

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 727

Introduced by Harms, 48.

Read first time January 09, 2014

Committee:

A BILL

1 FOR AN ACT relating to the Motor Vehicle Operator's License Act; to
2 amend section 60-494, Reissue Revised Statutes of
3 Nebraska, and section 60-484, Revised Statutes
4 Supplement, 2013; to change provisions relating to
5 applications and anatomical gifts; to eliminate obsolete
6 provisions; to harmonize provisions; to provide an
7 operative date; and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-484, Revised Statutes Supplement,
2 2013, is amended to read:

3 60-484 ~~(1)(a) This subsection applies until the~~
4 ~~implementation date designated by the director on or before January~~
5 ~~1, 2014. Except as otherwise provided in the Motor Vehicle Operator's~~
6 ~~License Act, no resident of the State of Nebraska shall operate a~~
7 ~~motor vehicle upon the alleys or highways of this state until the~~
8 ~~person has obtained an operator's license for that purpose.~~

9 ~~(b) Application for an operator's license or a state~~
10 ~~identification card shall be made in a manner prescribed by the~~
11 ~~department. Such application may be made to department personnel in~~
12 ~~any county. Department personnel shall conduct the examination of the~~
13 ~~applicant and deliver to each successful applicant an issuance~~
14 ~~certificate containing the statements made pursuant to subdivision~~
15 ~~(c) of this subsection.~~

16 ~~(c) The applicant (i) shall provide his or her full legal~~
17 ~~name, date of birth, mailing address, gender, race or ethnicity, and~~
18 ~~social security number, two forms of proof of address of his or her~~
19 ~~principal residence unless the applicant is a program participant~~
20 ~~under the Address Confidentiality Act, evidence of identity as~~
21 ~~required by subdivision (1)(f) of this subsection, and a brief~~
22 ~~physical description of himself or herself, (ii) may complete the~~
23 ~~voter registration portion pursuant to section 32-308, (iii) shall be~~
24 ~~provided the advisement language required by subsection (5) of~~
25 ~~section 60-6,197, (iv) shall answer the following:~~

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

4 ~~(I) lost voluntary control or consciousness ... yes ...~~
5 ~~no~~

6 ~~(II) experienced vertigo or multiple episodes of~~
7 ~~dizziness or fainting ... yes ... no~~

8 ~~(III) experienced disorientation ... yes ... no~~

9 ~~(IV) experienced seizures ... yes ... no~~

10 ~~(V) experienced impairment of memory, memory loss ...~~
11 ~~yes ... no~~

12 ~~Please explain:~~

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

17 ~~Please explain:~~

18 ~~(C) Since the issuance of your last driver's license/~~
19 ~~permit, has your health or medical condition changed or worsened? ...~~
20 ~~yes ... no~~

21 ~~Please explain, including how the above affects your~~
22 ~~ability to drive:, and (v) may answer the~~
23 ~~following:~~

24 ~~(A) Do you wish to register to vote as part of this~~
25 ~~application process?~~

1 ~~(B) Do you wish to have the word "veteran" displayed on~~
2 ~~the front of your operator's license or state identification card to~~
3 ~~show that you served in the armed forces of the United States? (To be~~
4 ~~eligible you must register with the Nebraska Department of Veterans'~~
5 ~~Affairs registry.)~~

6 ~~OPTIONAL — YOU ARE NOT REQUIRED TO ANSWER ANY OF THE~~
7 ~~FOLLOWING QUESTIONS:~~

8 ~~(C) Do you wish to be an organ and tissue donor?~~

9 ~~(D) Do you wish to receive any additional specific~~
10 ~~information regarding organ and tissue donation and the Donor~~
11 ~~Registry of Nebraska?~~

12 ~~(E) Do you wish to donate \$1 to promote the Organ and~~
13 ~~Tissue Donor Awareness and Education Fund?~~

14 ~~(d) Application for an operator's license or state~~
15 ~~identification card shall include a signed oath, affirmation, or~~
16 ~~declaration of the applicant that the information provided on the~~
17 ~~application for the license or card is true and correct.~~

18 ~~(e) The social security number shall not be printed on~~
19 ~~the operator's license or state identification card and shall be used~~
20 ~~only (i) to furnish information to the United States Selective~~
21 ~~Service System under section 60-483, (ii) with the permission of the~~
22 ~~director in connection with the verification of the status of an~~
23 ~~individual's driving record in this state or any other state, (iii)~~
24 ~~for purposes of child support enforcement pursuant to section~~
25 ~~42-358.08 or 43-512.06, (iv) to furnish information regarding an~~

1 ~~applicant for or holder of a commercial driver's license with a~~
2 ~~hazardous materials endorsement to the Transportation Security~~
3 ~~Administration of the United States Department of Homeland Security~~
4 ~~or its agent, or (v) to furnish information to the Department of~~
5 ~~Revenue under section 77-362.02.~~

6 ~~(f)(i) Each individual applying for an operator's license~~
7 ~~or a state identification card shall furnish proof of date of birth~~
8 ~~and identity with documents containing a photograph or with nonphoto~~
9 ~~identity documents which include his or her full legal name and date~~
10 ~~of birth. Such documents shall include, but not be limited to, any~~
11 ~~valid Nebraska operator's license or Nebraska state identification~~
12 ~~card, a valid operator's license or identification card from another~~
13 ~~state or jurisdiction of the United States, a certified birth~~
14 ~~certificate, a valid United States passport, or any other United~~
15 ~~States based identification as approved by the director.~~

16 ~~(ii) Any individual under the age of eighteen years~~
17 ~~applying for an operator's license or a state identification card~~
18 ~~shall provide a certified copy of his or her birth certificate or, if~~
19 ~~such individual is unable to provide a certified copy of his or her~~
20 ~~birth certificate, other reliable proof of his or her identity and~~
21 ~~age, as required in subdivision (1)(f)(i) of this section,~~
22 ~~accompanied by a certification signed by a parent or guardian~~
23 ~~explaining the inability to produce a copy of such birth certificate.~~
24 ~~The applicant also may be required to furnish proof to department~~
25 ~~personnel that the parent or guardian signing the certification is in~~

1 ~~fact the parent or guardian of such applicant.~~

2 ~~(iii) An applicant may present other documents as proof~~
3 ~~of identification and age designated by the director. Any documents~~
4 ~~accepted shall be recorded according to a written exceptions process~~
5 ~~established by the director.~~

6 ~~(g) Any individual applying for an operator's license or~~
7 ~~a state identification card who indicated his or her wish to have the~~
8 ~~word "veteran" displayed on the front of such license or card shall~~
9 ~~comply with section 60-4,189.~~

10 ~~(2)(a) This subsection applies beginning on an~~
11 ~~implementation date designated by the director on or before January~~
12 ~~1, 2014. (1) Except as otherwise provided in the Motor Vehicle~~
13 ~~Operator's License Act, no resident of the State of Nebraska shall~~
14 ~~operate a motor vehicle upon the alleys or highways of this state~~
15 ~~until the person has obtained an operator's license for that purpose.~~

16 ~~(b)(2) Application for an operator's license or a state~~
17 ~~identification card shall be made in a manner prescribed by the~~
18 ~~department. Such application may be made to department personnel in~~
19 ~~any county. Department personnel shall conduct the examination of the~~
20 ~~applicant and deliver to each successful applicant an issuance~~
21 ~~certificate containing the statements made pursuant to ~~subdivision~~~~
22 ~~(c) of this subsection (3) of this section.~~

23 ~~(e)(3) The applicant shall provide his or her full legal~~
24 ~~name, date of birth, mailing address, gender, race or ethnicity, and~~
25 ~~social security number, two forms of proof of address of his or her~~

1 principal residence unless the applicant is a program participant
 2 under the Address Confidentiality Act, evidence of identity as
 3 required by ~~subdivision (2)(f) of this subsection~~ (6) of this
 4 section, and a brief physical description of himself or herself. The
 5 applicant ~~(i)(a)~~ may also complete the voter registration portion
 6 pursuant to section 32-308, ~~(ii)(b)~~ shall be provided the advisement
 7 language required by subsection (5) of section 60-6,197, ~~(iii)(c)~~
 8 shall answer the following:

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

12 ~~(I)(A)~~ lost voluntary control or consciousness ...
 13 yes ... no

14 ~~(II)(B)~~ experienced vertigo or multiple episodes of
 15 dizziness or fainting ... yes ... no

16 ~~(III)(C)~~ experienced disorientation ... yes ... no

17 ~~(IV)(D)~~ experienced seizures ... yes ... no

18 ~~(V)(E)~~ experienced impairment of memory, memory loss ...
 19 yes ... no

20 Please explain:

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

25 Please explain:

1 ~~(C)~~-(iii) Since the issuance of your last driver's
2 license/permit, has your health or medical condition changed or
3 worsened? ... yes ... no

4 Please explain, including how the above affects your
5 ability to drive:, ~~and (iv)~~-(d) may answer the
6 following:

7 ~~(A)~~-(i) Do you wish to register to vote as part of this
8 application process?

9 ~~(B)~~-(ii) Do you wish to have the word "veteran" displayed
10 on the front of your operator's license or state identification card
11 to show that you served in the armed forces of the United States? (To
12 be eligible you must register with the Nebraska Department of
13 Veterans' Affairs registry.), and (e) shall answer the following:

14 ~~OPTIONAL — YOU ARE NOT REQUIRED TO ANSWER ANY OF THE~~
15 ~~FOLLOWING QUESTIONS:~~

16 ~~(C) Do you wish to be an organ and tissue donor?~~

17 (i) Do you wish to include your name in the Donor
18 Registry of Nebraska and donate your organs and tissues at the time
19 of your death? ...yes ...no

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

23 ~~(E)~~-(iii) Do you wish to donate \$1 to promote the Organ
24 and Tissue Donor Awareness and Education Fund?

25 ~~(d)~~-(4) Application for an operator's license or state

1 identification card shall include a signed oath, affirmation, or
2 declaration of the applicant that the information provided on the
3 application for the license or card is true and correct.

4 ~~(e)-(5)~~ The social security number shall not be printed
5 on the operator's license or state identification card and shall be
6 used only ~~(i)-(a)~~ to furnish information to the United States
7 Selective Service System under section 60-483, ~~(ii)-(b)~~ with the
8 permission of the director in connection with the verification of the
9 status of an individual's driving record in this state or any other
10 state, ~~(iii)-(c)~~ for purposes of child support enforcement pursuant
11 to section 42-358.08 or 43-512.06, ~~(iv)-(d)~~ to furnish information
12 regarding an applicant for or holder of a commercial driver's license
13 with a hazardous materials endorsement to the Transportation Security
14 Administration of the United States Department of Homeland Security
15 or its agent, or ~~(v)-(e)~~ to furnish information to the Department of
16 Revenue under section 77-362.02.

17 ~~(f)(i)-(6)(a)~~ Each individual applying for an operator's
18 license or a state identification card shall furnish proof of date of
19 birth and identity with documents containing a photograph or with
20 nonphoto identity documents which include his or her full legal name
21 and date of birth. Such documents shall be those provided in
22 subsection (2) of section 60-484.04.

23 ~~(ii)-(b)~~ Any individual under the age of eighteen years
24 applying for an operator's license or a state identification card
25 shall provide a certified copy of his or her birth certificate or, if

1 such individual is unable to provide a certified copy of his or her
2 birth certificate, other reliable proof of his or her identity and
3 age, as required in subdivision ~~(2)(f)(i)~~ (6)(a) of this section,
4 accompanied by a certification signed by a parent or guardian
5 explaining the inability to produce a copy of such birth certificate.
6 The applicant also may be required to furnish proof to department
7 personnel that the parent or guardian signing the certification is in
8 fact the parent or guardian of such applicant.

9 ~~(iii)~~ (c) An applicant may present other documents as
10 proof of identification and age designated by the director. Any
11 documents accepted shall be recorded according to a written
12 exceptions process established by the director.

13 ~~(g)~~ (7) Any individual applying for an operator's license
14 or a state identification card who indicated his or her wish to have
15 the word "veteran" displayed on the front of such license or card
16 shall comply with section 60-4,189.

17 ~~(h)~~ (8) No person shall be a holder of an operator's
18 license and a state identification card at the same time.

19 Sec. 2. Section 60-494, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 60-494 (1) Each operator's license and state
22 identification card shall include a special notation on the front of
23 the license or card if the licensee or cardholder is at least sixteen
24 years of age and indicates on the application or ~~examiner's issuance~~
25 certificate under section 60-484, ~~60-4,144,~~ or ~~60-4,181~~ his or her

1 wish to be an organ donor, a tissue donor, or both.

2 (2) The status as an organ donor, a tissue donor, or both
3 shall be renewed upon renewal of each license or card if the licensee
4 or cardholder, at the time of renewal, indicates the desire to renew
5 the status and the notation authorized in subsection (1) of this
6 section has been marked. continue until amended or revoked by the
7 licensee or cardholder as provided in section 71-4829. The status as
8 an organ donor, a tissue donor, or both is not changed by the
9 expiration, suspension, cancellation, revocation, or impoundment of
10 the license or card.

11 (3) Any person whose operator's license or state
12 identification card indicates his or her status as an organ donor, a
13 tissue donor, or both may obtain a replacement license or card
14 without a notation of such status. The fee for such replacement
15 license or card shall be the fee provided in section 60-4,115.

16 (4) A licensee or cardholder may ~~also~~ change his or her
17 status as a donor by ~~(a) Internet access to the Donor Registry of~~
18 ~~Nebraska, (b) telephone request to the registry, or (c) other methods~~
19 approved by the federally designated organ procurement organization
20 for Nebraska.

21 (5) The Department of Motor Vehicles shall electronically
22 transfer to the federally designated organ procurement organization
23 for Nebraska all information which appears on the face of an original
24 or replacement operator's license or state identification card except
25 the image and signature of each person whose license or card includes

1 the notation described in subsection (1) of this section.

2 Sec. 3. This act becomes operative on January 1, 2015.

3 Sec. 4. Original section 60-494, Reissue Revised Statutes
4 of Nebraska, and section 60-484, Revised Statutes Supplement, 2013,
5 are repealed.