LEGISLATION OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 924

Introduced by Bromm, 23

Read first time January 9, 2002

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicle operators' licenses; to amend
sections 60-484.02, 60-4,117, 60-4,151, 60-4,180, and
60-4,181, Revised Statutes Supplement, 2001; to provide
for biometric identifiers; to harmonize provisions; and
to repeal the original sections.

6 Be it enacted by the people of the State of Nebraska,
Section 1. Section 60-484.02, Revised Statutes Supplement, 2001, is amended to read:

60-484.02. (1) Each applicant for an operator's license or state identification card shall have his or her photograph taken or, beginning on the implementation date designated pursuant to section 60-484.01, have his or her digital image taken. Digital images shall be preserved for use as prescribed in sections 60-4,119, 60-4,151, and 60-4,180. The images shall be used for issuing operators' licenses and state identification cards. The images may be retrieved only by the Department of Motor Vehicles for issuing renewal, duplicate, and replacement operators' licenses and state identification cards and may not be otherwise released except in accordance with subsection (4) of this section.

(2) Upon application for an operator's license or state identification card, each applicant shall provide his or her signature in a form prescribed by the department. Beginning on the implementation date designated pursuant to section 60-484.01, digital signatures shall be preserved for use on original, renewal, duplicate, and replacement operators' licenses and state identification cards and may not be otherwise released except in accordance with subsection (4) of this section.

(3) The department may also provide for the capture and storage of biometric identifiers. The department shall have use of the biometric identifiers and shall not release them except in accordance with subsection (4) of this section.

(4) No officer, employee, agent, or contractor of the department or a law enforcement officer shall release a digital image, or a digital signature, or biometric identifiers except to a
federal, state, or local law enforcement agency for the purpose of carrying out the functions of the agency upon the verification of the identity of the person requesting the release of the information and the verification of the purpose of the requester in requesting the release. Any officer, employee, agent, or contractor of the department or law enforcement officer that knowingly discloses or knowingly permits disclosure of a digital image, a digital signature, or biometric identifiers in violation of this section shall be guilty of a Class IV felony and shall be subject to removal from office or discharge in the discretion of the Governor or agency head, as appropriate.

Sec. 2. Section 60-4,117, Revised Statutes Supplement, 2001, is amended to read:

60-4,117. (1) Upon presentation of the certificate for an operator's license issued by the examining officer to the applicant for such license, the county treasurer shall issue such license to the applicant. The license shall be in full force and effect until the expiration date thereon, until officially revoked, suspended, canceled by an order of the director, or until ordered revoked or impounded by a court of competent jurisdiction.

(2) The operator's license shall be in a form prescribed by the Department of Motor Vehicles. The license may include security features prescribed by the department. The license shall be conspicuously marked Nebraska Operator's License, shall be, to the maximum extent practicable, tamper proof, and shall include the following information:

(a) The name and residential and post office address of the holder;
(b) The holder's color photograph or digital image;

c) A physical description of the holder, including sex, height, weight, and eye and hair colors;

d) The holder's date of birth;

e) The holder's signature;

(f) The class of motor vehicle which the holder is authorized to operate and any endorsements or restrictions;

(g) The dates between which the license is valid;

(h) The organ and tissue donation information specified in section 60-494;

(i) Biometric identifiers as the director may determine;

and

(j) Such other facts and information as the director may determine.

(3) Machine-readable information encoded on an operator's license shall be limited to the information appearing on the face of the license.

Sec. 3. Section 60-4,151, Revised Statutes Supplement, 2001, is amended to read:

60-4,151. (1) The commercial driver's license shall be conspicuously marked Nebraska Commercial Driver's License, shall be, to the maximum extent practicable, tamper proof, and shall include the following information:

(a) The name and residential address of the holder;

(b) The holder's color photograph or digital image;

(c) A physical description of the holder, including sex, height, weight, and eye and hair colors;

(d) The holder's date of birth;
(e) The holder's signature;

(f) The class of commercial motor vehicle or vehicles which the holder is authorized to operate, including any endorsements or restrictions;

(g) The dates between which the commercial driver's license is valid; and

(h) The organ and tissue donor information specified in section 60-494; and

(i) Biometric identifiers as the director may determine.

(2) The restricted commercial driver's license shall be conspicuously marked Nebraska Restricted Commercial Driver's License and shall be, to the maximum extent practicable, tamper and forgery proof. The restricted commercial driver's license shall contain such additional information as deemed necessary by the director.

(3) The seasonal permit shall contain such information as deemed necessary by the director but shall include the time period during which the commercial motor vehicle operating privilege is effective. The seasonal permit shall be valid only when held in conjunction with a restricted commercial driver's license.

Sec. 4. Section 60-4,180, Revised Statutes Supplement, 2001, is amended to read:

60-4,180. (1) Any person who is a resident of this state may obtain a state identification card with a color photograph or digital image of the person included. The state identification card shall contain the organ and tissue donor information specified in section 60-494 and biometric identifiers as the director may determine. Machine-readable information encoded on a state
identification card shall be limited to the information appearing on the face of the card.

(2) State identification cards shall be issued in the manner provided in section 60-4,181. Any identification card issued under prior law prior to January 1, 1990, shall be invalid after such date.

Sec. 5. Section 60-4,181, Revised Statutes Supplement, 2001, is amended to read:

60-4,181. (1) A state identification card shall be issued by the county treasurer after the person requesting the card (a) files an application or examiner's certificate with an examining officer, (b) furnishes two forms of proof of identification described in section 60-484, and (c) pays the fee prescribed in section 60-4,115 to the county treasurer. The state identification card shall contain the organ and tissue donor information specified in section 60-494.

(2) The application or examiner's certificate shall include the name, age, post office address, place of residence, date of birth, sex, social security number, and physical description of the applicant, the voter registration portion pursuant to section 32-308, and the following:

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

(b) Do you wish to be an organ and tissue donor?

(c) Do you wish to receive any additional specific information regarding organ and tissue donation?

(d) Do you wish to donate $1 to promote the Organ and Tissue Donor Awareness and Education Fund?
(3) The director may summarily cancel any state identification card, and any judge or magistrate may order a state identification card canceled in a judgment of conviction, if the application or examiner's certificate for the card contains any false or fraudulent statements which were deliberately and knowingly made as to any matter material to the issuance of the card or if the application or examiner's certificate does not contain required or correct information. Any state identification card so obtained shall be void from the date of issuance. Any judgment of conviction ordering cancellation of a state identification card shall be transmitted to the director who shall cancel the card.

(4) Machine-readable information encoded on a state identification card shall be limited to the information appearing on the face of the card.

Sec. 6. Original sections 60-484.02, 60-4,117, 60-4,151, 60-4,180, and 60-4,181, Revised Statutes Supplement, 2001, are repealed.