

LEGISLATIVE BILL 46

Approved by the Governor February 20, 1981

Introduced by Rumery, 42

AN ACT to amend sections 60-406.04 and 60-415, Reissue Revised Statutes of Nebraska, 1943, and section 60-407, Revised Statutes Supplement, 1980, relating to motor vehicles; to change provisions relating to lost and temporary operators' licenses; to increase a fee; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 60-406.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-406.04. (1) All motor vehicle operators' licenses except limited, special, learners', temporary as provided by subsection (2) of this section and subsection (4) of section 60-415, or school permits issued in the state after January 1, 1978, shall have a color photograph of the licensee affixed thereto. Such license shall be issued by the county treasurer either in person or by mail. ~~if the license is to be mailed to the licensee, the county treasurer shall, upon receipt of the examiner's certificate of approval and the necessary fees, issue to the applicant a temporary license without a color photograph which license shall be valid until the permanent license, with color photograph affixed, is issued but in no event shall such temporary license be valid for more than thirty days.~~ The Director of Motor Vehicles shall negotiate and enter into a contract to provide the necessary equipment, supplies, and forms for the photographs. All costs incurred by the department under this section shall be paid by the state out of appropriations made to the Department of Motor Vehicles. All costs of taking and affixing the photographs shall be paid by the county from the fees provided pursuant to section 60-409.

(2) Any person who, at the time of renewal of his or her motor vehicle operator's license, is out of the state may apply for a temporary motor vehicle operator's permit. Such application shall be made to the county treasurer of the county in which the applicant resides. Upon being satisfied that such application is in proper form, the county treasurer shall issue, upon the payment of a fee of two dollars, a temporary motor vehicle

operator's permit. The temporary permit shall be valid for no longer than three months from the date of expiration of the individual's motor vehicle operator's license, except that a person who is out of the state continually for more than three months may apply for an extension of the temporary permit for up to three additional three-month periods at no charge.

Sec. 2. That section 60-407, Revised Statutes Supplement, 1980, be amended to read as follows:

60-407. (1) No license or permit to operate a motor vehicle shall be granted to any applicant until such applicant satisfies the examiner that he or she possesses, with or without the aid of glasses, sufficient powers of eyesight to enable him or her to operate a motor vehicle on the highways of this state with a reasonable degree of safety. If, from the examination given any applicant, it appears that the applicant's powers of eyesight are such that he or she cannot operate a motor vehicle on the highways of this state with a reasonable degree of safety, the examiner shall require the applicant to present a doctor's or optometrist's certificate to the effect that the applicant has sufficient powers of eyesight for such purpose before issuing a license to such applicant. If it is indicated by such examination by the examiner or by the doctor's or optometrist's certificate that the applicant must wear glasses to meet the minimum visual standards set by the department, then the applicant shall have the use of any license issued to him or her restricted to wearing glasses while operating a motor vehicle. If the application to operate a motor vehicle required by this act discloses that the applicant for such license suffers from any other physical defect or defects of a character which may affect the safety of operation by such applicant of a motor vehicle, the examiner shall require such applicant to show cause why such license should be granted, and shall require such applicant, through such personal examination and demonstration as may be prescribed by the director, to show the necessary ability to safely operate a motor vehicle on the public highways. If the examiner is satisfied, after such demonstration, that such applicant has the ability to safely operate such motor vehicle, an operator's license may be issued to the applicant subject, at the discretion of the director, to a limitation to operate only such motor vehicles at such time, for such purpose, and within such area as the license shall designate. The director may, at the request of a law enforcement officer, or when he or she has reason to believe that such person may be physically or mentally incompetent to operate a motor vehicle or whose driving record appears to the department

to justify such examination, give notice to the holder of an operator's license to appear before an examiner for examination to operate a motor vehicle safely. A refusal to appear before an examiner for such examination shall be unlawful. If such license holder cannot qualify at such examination, his or her operator's license shall be immediately surrendered to such examiner and forwarded to the director who shall cancel his or her license and privilege to operate a motor vehicle; Provided, that a refusal to appear before an examiner for examination after notice to do so or to surrender an operator's license on demand, shall be unlawful and any person failing to surrender his or her operator's license as required by the provisions of this section shall be guilty of a Class III misdemeanor. No operator's license referred to in this subsection shall, under any circumstances, be issued to any person who has not attained the age of sixteen years but, upon application therefor and proof of age in the manner provided in subsection (3) of this section, any such person may take the examination required by this subsection at any time within sixty days prior to his or her sixteenth birthday.

(2) A person who has not attained the age set forth in subsection (1) of this section but is over the age of fourteen years, except within metropolitan, primary, and first-class cities, may be issued, by the county treasurer, a limited permit to drive a motor vehicle, moped, or motorcycle to and from the school building where he or she attends school, by the nearest highway or street from his or her place of residence, if such child lives a distance of one and one half miles or more from such school. Such limited permit shall be used for the sole purpose of transporting such person to attend school, except that the holder of such a permit may drive under the personal supervision of his or her parents or guardian; Provided, such a permit shall not be issued until such person has appeared before an examiner to demonstrate that he or she is capable of successfully operating a motor vehicle or motorcycle and has in his or her possession an examiner's certificate authorizing the county treasurer to issue a school permit. Any such person desiring such limited permit may first obtain a learner's permit from the county treasurer, which permit shall be valid for a period of two months. While holding such a permit, the person may operate a motor vehicle on the highways of this state if he or she has seated next to him or her a person who is a licensed operator or, in the case of a motorcycle or moped, if he or she is within visual contact with and is under the supervision of a person who, in the case of a motorcycle, is a licensed motorcycle operator and, in the case of a moped, is a licensed motor vehicle operator. Such licensed motor

vehicle or motorcycle operator shall either be a parent or guardian of the child or a person over the age of nineteen years who is authorized in writing by the child's parent or guardian to supervise the actions of the child in operating the vehicle. Prior to issuance of such learner's permit it shall be required that such person demonstrate that he or she has sufficient powers of eyesight to safely operate a motor vehicle or motorcycle.

(3) Each individual, under the age of nineteen years, who is making an application for his or her first operator's license or a limited or learner's permit, must furnish proof of age, either by birth certificate or written information signed by one of his or her parents or his or her guardian, to show that such applicant has attained the age, respectively, as required by subsection (1) or (2) of this section. All licenses and limited permits issued, as provided by subsection (2) of this section, shall be subject to revocation under the terms of section 60-427, and any person who shall violate the terms of such license or limited permit shall be deemed guilty of a Class III misdemeanor.

(4) Any person who shall have attained the age of fifteen years or more may obtain a learner's permit from the county treasurer which shall be valid for a period of twelve months and he or she may operate a motor vehicle on the highways of this state if he or she is accompanied at all times by a licensed operator who is at least nineteen years of age and who is actually occupying the seat beside the driver or, in the case of a motorcycle or moped, if he or she is within visual contact with and under the supervision of, in the case of a motorcycle, a licensed motorcycle operator and, in the case of a moped, a licensed motor vehicle operator. Any person who shall have attained the age of fourteen years may operate a motor vehicle over the highways of the state if he or she is accompanied or, in the case of a motorcycle or moped, supervised, at all times by a licensed operator who shall be a high school driver training instructor certified by the Commissioner of Education.

(5) Any person who is thirteen years of age or older and resides upon a farm in this state or who is fourteen years of age or older and who is employed for compensation upon a farm in this state may obtain a special permit authorizing the operation of farm tractors and other motorized implements of farm husbandry upon the public highways and roads of this state, if the applicant for such a restricted permit furnishes to a license examiner satisfactory proof of age and satisfactorily demonstrates to the examiner that he or she has knowledge

of the operation of such equipment and of the rules of the road and laws respecting the operation of motor vehicles upon the highways and public roads of this state. Any person under sixteen years of age but not less than thirteen years of age may obtain a temporary permit to operate such equipment for a six-month period after presentation to the Department of Motor Vehicles of a request for such temporary permit signed by such person's parent or guardian and payment of one dollar. After the expiration of such six-month period it shall be unlawful for any person under sixteen years of age to operate such equipment upon the public highways and roads of this state unless he or she has been issued a special permit under the provisions of this subsection. The fee for such special permit shall be two dollars, and such special permit shall be subject to revocation for cause.

(6) The county treasurer shall collect a fee of ~~one-dollar~~ three dollars from each successful applicant for a school or learner's permit.

Sec. 3. That section 60-415, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-415. (1) ~~In--the--event--of--the--loss--of--a license--or--permit--by~~ Except as provided in subsection (4) of this section for persons temporarily out of the state, any person duly licensed under the provisions of this act who loses his or her license or permit, such--person may obtain a duplicate upon filing with the county treasurer an application and affidavit showing such loss. Upon the officer being satisfied that the loss is genuine, the officer shall cause to be issued, upon the payment of a fee of two dollars, a duplicate license or permit; Provided, that not more than two duplicates of a license may be issued in this manner; and provided further, that upon the issuance of any duplicate or replaced license or permit the license or permit from which the duplicate or replaced license or permit is issued shall be void. Such fee shall be handled by the treasurers in the same manner as original or renewal license fees; Provided, such duplicate license or permit fee in each instance shall be credited, allocated, and accounted for by the county treasurer as in the cases of original and renewal motor vehicle operators' license fees as provided in section 60-409. ~~Pending-preparation-of-the-duplicate-license,--a temporary-license-may-be-issued-under-the-provisions-of section-60-406-04.~~

(2) If any person changes his or her name because of marriage, divorce, by court order, or a common law name change, he or she shall apply to the county

treasurer for a replacement motor vehicle operator's license, and furnish satisfactory evidence of such change, and such license shall be issued upon payment of a fee of two dollars. Satisfactory evidence shall include but not be limited to a marriage license, divorce decree, court order, social security card, birth certificate, or employment records. Such application shall be made within thirty days after the change of name. If any person changes his or her address, the person may apply to the county treasurer for a replacement motor vehicle operator's license, and furnish satisfactory evidence of such change, and such license shall be issued upon payment of a fee of two dollars.

(3) In the event of a mutilated and unreadable license or permit by any person duly licensed under the provisions of this act, such person may obtain a replaced license or permit upon showing the original mutilated or unreadable license or permit to the county treasurer. If the county treasurer is satisfied that the license or permit is mutilated or unreadable, the county treasurer shall cause to be issued, upon the payment of a fee of two dollars, a replaced license or permit. Such fee shall be handled by the treasurer in the same manner as the original or renewal license fees; Provided, such replacement license or permit fee in each instance shall be credited, allocated, and accounted for by the county treasurer as in the cases of original and renewal motor vehicle operators' license fees as provided in section 60-409.

(4) If any person duly licensed under the provisions of sections 60-401 to 60-440 loses his or her license or permit while temporarily out of the state, he or she may apply for a temporary motor vehicle operator's license or permit by filing with the county treasurer an application and affidavit showing such loss. Upon the officer being satisfied that the loss is genuine, the officer shall cause to be issued, upon the payment of a fee of two dollars, a temporary motor vehicle operator's license or permit. Upon the issuance of the temporary motor vehicle operator's license or permit, the original license or permit shall be void. In the case of a temporary license issued pursuant to this subsection, the photograph requirement in subsection (1) of section 60-406.04 shall not apply. Temporary licenses and permits issued pursuant to this section shall be valid for no longer than three months from the date of issuance, except that a person who is out of the state continually for more than three months may apply for an extension of the temporary license or permit for up to three additional three-month periods at no charge.

A person holding a temporary license or permit issued pursuant to this subsection may, at any time, apply to the county treasurer for a duplicate of his or her original motor vehicle operator's license or permit. The provisions of subsection (1) of section 60-415, including the amount and payment of fees, shall apply to the issuance of such a duplicate license or permit, except that no affidavit of loss is required when the person applying for a duplicate license or permit is already a holder of a temporary motor vehicle operator's license or permit issued under the provisions of this subsection. Upon the issuance of such duplicate license or permit, the temporary license or permit shall be void.

Sec. 4. That original sections 60-406.04 and 60-415, Reissue Revised Statutes of Nebraska, 1943, and section 60-407, Revised Statutes Supplement, 1980, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.