

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 199

Introduced by Brewer, 43.

Read first time January 09, 2023

Committee:

1 A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act;
2 to amend section 60-474, Reissue Revised Statutes of Nebraska, and
3 sections 60-462 and 60-463, Revised Statutes Cumulative Supplement,
4 2022; to provide for a driving privilege card to federally
5 authorized aliens; to define and redefine terms; to harmonize
6 provisions; and to repeal the original sections.

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

1 Section 1. Section 60-462, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 60-462 Sections 60-462 to 60-4,189 and sections 4 to 8 of this act
4 shall be known and may be cited as the Motor Vehicle Operator's License
5 Act.

6 Sec. 2. Section 60-463, Revised Statutes Cumulative Supplement,
7 2022, is amended to read:

8 60-463 For purposes of the Motor Vehicle Operator's License Act, the
9 definitions found in sections 60-463.01 to 60-478 and sections 4 and 5 of
10 this act shall be used.

11 Sec. 3. Section 60-474, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 60-474 Operator's or driver's license shall mean any license or
14 permit to operate a motor vehicle issued under the laws of this state,
15 including:

16 (1) Any replacement license or instruction permit;

17 (2) The privilege of any person to drive a motor vehicle whether
18 such person holds a valid license;

19 (3) Any nonresident's operating privilege which shall mean the
20 privilege conferred upon a nonresident by the laws of this state
21 pertaining to the operation of a motor vehicle in this state by such
22 person or the use in this state of a vehicle owned by such person;

23 (4) An employment driving permit issued as provided by sections
24 60-4,129 and 60-4,130; ~~and~~

25 (5) A medical hardship driving permit issued as provided by sections
26 60-4,130.01 and 60-4,130.02; and -

27 (6) A driving privilege card issued pursuant to sections 6 to 8 of
28 this act.

29 Sec. 4. Driving privilege card means a license to operate a motor
30 vehicle created pursuant to section 202(d)(11) of the federal REAL ID Act
31 of 2005, Public Law 109-13, as such section existed on January 1, 2023,

1 issued to a federally authorized alien whose presence in the United
2 States is not specified in section 202(c)(2)(B)(i) through (x) of the
3 federal REAL ID Act of 2005, as such section existed on January 1, 2023.

4 The driving privilege card may be classified as follows:

- 5 (1) Class O license;
- 6 (2) Class M license;
- 7 (3) POP-provisional operator's permit;
- 8 (4) LPD-learner's permit; and
- 9 (5) Any other classification authorized by the director.

10 Sec. 5. Federally authorized alien means an alien who is present in
11 the United States with the approval of the United States Government. The
12 term includes aliens currently classified in categories of parole,
13 including parole granted pursuant to 8 U.S.C. 1182(d)(5), as such section
14 existed on January 1, 2023; aliens with a valid employment authorization
15 document; and any other similarly situated aliens.

16 Sec. 6. (1) Each driving privilege card shall be similar in design
17 to other Nebraska operator's licenses, but include a unique design and
18 color indicator.

19 (2) The face of each driving privilege card shall include the
20 phrases:

- 21 (a) "Not Valid for Official Federal Purposes."; and
- 22 (b) "Not Valid Photographic Identification for Voting."

23 Sec. 7. (1) A driving privilege card confers upon the recipient the
24 privilege to operate a motor vehicle pursuant to the classification
25 specified on the driving privilege card.

26 (2) A driving privilege card issued under this section shall be
27 valid identification for any lawful purpose other than for official
28 federal purposes or for purposes of voting.

29 (3) It is a violation of Nebraska law to discriminate against a
30 person because such person holds or presents a driving privilege card.

31 (4) A driving privilege card shall not be held concurrently with

1 another Nebraska operator's license.

2 (5) Any provision that applies to a Nebraska operator's license or a
3 specific class of operator's license also applies to the driving
4 privilege card and the specific class specified on the driving privilege
5 card.

6 (6) A driving privilege card shall expire in the same manner as an
7 operator's license pursuant to section 60-484.05.

8 Sec. 8. (1)(a) A person who is a federally authorized alien is
9 eligible for a driving privilege card if such person can establish proof:

10 (i) That such person is a federally authorized alien;

11 (ii) Of such person's identity;

12 (iii) That such person is a Nebraska resident; and

13 (iv) That such person is otherwise qualified for an operator's
14 permit.

15 (b) A person who is a federally authorized alien shall not be
16 ineligible for a driving privilege card solely because such person cannot
17 satisfy the requirements specified in section 60-484.04 or does not
18 possess a social security number.

19 (2) A person who is a federally authorized alien shall establish
20 such authorization by providing documentation issued by the United States
21 Citizenship and Immigration Services demonstrating that such person is
22 present in the United States with the permission of the United States
23 Government. Such documentation may be verified electronically through the
24 Systematic Alien Verification for Entitlements program.

25 (3) A person who is a federally authorized alien shall prove such
26 person's identity as required by this section by complying with
27 subsection (6) of section 60-484 or by providing one of the following
28 documents that contains such person's full legal name and date of birth:

29 (a) A consular identification document;

30 (b) A passport from such person's country of origin;

31 (c) Any of the following documents in a language other than English,

1 but with an accompanying English translation:

2 (i) A foreign birth certificate;

3 (ii) A foreign federal electoral card;

4 (iii) A foreign driver's license;

5 (iv) A foreign national identification card;

6 (v) A marriage certificate or divorce decree; and

7 (vi) Any similar document from such person's country of origin.

8 (d) A photo identification card from a school or place of employment
9 from within United States;

10 (e) Documentation from the United States Citizenship and Immigration
11 Services; and

12 (f) Any other documents approved by the director.

13 (4) A person who is a federally authorized alien shall prove that
14 such person is a Nebraska resident as required by this section with any
15 two of the following documents that contain such person's principal
16 address:

17 (a) An account statement from a bank or other financial institution
18 issued within the last ninety days;

19 (b) A pay stub or earnings statement issued within the last ninety
20 days with the name and address of such person's employer;

21 (c) A federal, state, or local government document issued within the
22 last ninety days, including receipts;

23 (d) A subscription magazine or newspaper issued within the last
24 ninety days;

25 (e) Any envelope, box, or postcard that has been sent indicating a
26 postmark or stamped date within the last ninety days;

27 (f) A valid registration in Nebraska of a motor vehicle;

28 (g) A valid insurance policy or card;

29 (h) Any valid license;

30 (i) A mortgage, lease, or rental agreement;

31 (j) A blank bank check or deposit slip;

1 (k) A document issued from an educational institution within the
2 last ninety days;

3 (l) Any utility, cellular telephone, or other bill issued within the
4 last ninety days;

5 (m) A change of address confirmation from the United States Postal
6 Service listing such person's current and prior address; and

7 (n) Any other document approved by the director.

8 (5) Except as otherwise provided, any eligibility requirement that
9 applies to an operator's license shall apply to the driving privilege
10 card and a person who is a federally authorized alien shall meet all
11 other requirements to operate a motor vehicle, including successful
12 completion of an examination required pursuant to section 60-4,113,
13 possessing sufficient powers of eyesight pursuant to section 60-4,118,
14 and application of the points system pursuant to 60-4,182.

15 Sec. 9. Original section 60-474, Reissue Revised Statutes of
16 Nebraska, and sections 60-462 and 60-463, Revised Statutes Cumulative
17 Supplement, 2022, are repealed.