
12 2024, is amended to read:

13 60-479.01 (1) All persons handling source documents or engaged in
14 the issuance of new, renewed, or reissued operators' licenses or state
15 identification cards shall have periodic fraudulent document recognition
16 training.

17 (2) All persons and agents of the department involved in the
18 recording of verified application information or verified operator's
19 license and state identification card information, involved in the
20 manufacture or production of licenses or cards, or who have the ability
21 to affect information on such licenses or cards shall be subject to a
22 criminal history record information check, including a check of prior
23 employment references, and a lawful status check as required by 6 C.F.R.
24 part 37, as such part existed on the date specified in section 5 of this
25 act ~~January 1, 2024~~. Such persons and agents shall provide fingerprints
26 which shall be submitted to the Federal Bureau of Investigation. The
27 bureau shall use its records for the criminal history record information
28 check.

29 (3) Upon receipt of a request pursuant to subsection (2) of this
30 section, the Nebraska State Patrol shall undertake a search for criminal
31 history record information relating to such applicant, including

1 transmittal of the applicant's fingerprints to the Federal Bureau of
2 Investigation for a national criminal history record information check.
3 The criminal history record information check shall include information
4 concerning the applicant from federal repositories of such information
5 and repositories of such information in other states, if authorized by
6 federal law. The Nebraska State Patrol shall issue a report to the
7 employing public agency that shall include the criminal history record
8 information concerning the applicant. The cost of any background check
9 shall be borne by the employer of the person or agent.

10 (4) Any person convicted of any disqualifying offense as provided in
11 6 C.F.R. part 37, as such part existed on the date specified in section 5
12 of this act ~~January 1, 2024~~, shall not be involved in the recording of
13 verified application information or verified operator's license and state
14 identification card information, involved in the manufacture or
15 production of licenses or cards, or involved in any capacity in which
16 such person would have the ability to affect information on such licenses
17 or cards. Any employee or prospective employee of the department shall be
18 provided notice that he or she will undergo such criminal history record
19 information check prior to employment or prior to any involvement with
20 the issuance of operators' licenses or state identification cards.

21 **Sec. 13.** Section 60-4,111.01, Revised Statutes Cumulative
22 Supplement, 2024, is amended to read:

23 60-4,111.01 (1) The Department of Motor Vehicles, the courts, or law
24 enforcement agencies may store or compile information acquired from an
25 operator's license or a state identification card for their statutorily
26 authorized purposes.

27 (2) Except as otherwise provided in subsection (3) or (4) of this
28 section, no person having use of or access to machine-readable
29 information encoded on an operator's license or a state identification
30 card shall compile, store, preserve, trade, sell, or share such
31 information. Any person who trades, sells, or shares such information

1 shall be guilty of a Class IV felony. Any person who compiles, stores, or
2 preserves such information except as authorized in subsection (3) or (4)
3 of this section shall be guilty of a Class IV felony.

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

18 (b) For purposes of compliance with the provisions of sections
19 28-458 to 28-462, a seller who sells methamphetamine precursors pursuant
20 to such sections may scan machine-readable information encoded on an
21 operator's license or a state identification card presented for the
22 purpose of such a sale. The seller may store only the following
23 information obtained from the license or card: Name, age, address, type
24 of identification presented by the customer, the governmental entity that
25 issued the identification, and the number on the identification. The
26 seller shall post a sign at the point of sale stating that the license or
27 card will be scanned and stating what information will be stored. The
28 stored information may only be used by law enforcement agencies,
29 regulatory agencies, and the exchange for purposes of enforcement of the
30 restrictions on the sale or purchase of methamphetamine precursors
31 pursuant to sections 28-458 to 28-462 and may not be shared with any

1 other person or entity. For purposes of this subsection, the terms
2 exchange, methamphetamine precursor, and seller have the same meanings as
3 in section 28-458.

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

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

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

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

21 (a) Scan, compile, store, or preserve such information in order to
22 provide the information to a check services company subject to and in
23 compliance with the federal Fair Credit Reporting Act, 15 U.S.C. 1681 et
24 seq., as such act existed on the date specified in section 5 of this act
25 January 1, 2024, for the purpose of effecting, administering, or
26 enforcing a transaction requested by the holder of the license or card or
27 preventing fraud or other criminal activity; or

28 (b) Scan and store such information only as necessary to protect
29 against or prevent actual or potential fraud, unauthorized transactions,
30 claims, or other liability or to resolve a dispute or inquiry by the
31 holder of the license or card.

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

8 **Sec. 14.** Section 60-4,131, Revised Statutes Cumulative Supplement,
9 2024, is amended to read:

10 60-4,131 (1) Sections 60-462.01 and 60-4,132 to 60-4,172 shall apply
11 to the operation of any commercial motor vehicle.

12 (2) For purposes of such sections:

13 (a) Disqualification means:

14 (i) The suspension, revocation, cancellation, or any other
15 withdrawal by a state of a person's privilege to operate a commercial
16 motor vehicle;

17 (ii) A determination by the Federal Motor Carrier Safety
18 Administration, under the rules of practice for motor carrier safety
19 contained in 49 C.F.R. part 386, that a person is no longer qualified to
20 operate a commercial motor vehicle under 49 C.F.R. part 391; or

21 (iii) The loss of qualification which automatically follows
22 conviction of an offense listed in 49 C.F.R. 383.51;

23 (b) Downgrade means the state:

24 (i) Allows the driver of a commercial motor vehicle to change his or
25 her self-certification to interstate, but operating exclusively in
26 transportation or operation excepted from 49 C.F.R. part 391, as provided
27 in 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3;

28 (ii) Allows the driver of a commercial motor vehicle to change his
29 or her self-certification to intrastate only, if the driver qualifies
30 under a state's physical qualification requirements for intrastate only;

31 (iii) Allows the driver of a commercial motor vehicle to change his

1 or her certification to intrastate, but operating exclusively in
2 transportation or operations excepted from all or part of a state driver
3 qualification requirement; or

4 (iv) Removes the commercial driver's license privilege from the
5 operator's license;

6 (c) Employee means any operator of a commercial motor vehicle,
7 including full-time, regularly employed drivers; casual, intermittent, or
8 occasional drivers; and leased drivers and independent, owner-operator
9 contractors, while in the course of operating a commercial motor vehicle,
10 who are either directly employed by or under lease to an employer;

11 (d) Employer means any person, including the United States, a state,
12 the District of Columbia, or a political subdivision of a state, that
13 owns or leases a commercial motor vehicle or assigns employees to operate
14 a commercial motor vehicle;

15 (e) Endorsement means an authorization to an individual's CLP-
16 commercial learner's permit or commercial driver's license required to
17 permit the individual to operate certain types of commercial motor
18 vehicles;

19 (f) Foreign means outside the fifty United States and the District
20 of Columbia;

21 (g) Imminent hazard means the existence of a condition relating to
22 hazardous material that presents a substantial likelihood that death,
23 serious illness, severe personal injury, or a substantial endangerment to
24 health, property, or the environment may occur before the reasonably
25 foreseeable completion date of a formal proceeding begun to lessen the
26 risk of that death, illness, injury, or endangerment;

27 (h) Issue and issuance means initial issuance, transfer, renewal, or
28 upgrade of a commercial driver's license or nondomiciled commercial
29 driver's license, or issuance, transfer, or upgrade of a CLP-commercial
30 learner's permit or nondomiciled CLP-commercial learner's permit, as
31 described in 49 C.F.R. 383.73;

1 (i) Medical examiner means an individual certified by the Federal
2 Motor Carrier Safety Administration and listed on the National Registry
3 of Certified Medical Examiners in accordance with 49 C.F.R. part 390,
4 subpart D;

5 (j) Medical examiner's certificate means any paper certification or
6 electronic certification that meets a form meeting the requirements of 49
7 C.F.R. 391.43 issued by a medical examiner in compliance with such
8 regulation;

9 (k) Medical variance means the Federal Motor Carrier Safety
10 Administration has provided a driver with either an exemption letter
11 permitting operation of a commercial motor vehicle pursuant to 49 C.F.R.
12 381, subpart C, or 49 C.F.R. 391.64 or a Skill Performance Evaluation
13 Certificate permitting operation of a commercial motor vehicle pursuant
14 to 49 C.F.R. 391.49;

15 (l) Nondomiciled CLP-commercial learner's permit or nondomiciled
16 commercial driver's license means a CLP-commercial learner's permit or
17 commercial driver's license, respectively, issued by this state or other
18 jurisdiction under either of the following two conditions:

19 (i) To an individual domiciled in a foreign country meeting the
20 requirements of 49 C.F.R. 383.23(b)(1); or

21 (ii) To an individual domiciled in another state meeting the
22 requirements of 49 C.F.R. 383.23(b)(2);

23 (m) Representative vehicle means a motor vehicle which represents
24 the type of motor vehicle that a driver applicant operates or expects to
25 operate;

26 (n) State means a state of the United States and the District of
27 Columbia;

28 (o) State of domicile means that state where a person has his or her
29 true, fixed, and permanent home and principal residence and to which he
30 or she has the intention of returning whenever he or she is absent;

31 (p) Tank vehicle means any commercial motor vehicle that is designed

1 to transport any liquid or gaseous materials within a tank or tanks that
2 have an individual rated capacity of more than one hundred nineteen
3 gallons and an aggregate rated capacity of one thousand gallons or more
4 and that are either permanently or temporarily attached to the vehicle or
5 the chassis. A commercial motor vehicle transporting an empty storage
6 container tank, not designed for transportation, with a rated capacity of
7 one thousand gallons or more that is temporarily attached to a flatbed
8 trailer is not considered a tank vehicle;

9 (q) Third-party skills test examiner means a person employed by a
10 third-party tester who is authorized by this state to administer the
11 commercial driver's license skills tests specified in 49 C.F.R. part 383,
12 subparts G and H;

13 (r) Third-party tester means a person, including, but not limited
14 to, another state, a motor carrier, a private driver training facility or
15 other private institution, or a department, agency, or instrumentality of
16 a local government, authorized by this state to employ skills test
17 examiners to administer the commercial driver's license skills tests
18 specified in 49 C.F.R. part 383, subparts G and H;

19 (s) United States means the fifty states and the District of
20 Columbia; and

21 (t) Vehicle group means a class or type of vehicle with certain
22 operating characteristics.

23 **Sec. 15.** Section 60-4,132, Revised Statutes Cumulative Supplement,
24 2024, is amended to read:

25 60-4,132 The purposes of sections 60-462.01, 60-4,133, and 60-4,137
26 to 60-4,172 are to implement the requirements mandated by the federal
27 Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31100 et seq., the
28 federal Motor Carrier Safety Improvement Act of 1999, Public Law 106-159,
29 49 U.S.C. 101 et seq., section 1012 of the federal Uniting and
30 Strengthening America by Providing Appropriate Tools Required to
31 Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C.

1 5103a, and federal regulations as such acts and regulations existed on
2 the date specified in section 5 of this act January 1, 2024, and to
3 reduce or prevent commercial motor vehicle accidents, fatalities, and
4 injuries by: (1) Permitting drivers to hold only one operator's license;
5 (2) disqualifying drivers for specified offenses and serious traffic
6 violations; and (3) strengthening licensing and testing standards.

7 **Sec. 16.** Section 60-4,134, Revised Statutes Cumulative Supplement,
8 2024, is amended to read:

9 60-4,134 In conformance with section 7208 of the federal Fixing
10 America's Surface Transportation Act and 49 C.F.R. 383.3(i), as such
11 section and regulation existed on the date specified in section 5 of this
12 act January 1, 2024, no hazardous materials endorsement authorizing the
13 holder of a Class A commercial driver's license to operate a commercial
14 motor vehicle transporting diesel fuel shall be required if such driver
15 is (1) operating within the state and acting within the scope of his or
16 her employment as an employee of a custom harvester operation, an
17 agrichemical business, a farm retail outlet and supplier, or a livestock
18 feeder and (2) operating a service vehicle that is (a) transporting
19 diesel in a quantity of one thousand gallons or less and (b) clearly
20 marked with a flammable or combustible placard, as appropriate.

21 **Sec. 17.** Section 60-4,144, Revised Statutes Cumulative Supplement,
22 2024, is amended to read:

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

1 (a) Certification that the commercial motor vehicle in which the
2 applicant takes any driving skills examination is representative of the
3 class of commercial motor vehicle that the applicant operates or expects
4 to operate; and

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

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

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

1 Election Act, or (vii) to query the federal Drug and Alcohol
2 Clearinghouse.

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

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

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

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

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

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

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

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

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

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

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

31 (viii) A Certificate of Citizenship issued by the United States

1 Department of Homeland Security;

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

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

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

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

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

22 (f)(i) Any person assigned a parolee immigration status by the
23 United States Department of Homeland Security may apply for and be issued
24 a CLP-commercial learner's permit or commercial driver's license that is
25 not in compliance with the federal REAL ID Act of 2005, Public Law
26 109-13, if the person:

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

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

31 (ii) Any CLP-commercial learner's permit or commercial driver's

1 license issued under this subsection is otherwise subject to all laws
2 relating to CLP-commercial learner's permits or commercial driver's
3 licenses.

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

10 (b) The following are acceptable as proof of citizenship or lawful
11 status:

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

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

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

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

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

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

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

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

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

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

13 (b) An applicant for a nondomiciled CLP-commercial learner's permit
14 and nondomiciled commercial driver's license shall do the following:

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

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

1 (iii) Provide a mailing address to the Department of Motor Vehicles.
2 If the applicant is applying for a foreign nondomiciled CLP-commercial
3 learner's permit or foreign nondomiciled commercial driver's license, he
4 or she shall provide a Nebraska mailing address and his or her employer's
5 mailing address to the Department of Motor Vehicles.

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

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

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

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

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

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

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

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

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

1 in order to be issued a CLP-commercial learner's permit or a commercial
2 driver's license.

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

10 (12) Any driver who applies for a commercial driver's license or a
11 CLP-commercial learner's permit is deemed to have consented to the
12 release of information from the federal Drug and Alcohol Clearinghouse in
13 accordance with 49 C.F.R. part 382.

14 **Sec. 18.** Section 60-4,144.01, Reissue Revised Statutes of Nebraska,
15 is amended to read:

16 60-4,144.01 (1) Any person who is applying for a commercial driver's
17 license or CLP-commercial learner's permit shall make a self-
18 certification under subsection (2), (3), (4), or (5) of this section as
19 required under 49 C.F.R. 383.71(b)(1). ~~Certification shall be made as~~
20 ~~follows:~~

21 (2)(a) Certification shall be made under this subsection for any
22 person who ~~(1) A person must certify that he or she~~ operates or expects
23 to operate a commercial motor vehicle in interstate commerce, is both
24 subject to and meets the qualification requirements under 49 C.F.R. part
25 391, and is required to be medically examined and certified as physically
26 qualified to operate a commercial motor vehicle in accordance with ~~obtain~~
27 ~~a medical examiner's certificate by 49 C.F.R. 391.45.~~

28 (b) ~~To The medical examination required in order to obtain a medical~~
29 examiner's certificate, the medical examination shall be conducted by a
30 medical examiner who is listed on the National Registry of Certified
31 Medical Examiners unless excepted under 49 C.F.R. 391.43(b).

1 (c) Before June 23, 2025, any person who self-certifies that such
2 person is required to be medically examined and certified as physically
3 qualified under 49 C.F.R. 391.45 to operate a commercial motor vehicle
4 shall ~~Any nonexcepted holder of a commercial learner's permit or~~
5 ~~commercial driver's license who certifies that he or she will operate a~~
6 ~~commercial motor vehicle in nonexcepted, interstate commerce must~~
7 maintain a current medical examiner's certificate and provide a copy of
8 it to the department in order to maintain his or her medical
9 certification status. ÷

10 (d) Beginning on an implementation date determined by the director,
11 but not later than June 23, 2025, any person who self-certifies that such
12 person is required to be medically examined and certified under 49 C.F.R.
13 391.45 shall maintain a current medical examiner's certificate. A copy of
14 such certificate does not need to be provided to the department to
15 maintain such person's medical certification status.

16 (e) Beginning on an implementation date determined by the director,
17 but not later than June 23, 2025, no medical examination certificate that
18 is issued directly to any person who is required to be medically examined
19 and certified can be used to satisfy the certification requirement of, or
20 be used to maintain medical certification for the purpose of complying
21 with, 49 C.F.R. part 391.

22 (f) Any person who has obtained a medical variance from the Federal
23 Motor Carrier Safety Administration, in the form of an exemption letter
24 or medical variance skill performance evaluation certificate, shall carry
25 such letter or certificate while operating a commercial motor vehicle.

26 (3) Certification shall be made under this subsection for any person
27 who ~~(2) A person must certify that he or she operates or expects to~~
28 operate a commercial motor vehicle in interstate commerce, but engages
29 exclusively in transportation or operations excepted under 49 C.F.R.
30 390.3(f), 391.2, 391.68, or 398.3 from all or part of the qualification
31 requirements of 49 C.F.R. part 391, and is therefor not required to

1 obtain a medical examiner's certificate by 49 C.F.R. 391.45. ~~7~~

2 (4) Certification shall be made under this subsection for any person
3 who operates or expects to operate ~~(3) A person must certify that he or~~
4 ~~she operates~~ a commercial motor vehicle only in intrastate commerce and
5 ~~therefor~~ is subject to state driver qualification requirements as
6 provided in section 75-363. ~~7~~ ~~or~~

7 (5) Certification shall be made under this subsection for any person
8 who operates or expects to operate ~~(4) A person must certify that he or~~
9 ~~she operates~~ a commercial motor vehicle in intrastate commerce, but
10 engages exclusively in transportation or operations excepted from all or
11 parts of the state driver qualification requirements.

12 **Sec. 19.** Section 60-4,144.02, Reissue Revised Statutes of Nebraska,
13 is amended to read:

14 60-4,144.02 (1) For each operator of a commercial motor vehicle
15 required to have a commercial driver's license or CLP-commercial
16 learner's permit, the department, in compliance with 49 C.F.R. 383.73 and
17 49 C.F.R. 384.225, shall:

18 (a) Post the driver's self-certification of type of driving under
19 section 60-4,144.01 to the Commercial Driver License Information System
20 driver record ~~49 C.F.R. 383.71(a)(1)(ii);~~

21 (b) Retain the medical examiner's certificate of any driver required
22 to provide documentation of physical qualification for three years beyond
23 the date the certificate was issued; ~~and~~

24 (c) Post the information from the medical examiner's certificate
25 received from the Federal Motor Carrier Safety Administration within ten
26 ~~calendar days~~ to the Commercial Driver License Information System driver
27 record, including:

- 28 (i) The medical examiner's name;
- 29 (ii) The medical examiner's telephone number;
- 30 (iii) The date of the medical examiner's certificate issuance;
- 31 (iv) The medical examiner's license number and the state that issued

1 it;

2 (v) The medical examiner's National Registry identification number
3 ~~(if the National Registry of Medical Examiners, mandated by 49 U.S.C.~~
4 ~~31149(d), requires one);~~

5 (vi) The indicator of the medical certification status, either
6 "certified" or "not-certified";

7 (vii) The expiration date of the medical examiner's certificate;

8 (viii) The existence of any medical variance on the medical
9 certificate, such as an exemption letter, Skill Performance Evaluation
10 ~~(SPE)~~ certification, or grandfather provisions;

11 (ix) Any restrictions, for example, corrective lenses, hearing aid,
12 or required to have possession of an exemption letter or Skill
13 Performance Evaluation certificate while on duty; and

14 (x) The date the medical examiner's certificate information was
15 posted to the Commercial Driver License Information System driver
16 record; -

17 (d) Before June 23, 2025, post the medical variance information
18 received from the Federal Motor Carrier Safety Administration within ten
19 business days to the Commercial Driver License Information System driver
20 record including the:

21 (i) Date of medical variance issuance or renewal; and

22 (ii) Expiration date of medical variance; and

23 (e) Beginning on an implementation date designated by the director,
24 but not later than June 23, 2025, post the medical variance information
25 electronically received from the Federal Motor Carrier Safety
26 Administration within one business day to the Commercial Driver License
27 Information System driver record, including the:

28 (i) Date of medical variance issuance or renewal; and

29 (ii) Expiration date of medical variance.

30 ~~(2) The department shall, within ten calendar days of the driver's~~
31 ~~medical certification status expiring or a medical variance expiring or~~

1 ~~being rescinded, update the medical certification status of that driver~~
2 ~~as "not-certified".~~

3 ~~(3) Within ten calendar days of receiving information from the~~
4 ~~Federal Motor Carrier Safety Administration regarding issuance or renewal~~
5 ~~of a medical variance for a driver, the department shall update the~~
6 ~~Commercial Driver License Information System driver record to include the~~
7 ~~medical variance information provided by the Federal Motor Carrier Safety~~
8 ~~Administration.~~

9 (2)(a) ~~(4)(a)~~ If a driver's medical certification or medical
10 variance expires, or the Federal Motor Carrier Safety Administration
11 notifies the department that a medical variance was removed or rescinded,
12 the department shall:

13 (i) Notify the holder of the commercial driver's license or CLP-
14 commercial learner's permit of his or her "not-certified" medical
15 certification status and that the CLP-commercial learner's permit or
16 commercial driver's license privilege will be removed from the driver's
17 license or permit unless the driver submits a current medical certificate
18 or medical variance or changes his or her self-certification to driving
19 only in ~~excepted or intrastate~~ commerce, if permitted by the department;
20 ~~and~~

21 (ii) Initiate established department procedures for downgrading the
22 license. The commercial driver's license downgrade shall be completed and
23 recorded within sixty days of the driver's medical certification status
24 becoming "not-certified" to operate a commercial motor vehicle; and -

25 (iii)(A) Before June 23, 2025, update the Commercial Driver License
26 Information System driver record as "not-certified" within ten calendar
27 days; and

28 (B) Beginning on an implementation date designated by the director,
29 but not later than June 23, 2025, update the Commercial Driver License
30 Information System driver record as "not-certified" within one business
31 day.

1 (b)(i) Before June 23, 2025, if (b) If a driver fails to provide the
2 department with the certification contained in 49 C.F.R. 383.71(b)(1)(i)
3 49 C.F.R. 383.71(a)(1)(ii), or a current medical examiner's certificate
4 if the driver self-certifies according to 49 C.F.R. 383.71(b)(1)(i) 49
5 C.F.R. 383.71(a)(1)(ii)(A) that he or she is operating in nonexcepted
6 interstate commerce as required by 49 C.F.R. 383.71(h), the department
7 shall mark that Commercial Driver License Information System driver
8 record as "not-certified" and initiate a commercial driver's license
9 downgrade following department procedures in accordance with subdivision
10 (4)(a)(ii) of this section. The CLP-commercial learner's permit or
11 commercial driver's license shall be canceled and marked as "not-
12 certified".

13 (ii) Beginning on an implementation date designated by the director,
14 but not later than June 23, 2025, for any driver who fails to maintain
15 the certification required by 49 C.F.R. 383.71(b)(1) or for any driver
16 who self-certifies pursuant to 49 C.F.R. 383.71(b)(1)(i) that the driver
17 is operating in nonexcepted interstate commerce pursuant to 49 C.F.R.
18 383.71(h), the department shall:

19 (A) Update the Commercial Driver License Information System driver
20 record for such driver as "not-certified";

21 (B) Initiate a downgrade for such driver following department
22 procedures in accordance with subdivision (4)(a) of this section;

23 (C) Cancel the CLP-commercial learner's permit or commercial
24 driver's license for such driver; and

25 (D) Mark the CLP-commercial learner's permit or commercial driver's
26 license for such driver as "not-certified".

27 **Sec. 20.** Section 60-4,147.02, Revised Statutes Cumulative
28 Supplement, 2024, is amended to read:

29 60-4,147.02 No endorsement authorizing the driver to operate a
30 commercial motor vehicle transporting hazardous materials shall be
31 issued, renewed, or transferred by the Department of Motor Vehicles

1 unless the endorsement is issued, renewed, or transferred in conformance
2 with the requirements of section 1012 of the federal Uniting and
3 Strengthening America by Providing Appropriate Tools Required to
4 Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C.
5 5103a, including all amendments and federal regulations adopted pursuant
6 thereto as of the date specified in section 5 of this act ~~January 1,~~
7 ~~2024~~, for the issuance of licenses to operate commercial motor vehicles
8 transporting hazardous materials.

9 **Sec. 21.** Section 60-4,168, Revised Statutes Cumulative Supplement,
10 2024, is amended to read:

11 60-4,168 (1) Except as provided in subsections (2) and (3) of this
12 section, a person shall be disqualified from operating a commercial motor
13 vehicle for one year upon his or her first conviction, after April 1,
14 1992, in this or any other state for:

15 (a) Operating a commercial motor vehicle in violation of section
16 60-6,196 or 60-6,197 or under the influence of a controlled substance or,
17 beginning September 30, 2005, operating any motor vehicle in violation of
18 section 60-6,196 or 60-6,197 or under the influence of a controlled
19 substance;

20 (b) Operating a commercial motor vehicle in violation of section
21 60-4,163 or 60-4,164;

22 (c) Leaving the scene of an accident involving a commercial motor
23 vehicle operated by the person or, beginning September 30, 2005, leaving
24 the scene of an accident involving any motor vehicle operated by the
25 person;

26 (d) Using a commercial motor vehicle in the commission of a felony
27 other than a felony described in subdivision (3)(b) of this section or,
28 beginning September 30, 2005, using any motor vehicle in the commission
29 of a felony other than a felony described in subdivision (3)(b) of this
30 section;

31 (e) Beginning September 30, 2005, operating a commercial motor

1 vehicle after his or her commercial driver's license has been suspended,
2 revoked, or canceled or the driver is disqualified from operating a
3 commercial motor vehicle; or

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

6 (2) Except as provided in subsection (3) of this section, if any of
7 the offenses described in subsection (1) of this section occurred while a
8 person was transporting hazardous material in a commercial motor vehicle
9 which required placarding pursuant to section 75-364, the person shall,
10 upon conviction or administrative determination, be disqualified from
11 operating a commercial motor vehicle for three years.

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

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

18 (b) Beginning September 30, 2005, used a motor vehicle in the
19 commission of a felony involving the manufacturing, distributing, or
20 dispensing of a controlled substance; or

21 (c) Used a commercial motor vehicle in the commission of a felony
22 involving an act or practice of severe forms of trafficking in persons,
23 as defined and described in 22 U.S.C. 7102(11), as such section existed
24 on the date specified in section 5 of this act ~~January 1, 2024~~.

25 (4)(a) A person is disqualified from operating a commercial motor
26 vehicle for a period of not less than sixty days if he or she is
27 convicted in this or any other state of two serious traffic violations,
28 or not less than one hundred twenty days if he or she is convicted in
29 this or any other state of three serious traffic violations, arising from
30 separate incidents occurring within a three-year period while operating a
31 commercial motor vehicle.

1 (b) A person is disqualified from operating a commercial motor
2 vehicle for a period of not less than sixty days if he or she is
3 convicted in this or any other state of two serious traffic violations,
4 or not less than one hundred twenty days if he or she is convicted in
5 this or any other state of three serious traffic violations, arising from
6 separate incidents occurring within a three-year period while operating a
7 motor vehicle other than a commercial motor vehicle if the convictions
8 have resulted in the revocation, cancellation, or suspension of the
9 person's operator's license or driving privileges.

10 (5)(a) A person who is convicted of operating a commercial motor
11 vehicle in violation of a federal, state, or local law or regulation
12 pertaining to one of the following six offenses at a highway-rail grade
13 crossing shall be disqualified for the period of time specified in
14 subdivision (5)(b) of this section:

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

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

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

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

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

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

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

30 (ii) A person shall be disqualified for not less than one hundred
31 twenty days if, during any three-year period, the person is convicted of

1 a second violation described in this subsection in separate incidents.

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

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

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

31 (8) For purposes of this section, controlled substance has the same

1 meaning as in section 28-401.

2 (9) For purposes of this section, conviction means an unvacated
3 adjudication of guilt, or a determination that a person has violated or
4 failed to comply with the law, in a court of original jurisdiction or by
5 an authorized administrative tribunal, an unvacated forfeiture of bail or
6 collateral deposited to secure the person's appearance in court, a plea
7 of guilty or nolo contendere accepted by the court, the payment of a fine
8 or court costs, or a violation of a condition of release without bail,
9 regardless of whether or not the penalty is rebated, suspended, or
10 probated.

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

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

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

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

17 (d) Following the vehicle ahead too closely as described in section
18 60-6,140;

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

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

25 (g) Beginning September 30, 2005, operating a commercial motor
26 vehicle without a commercial driver's license in the operator's
27 possession;

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

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

3 (j) Using a handheld mobile telephone as described in section
4 60-6,179.02.

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

7 **Sec. 22.** Section 60-501, Revised Statutes Cumulative Supplement,
8 2024, is amended to read:

9 60-501 For purposes of the Motor Vehicle Safety Responsibility Act,
10 unless the context otherwise requires:

11 (1) Department means Department of Motor Vehicles;

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

17 (3) Golf car vehicle means a vehicle that has at least four wheels,
18 has a maximum level ground speed of less than twenty miles per hour, has
19 a maximum payload capacity of one thousand two hundred pounds, has a
20 maximum gross vehicle weight of two thousand five hundred pounds, has a
21 maximum passenger capacity of not more than four persons, and is designed
22 and manufactured for operation on a golf course for sporting and
23 recreational purposes;

24 (4) Judgment means any judgment which shall have become final by the
25 expiration of the time within which an appeal might have been perfected
26 without being appealed, or by final affirmation on appeal, rendered by a
27 court of competent jurisdiction of any state or of the United States, (a)
28 upon a cause of action arising out of the ownership, maintenance, or use
29 of any motor vehicle for damages, including damages for care and loss of
30 services, because of bodily injury to or death of any person or for
31 damages because of injury to or destruction of property, including the

1 loss of use thereof, or (b) upon a cause of action on an agreement of
2 settlement for such damages;

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

5 ~~(6)(a) (6)~~ Low-speed vehicle means any: a

6 (i) Four-wheeled ~~(a) four-wheeled~~ motor vehicle:

7 (A) With a (i) ~~whose~~ speed attainable in one mile of ~~is~~ more than
8 twenty miles per hour and not more than twenty-five miles per hour on a
9 paved, level surface; ~~τ~~

10 (B) With a (ii) ~~whose~~ gross vehicle weight rating of ~~is~~ less than
11 three thousand pounds; ~~τ~~ and

12 (C) That (iii) ~~that~~ complies with 49 C.F.R. part 571, as such part
13 existed on the date specified in section 5 of this act; January 1, 2024,
14 or

15 (ii) Three-wheeled ~~(b) three-wheeled~~ motor vehicle:

16 (A) With a (i) ~~whose maximum~~ speed attainable of ~~is~~ not more than
17 twenty-five miles per hour on a paved, level surface; ~~τ~~

18 (B) With a (ii) ~~whose~~ gross vehicle weight rating of ~~is~~ less than
19 three thousand pounds; ~~τ~~ and

20 (C) That (iii) ~~which~~ is equipped with a windshield and an occupant
21 protection system.

22 (b) Low-speed vehicle does not include a A motorcycle with a sidecar
23 ~~attached is not a low-speed vehicle;~~

24 (7) Minitruck means a foreign-manufactured import vehicle or
25 domestic-manufactured vehicle which (a) is powered by an internal
26 combustion engine with a piston or rotor displacement of one thousand
27 five hundred cubic centimeters or less, (b) is sixty-seven inches or less
28 in width, (c) has a dry weight of four thousand two hundred pounds or
29 less, (d) travels on four or more tires, (e) has a top speed of
30 approximately fifty-five miles per hour, (f) is equipped with a bed or
31 compartment for hauling, (g) has an enclosed passenger cab, (h) is

1 equipped with headlights, taillights, turnsignals, windshield wipers, a
2 rearview mirror, and an occupant protection system, and (i) has a four-
3 speed, five-speed, or automatic transmission;

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

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

20 (10) Nonresident's operating privilege means the privilege conferred
21 upon a nonresident by the laws of this state pertaining to the operation
22 by him or her of a motor vehicle or the use of a motor vehicle owned by
23 him or her in this state;

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

26 (12) Owner means a person who holds the legal title of a motor
27 vehicle, or in the event (a) a motor vehicle is the subject of an
28 agreement for the conditional sale or lease thereof with the right of
29 purchase upon performance of the conditions stated in the agreement and
30 with an immediate right of possession vested in the conditional vendee or
31 lessee or (b) a mortgagor of a vehicle is entitled to possession, then

1 such conditional vendee or lessee or mortgagor shall be deemed the owner
2 for the purposes of the act;

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

5 (14) Proof of financial responsibility means evidence of ability to
6 respond in damages for liability, on account of accidents occurring
7 subsequent to the effective date of such proof, arising out of the
8 ownership, maintenance, or use of a motor vehicle, (a) in the amount of
9 twenty-five thousand dollars because of bodily injury to or death of one
10 person in any one accident, (b) subject to such limit for one person, in
11 the amount of fifty thousand dollars because of bodily injury to or death
12 of two or more persons in any one accident, and (c) in the amount of
13 twenty-five thousand dollars because of injury to or destruction of
14 property of others in any one accident;

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

18 (16) State means any state, territory, or possession of the United
19 States, the District of Columbia, or any province of the Dominion of
20 Canada; and

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

24 **Sec. 23.** Section 60-628.01, Revised Statutes Cumulative Supplement,
25 2024, is amended to read:

26 60-628.01 (1) Low-speed vehicle means any: a

27 (a) Four-wheeled ~~(1) four-wheeled~~ motor vehicle:

28 (i) With a ~~(a) whose~~ speed attainable in one mile of ~~is~~ more than
29 twenty miles per hour and not more than twenty-five miles per hour on a
30 paved, level surface; ~~τ~~

31 (ii) With a ~~(b) whose~~ gross vehicle weight rating of ~~is~~ less than

1 three thousand pounds; ~~τ~~ and

2 ~~(iii) That (c) that~~ complies with 49 C.F.R. part 571, as such part
3 existed on the date specified in section 5 of this act; January 1, 2024,

4 or

5 ~~(b) Three-wheeled (2) three-wheeled~~ motor vehicle:

6 ~~(i) With a (a) whose~~ maximum speed attainable of is not more than
7 twenty-five miles per hour on a paved, level surface; ~~τ~~

8 ~~(ii) With a (b) whose~~ gross vehicle weight rating of is less than
9 three thousand pounds; ~~τ~~ and

10 ~~(iii) That (c) which~~ is equipped with a windshield and an occupant
11 protection system.

12 (2) Low-speed vehicle does not include a A motorcycle with a sidecar
13 attached ~~is not a low-speed vehicle.~~

14 **Sec. 24.** Section 60-6,265, Revised Statutes Cumulative Supplement,
15 2024, is amended to read:

16 60-6,265 For purposes of sections 60-6,266 to 60-6,273:

17 (1) Occupant protection system means a system utilizing a lap belt,
18 a shoulder belt, or any combination of belts installed in a motor vehicle
19 which (a) restrains drivers and passengers and (b) conforms to Federal
20 Motor Vehicle Safety Standards, 49 C.F.R. 571.207, 571.208, 571.209, and
21 571.210, as such standards existed on the date specified in section 5 of
22 this act January 1, 2024, or, as a minimum standard, to the federal motor
23 vehicle safety standards for passenger restraint systems applicable for
24 the motor vehicle's model year; and

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

28 **Sec. 25.** Section 60-2705, Revised Statutes Cumulative Supplement,
29 2024, is amended to read:

30 60-2705 The Director of Motor Vehicles shall adopt standards for an
31 informal dispute settlement procedure which substantially comply with the

1 provisions of 16 C.F.R. part 703, as such part existed on the date
2 specified in section 5 of this act ~~January 1, 2024~~.

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

8 **Sec. 26.** Section 60-2909.01, Revised Statutes Cumulative Supplement,
9 2024, is amended to read:

10 60-2909.01 The department and any officer, employee, agent, or
11 contractor of the department having custody of a motor vehicle record
12 shall, upon the verification of identity and purpose of a requester,
13 disclose and make available the requested motor vehicle record, including
14 the sensitive personal information in the record, other than the social
15 security number, for the following purposes:

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

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

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

31 (4) For use by an employer or the employer's agent or insurer to

1 obtain or verify information relating to a holder of a commercial
2 driver's license or CLP-commercial learner's permit that is required
3 under the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31301 et
4 seq., as such act existed on the date specified in section 5 of this act
5 ~~January 1, 2024~~, or pursuant to sections 60-4,132 and 60-4,141; and

6 (5) For use by employers of a holder of a commercial driver's
7 license or CLP-commercial learner's permit and by the Commercial Driver
8 License Information System as provided in section 60-4,144.02 and 49
9 C.F.R. 383.73, as such regulation existed on the date specified in
10 section 5 of this act ~~January 1, 2024~~.

11 **Sec. 27.** Section 75-363, Revised Statutes Cumulative Supplement,
12 2024, is amended to read:

13 75-363 (1) The parts, subparts, and sections of Title 49 of the Code
14 of Federal Regulations listed below, as modified in this section, or any
15 other parts, subparts, and sections referred to by such parts, subparts,
16 and sections, in existence and effective as of the date specified in
17 section 5 of this act ~~January 1, 2024~~, are adopted as Nebraska law.

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

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

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

24 (i) All vehicles of such motor carriers with a gross vehicle weight
25 rating, gross combination weight rating, gross vehicle weight, or gross
26 combination weight over ten thousand pounds;

27 (ii) All vehicles of such motor carriers designed or used to
28 transport more than eight passengers, including the driver, for
29 compensation, or designed or used to transport more than fifteen
30 passengers, including the driver, and not used to transport passengers
31 for compensation;

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

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

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

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

9 (b) Part 385 - SAFETY FITNESS PROCEDURES;

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

11 (d) Part 387 - MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR
12 CARRIERS;

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

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

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

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

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

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

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

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

23 (4) The provisions of subpart E - Physical Qualifications and
24 Examinations of 49 C.F.R. part 391 - QUALIFICATIONS OF DRIVERS AND LONGER
25 COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS shall not apply to any
26 driver subject to this section who: (a) Operates a commercial motor
27 vehicle exclusively in intrastate commerce; and (b) holds, or has held, a
28 commercial driver's license issued by this state prior to July 30, 1996.

29 (5) The regulations adopted in subsection (3) of this section shall
30 not apply to farm trucks registered pursuant to section 60-3,146 with a
31 gross weight of sixteen tons or less. The following parts and sections of

1 49 C.F.R. chapter III shall not apply to drivers of farm trucks
2 registered pursuant to section 60-3,146 and operated solely in intrastate
3 commerce:

4 (a) All of part 391;

5 (b) Section 395.8 of part 395; and

6 (c) Section 396.11 of part 396.

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

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

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

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

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

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

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

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

26 (i) More than twelve hours following ten consecutive hours off duty;

27 or

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

30 (b) No motor carrier who engages in intrastate commerce shall permit
31 or require a driver of a commercial motor vehicle, regardless of the

1 number of motor carriers using the driver's services, to drive, nor shall
2 any driver of a commercial motor vehicle drive, for any period after:

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

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

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

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

15 (b) The transportation of such farm supplies is from a wholesale or
16 retail distribution point of the farm supplies to a farm or other
17 location where the farm supplies are intended to be used which is within
18 a one-hundred-fifty-air-mile radius of the wholesale or retail
19 distribution point; or

20 (c) The transportation of such farm supplies is from a wholesale
21 distribution point of the farm supplies to a retail distribution point of
22 the farm supplies which is within a one-hundred-fifty-air-mile radius of
23 the wholesale distribution point.

24 (11) 49 C.F.R. 390.21 - Marking of self-propelled CMVs and
25 intermodal equipment shall not apply to farm trucks and farm truck-
26 tractors registered pursuant to section 60-3,146 and operated solely in
27 intrastate commerce.

28 (12) 49 C.F.R. 392.9a - Operating authority shall not apply to
29 Nebraska motor carriers operating commercial motor vehicles solely in
30 intrastate commerce.

31 (13) No motor carrier shall permit or require a driver of a

1 commercial motor vehicle to violate, and no driver of a commercial motor
2 vehicle shall violate, any out-of-service order.

3 **Sec. 28.** Section 75-364, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 75-364 The parts, subparts, and sections of Title 49 of the Code of
6 Federal Regulations listed below, or any other parts, subparts, and
7 sections referred to by such parts, subparts, and sections, in existence
8 and effective as of the date specified in section 5 of this act ~~January~~
9 ~~1, 2024~~, are adopted as part of Nebraska law and shall be applicable to
10 all motor carriers whether engaged in interstate or intrastate commerce,
11 drivers of such motor carriers, and vehicles of such motor carriers:

12 (1) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart F -
13 Registration of Cargo Tank and Cargo Tank Motor Vehicle Manufacturers,
14 Assemblers, Repairers, Inspectors, Testers, and Design Certifying
15 Engineers;

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

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

19 (4) Part 172 - HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS,
20 HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION,
21 TRAINING REQUIREMENTS, AND SECURITY PLANS;

22 (5) Part 173 - SHIPPERS - GENERAL REQUIREMENTS FOR SHIPMENTS AND
23 PACKAGINGS;

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

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

26 (8) Part 180 - CONTINUING QUALIFICATION AND MAINTENANCE OF
27 PACKAGINGS.

28 **Sec. 29.** Section 75-366, Revised Statutes Cumulative Supplement,
29 2024, is amended to read:

30 75-366 For the purpose of enforcing Chapter 75, article 3, any
31 officer of the Nebraska State Patrol may, upon demand, inspect the

1 accounts, records, and equipment of any motor carrier or shipper. Any
2 officer of the Nebraska State Patrol shall have the authority to enforce
3 the federal motor carrier safety regulations, as such regulations existed
4 on the date specified in section 5 of this act ~~January 1, 2024~~, and
5 federal hazardous materials regulations, as such regulations existed on
6 the date specified in section 5 of this act ~~January 1, 2024~~, and is
7 authorized to enter upon, inspect, and examine any and all lands,
8 buildings, and equipment of any motor carrier, any shipper, and any other
9 person subject to the federal Interstate Commerce Act, the federal
10 Department of Transportation Act, and other related federal laws and to
11 inspect and copy any and all accounts, books, records, memoranda,
12 correspondence, and other documents of a motor carrier, a shipper, and
13 any other person subject to Chapter 75, article 3, for the purposes of
14 enforcing Chapter 75, article 3. To promote uniformity of enforcement,
15 the carrier enforcement division of the Nebraska State Patrol shall
16 cooperate and consult with the Public Service Commission and the Division
17 of Motor Carrier Services.

18 **Sec. 30.** Section 75-369.03, Revised Statutes Cumulative Supplement,
19 2024, is amended to read:

20 75-369.03 (1) The Superintendent of Law Enforcement and Public
21 Safety may issue an order imposing a civil penalty against a motor
22 carrier transporting persons or property in interstate commerce for a
23 violation of sections 75-392 to 75-3,100 or against a motor carrier
24 transporting persons or property in intrastate commerce for a violation
25 or violations of section 75-363 or 75-364 based upon an inspection
26 conducted pursuant to section 75-366 in an amount which shall not exceed
27 one thousand two ~~nine hundred seventy-one~~ dollars for any single
28 violation in any proceeding or series of related proceedings against any
29 person or motor carrier as defined in 49 C.F.R. 390.5 as adopted in
30 section 75-363.

31 (2) The superintendent shall issue an order imposing a civil penalty

1 in an amount not to exceed twenty thousand seventeen ~~nineteen thousand~~
2 ~~three hundred eighty nine~~ dollars against a motor carrier transporting
3 persons or property in interstate commerce for a violation of subdivision
4 (2)(e) of section 60-4,162 based upon a conviction of such a violation.

5 (3) The superintendent shall issue an order imposing a civil penalty
6 against a driver operating a commercial motor vehicle, as defined in
7 section 60-465, that requires a commercial driver's license or CLP-
8 commercial learner's permit, in violation of an out-of-service order. The
9 civil penalty shall be in an amount not less than three thousand eight
10 hundred sixty-one ~~three thousand seven hundred forty~~ dollars for a first
11 violation and not less than seven thousand seven hundred twenty-three
12 ~~seven thousand four hundred eighty-one~~ dollars for a second or subsequent
13 violation.

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

23 (5) Upon the discovery of any violation by a motor carrier
24 transporting persons or property in interstate commerce of section
25 75-307, 75-363, or 75-364 or sections 75-392 to 75-3,100 based upon an
26 inspection conducted pursuant to section 75-366, the superintendent shall
27 immediately refer such violation to the appropriate federal agency for
28 disposition, and upon the discovery of any violation by a motor carrier
29 transporting persons or property in intrastate commerce of section 75-307
30 based upon such inspection, the superintendent shall refer such violation
31 to the Public Service Commission for disposition.

1 **Sec. 31.** Section 75-392, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

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

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

5 (2) Division means the Division of Motor Carrier Services of the
6 Department of Motor Vehicles; and

7 (3) Unified carrier registration plan and agreement means the plan
8 and agreement established and authorized pursuant to 49 U.S.C. 14504a, as
9 such section existed on the date specified in section 5 of this act
10 January 1, 2024.

11 **Sec. 32.** Section 75-393, Revised Statutes Cumulative Supplement,
12 2024, is amended to read:

13 75-393 The director may participate in the unified carrier
14 registration plan and agreement pursuant to the Unified Carrier
15 Registration Act of 2005, 49 U.S.C. 13908, as the act existed on the date
16 specified in section 5 of this act ~~January 1, 2024~~, and may file on
17 behalf of this state the plan required by such plan and agreement for
18 enforcement of the act in this state.

19 **Sec. 33.** The Revisor of Statutes shall assign section 5 of this act
20 within Chapter 60, article 2.

21 **Sec. 34.** Original sections 60-4,144.01 and 60-4,144.02, Reissue
22 Revised Statutes of Nebraska, and sections 18-1737, 60-107, 60-119.01,
23 60-169, 60-302.01, 60-336.01, 60-386, 60-3,113.04, 60-3,193.01,
24 60-462.01, 60-479.01, 60-4,111.01, 60-4,131, 60-4,132, 60-4,134,
25 60-4,144, 60-4,147.02, 60-4,168, 60-501, 60-628.01, 60-6,265, 60-2705,
26 60-2909.01, 75-363, 75-364, 75-366, 75-369.03, 75-392, and 75-393,
27 Revised Statutes Cumulative Supplement, 2024, are repealed.

28 **Sec. 35.** Since an emergency exists, this act takes effect when
29 passed and approved according to law.