

NEBRASKA ADMINISTRATIVE CODE

TITLE 247, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 16

NEBRASKA DEPARTMENT OF MOTOR VEHICLES

**RULES AND REGULATIONS GOVERNING ISSUANCE OF
COMMERCIAL DRIVER LICENSES PURSUANT TO
NEB. REV. STAT. §§ 60-4,131 THROUGH 60-4,172 AND § 60-462.01.**

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Nebraska Department of Motor Vehicles

247 NAC 16

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LICENSES PURSUANT TO NEB. REV. STAT. §§ 60-4,131 THROUGH 60-4,172 AND §
60-462.01.**

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RULES AND REGULATIONS GOVERNING ISSUANCE OF COMMERCIAL DRIVER LICENSES PURSUANT TO NEB. REV. STAT. §§ 60-4,131 THROUGH 60-4,172 AND § 60-462.01.

001 SCOPE. These rules and regulations pertain to the licensing of drivers of commercial motor vehicles pursuant to Neb. Rev. Stat. §§ 60-4,131 through 60-4,172 and § 60-462.01.

002 DEFINITIONS.

002.01 CDL means Commercial Driver's License.

002.02 Classes of Commercial Motor Vehicles:

002.02A Class A Combination Vehicle means any combination of motor vehicles and towed vehicles with a gross vehicle weight rating of more than 26,000 pounds if the gross vehicle weight rating of the vehicles being towed are in excess of 10,000 pounds;

002.02B Class B Heavy Straight Vehicle means a single commercial motor vehicle with a gross vehicle weight rating of 26,001 pounds or more or a commercial motor vehicle towing a vehicle with a gross vehicle weight rating not exceeding 10,000 pounds; and

002.02C Class C Small Vehicle means a single commercial motor vehicle with a gross vehicle weight rating of less than 26,001 pounds or any such commercial motor vehicle towing a vehicle with a gross vehicle weight rating not exceeding 10,000 pounds comprising:

002.02C1 motor vehicles designed to transport 16 or more passengers, including the driver; or

002.02C2 motor vehicles used in the transportation of hazardous materials and required to be placarded pursuant to Neb. Rev. Stat. § 75-364.

002.03 Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

002.03A has a gross combination weight rating of 11,794 kilograms or more (26,001 pounds or more) inclusive of a towed unit or units with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds);

002.03B has a gross vehicle weight rating of 11,794 or more kilograms (26,001 pounds or more);

002.03C is designed to transport 16 or more passengers, including the driver; or

002.03D is of any size and is used in the transportation of materials found to be hazardous for the purposes of the federal Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the federal Hazardous Material Regulations 49 CFR part 172, subpart F or 42 CFR part 73.

002.03E Exceptions. The following vehicles are not commercial motor vehicles:

002.03E1 Farm Truck. A farm truck, operated within 150 miles of the registered owner's farm or ranch (as defined in Neb. Rev. Stat. § 60-325) other than a combination of truck-tractors and semitrailers;

002.03E2 Recreational Vehicle. Any self-propelled mobile home or motor vehicle drawing a cabin trailer as such terms are defined in Neb. Rev. Stat. §§ 60-314, 60-339, and 60-347;

002.03E3 Emergency Vehicle. Any emergency vehicle operated by a public or volunteer fire department; or

002.04 Department means the Nebraska Department of Motor Vehicles.

002.05 Director means the Director of the Nebraska Department of Motor Vehicles.

002.06 Disqualification means the withdrawal of a CDL as provided in Neb. Rev. Stat. § 60-4,131 and also the withdrawal of a CDL by administrative action as provided in Neb. Rev. Stat. §§ 60-4,167.02 or 60-4,168 through 60-4,270.

002.07 DOT means the United States Department of Transportation.

002.08 Endorsement is the letter code on the CDL which indicates the type of commercial motor vehicle the holder is licensed to operate. *[See 003.04 of this regulation.]*

002.09 Farm-related or ranch-related industries means employees working for the following farm-related or ranch-related service industries may be issued Seasonal Permits (SEP) or Restricted Commercial Driver's Licenses (RCDL):

002.09A Agricultural Chemical Business. Any business that transports agricultural chemicals predominately to or from a farm or ranch;

002.09B Farm-related or Ranch-related Service Industry. Any custom harvester, retail agricultural outlet or supplier, agricultural chemical business or livestock feeder which operate commercial motor vehicles for the purpose of

transporting agricultural products, livestock, farm machinery and equipment, or farm supplies to or from a farm or ranch;

002.09C Retail Agricultural Outlet or Supplier. Any retail outlet or supplier that transports either agricultural products, farm machinery, farm supplies, or both, predominately to or from a farm or ranch; and

002.09D Seasonal Commercial Motor Vehicle Operator. Any person who, exclusively, on a seasonal basis, operates a commercial motor vehicle for a farm-related or ranch-related service industry.

002.10 Military exemption means individuals may be exempted from CDL requirements for operating commercial motor vehicles for military purposes. The individual must have a valid military driver's license or have written orders to drive from a commanding officer in an emergency declared by the federal government or by the State of Nebraska. The individual must be:

002.10A Active duty military personnel;

002.10B Members of the military reserves, other than military technicians;

002.10C Active duty United States Coast Guard personnel; and

002.10D Members of the National Guard on active duty, including:

002.10D1 Personnel on full-time National Guard duty;

002.10D2 Personnel on part-time National Guard training; and

002.10D3 National Guard military technicians required to wear military uniforms.

002.11 Passenger commercial motor vehicle means a commercial motor vehicle designed to transport 16 or more passengers, including the driver.

002.12 Reciprocity means any person may operate a commercial motor vehicle in Nebraska who is not disqualified from operating a commercial motor vehicle and who holds a CDL that is:

002.12A issued to him or her by any other state or jurisdiction in accordance with 49 CFR part 383, Volume 4;

002.12B not suspended, revoked, disqualified, cancelled, or not valid for any other reason; and

002.12C valid, under the terms of 49 CFR part 383, subpart F for the type of vehicle being driven.

002.13 Restrictions means the letter code on a CDL that indicates any restrictions upon the holder's operation of a vehicle. *[See section 004 of these rules and regulations.]*

002.14 Revocation means the termination of a driver's license as provided in Neb. Rev. Stat. § 60-476.01.

002.15 School bus means a commercial motor vehicle that is designed or used to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school sponsored events. School bus does not include a bus used as a common carrier. Drivers who operate a school bus designed to carry 16 or more passengers, including the driver, operate a commercial motor vehicle and are required to hold a CDL with the S and P endorsement. *[Nebraska Department of Education Rules, 92 Nebraska Administrative Code Chapters 91 and 92, provide other specific regulations applicable to school buses and school bus drivers.]*

002.16 School bus permit means a permit required for school bus drivers as described in Nebraska Department of Education Rules, 92 Nebraska Administrative Code Chapter 91 and is not the equivalent of a CDL with an S and P endorsement. A driver who operates school buses that meets the definition of a commercial motor vehicle will need to hold both a CDL with the S and P endorsement and a school bus permit.

002.17 Semitrailer means any vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle.

002.18 Staff means both Driver's License Examiners who perform all examining functions, and Staff Assistants who perform all examining functions with the exception of drive examinations.

002.19 State means a state of the United States and the District of Columbia or any jurisdiction recognized by 49 CFR 383.

002.20 Suspension means the temporary withdrawal of a driver's license as provided in Neb. Rev. Stat. § 60-476.02.

002.21 Third Party Examiner means an employee of a Third Party Tester who is authorized to administer commercial driver's license skills examinations by the Department.

002.22 Third Party Tester means another state's licensing authority, any agency, department, board, or commission of this state, any employer, any public or private driver training facility, or any political subdivision of the state authorized by the Department to conduct the driving skills examinations for the issuance of CDLs.

002.23 Trailer means any vehicle without motive power designed for carrying persons or property and being pulled by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

002.24 Truck means a motor vehicle that is designed, used, or maintained primarily for the transportation of property or designated as a truck by the manufacturer.

002.25 Truck-tractor means any motor vehicle designed and primarily used for towing other motor vehicles or trailers and not so constructed as to carry a load other than a part of the weight of the motor vehicle or trailer and load being towed.

003 TYPES OF CDL LICENSES AND PERMITS.

003.01 Commercial Driver's License (CDL). *[See 002.01 of these regulations.]* A CDL allows an individual to drive a commercial motor vehicle.

003.01A Class A CDL. The holder may operate Class A, B, and C commercial motor vehicles and motor vehicles requiring a Class O driver's license;

003.01B Class B CDL. The holder may operate Class B and C commercial motor vehicles and motor vehicles requiring a Class O driver's license; and

003.01C Class C CDL. The holder may operate Class C commercial motor vehicles and motor vehicles requiring a Class O driver's license.

003.02 Learner's Permit Commercial (LPC). A LPC allows an individual to operate a commercial motor vehicle for learning purposes when accompanied by a person who holds a valid CDL for the class of vehicle being driven and is at least 21 years of age.

003.03 Restricted Commercial Driver's License (RCDL). The RCDL as defined in Neb. Rev. Stat. § 60-476.03 allows a Nebraska resident to drive a Class B or Class C commercial motor vehicle for farm-related or ranch-related service industry within 150 miles of employer's place of business or the farm or ranch being served. The holder must have a SEP as well as an RCDL to drive a commercial motor vehicle.

003.03A Seasonal Permit (SEP). The SEP activates an RCDL for 180 consecutive days in any 12-month period from the date of issuance.

003.04 Endorsements. An endorsement on a CDL is the letter code on the driver's license which indicates the type of commercial motor vehicle the holder is licensed to operate. The endorsement letter codes are:

- M = Motorcycle
- N = Tank vehicle
- H = Hazardous materials
- X = Both tank vehicle and hazardous materials
- T = Double/triple trailers
- P = Passenger vehicle
- S = School bus

004 RESTRICTIONS. A restriction means the letter code on a CDL or other driver's license which indicates any restrictions upon the holder.

004.01 CDL Restrictions. Restrictions that are unique to the CDL are:

004.01A I – Intrastate Only (Impaired). Restricted to Nebraska. The driver does not meet federal Motor Carrier Safety Regulations 49 CFR part 391, but does meet the Department's minimum medical and vision requirements. The driver must be holding or have held a Nebraska CDL issued prior to July 30, 1996 (LPC or RCDL do not count.);

004.01B K – Intrastate Only (Under 21). Restricted to Nebraska. The K restriction applies to all individuals under age 21 except those who are exempt from the qualification requirements of federal Motor Carrier Safety Regulations 49 CFR part 391. It includes under age 21 governmental employees and under age 21 power company employees. The holder can only drive intrastate, and must be exempt from the age requirements of the federal Motor Carrier Safety Regulations pursuant to Neb. Rev. Stat. § 60-4,146;

004.01C L. Restricted to driving commercial motor vehicles without air bakes;

004.01D M. May drive any commercial motor vehicle except a Class A bus;

004.01E N. May drive any commercial motor vehicle except a Class A or B bus; and

004.01F O. May drive a commercial motor vehicle that is not a tractor-trailer combination.

004.02 Other Restrictions. The following restrictions may apply to a CDL:

004.02A B – Corrective Lenses. Glasses/contacts are required for driving;

004.02B C – Mechanical Aids on Vehicle. Any aids required on the vehicle to assist the driver in operating the motor vehicle (e.g. hand controls, gear shift, extensions, spinner knobs, etc.);

004.02C E – Automatic Transmission. The driver is limited to operating a motor vehicle with automatic transmission only;

004.02D F – Outside Mirrors on Vehicle. Requires both left and right outside mirrors on the motor vehicle;

004.02E G – Limited to Daylight Driving. May drive only during daylight hours;

004.02F Q – No Interstate Driving. Not allowed to drive on the Interstate System;

004.02G U – Automatic Turn Signals Required. Driver is unable to perform hand signals. Turn signals must be modified or adapted to enable driver to operate them;

004.02H V – Geographical Area. The driver is limited to specific number of miles or geographic location as determined by driver licensing staff;

004.02I W – No One-way Streets or Roadways. The driver is not allowed to operate a motor vehicle on a street or roadway where all vehicles are traveling the same direction;

004.02J X – Maximum Speed Restriction. The driver is restricted to maximum speed limits as determined by driver licensing staff;

004.02K Y – Two-lane, Two-way Traffic Only. The driver is restricted to two-lane, two-way traffic. The driver cannot operate a motor vehicle on a one-way street, four-lane highway or the Interstate System; or

004.02L Z – Special as Specified by the Department. Any other restriction not listed above which needs to appear on the driver's license (i.e. telescopic lenses, prostheses, etc.) as determined by driver licensing staff.

004.03 Exceptions from the Restrictions. The following categories of drivers are exempt from the specified restrictions:

004.03A No K or I Restriction. No K or I restriction will be placed on the license if the applicant meets the qualification requirements of the federal Motor Carrier Safety Regulation 49 CFR part 391, and is a member of one or more of the following categories:

004.03A1 Individual Driving Farm Plated Tractor-trailer. Under age 21 and 21 and older;

004.03A2 Beekeeper. Under age 21 and 21 and older;

004.03A3 Custom Harvester. Under age 21 and 21 and older;

004.03A4 Governmental Employees. Age 21 and older; and

004.03A5 Power Company Employees. Age 21 and older. This refers to any power company employee of any nonprofit entity, operating solely in intrastate commerce, and organized for the purpose of furnishing electric service. All Nebraska power companies are public under this definition, therefore all their employees are covered by this exemption.

004.03B Removing K Restriction. Individuals may remove the K restriction from their CDLs within ten days of their 21st birthday.

004.03C M or N Restriction; Out-of-state P Endorsement. Any individual presenting an out-of-state CDL with the P endorsement will not have the M or N restriction placed on the Nebraska CDL unless the restriction appeared on the out-of-state CDL.

004.03D G, X, or V Restrictions. Any individual holding a CDL issued by this state prior to July 30, 1996 that has a G, X, or V restriction shall take the skills examinations in a vehicle representative of the class of license they hold.

005 CDL APPLICATION.

005.01 Application for CDL. A CDL application may be made at any exam station although not all stations can administer the skills examinations. Applicants will have a digital image taken. [See 008 of these regulations: ADMINISTRATION OF THE SKILLS EXAMINATION.] The application shall be made under oath or affirmation of the applicant and must provide the following general information:

005.01A Full legal name, current mailing address, and principal address of the applicant as provided in 005.04A. (a residential address is not required for an applicant who is a program participant under the Address Confidentiality Act);

005.01B Physical description of the applicant, including gender, height, weight, and eye and hair colors, race or ethnicity;

005.01C Date of birth;

005.01D Social security number;

005.01E Signature;

005.01F Certification that the commercial motor vehicle in which the applicant takes a driving skills examination is representative of the class of commercial motor vehicle that the applicant operates or expects to operate;

005.01G Certification that the applicant meets the qualification requirements of federal Motor Carrier Safety Regulations 49 CFR part 391;

005.01H The names of all jurisdictions or states where the applicant has previously been licensed to operate any type of motor vehicle in the ten years prior to the date of application;

005.01I Any person claiming an exemption from compliance with the qualification requirements of federal Motor Carrier Safety Regulations 49 CFR part 391 for a CDL must provide medical information including, but not limited to, the following questions concerning:

005.01I1 Diabetes, epilepsy, mental illness, head injury, stroke, heart condition, neurological disease, loss of voluntary control or consciousness,

vertigo, multiple episodes of dizziness or fainting, disorientation, seizures, impairment of memory or memory loss, etc.;

005.0112 Any condition which affects your ability to operate a motor vehicle (e.g. due to loss of or impairment of foot, leg, hand, or arm; neurological or neuromuscular disease; etc.); and

005.0113 Any change in or worsening of the applicant's health or medical condition since the issuance of his or her last motor vehicle operator's license or permit.

005.0113a The application will provide the opportunity for the applicant to become an organ and tissue donor; to receive additional information regarding organ and tissue donation and the Donor Registry of Nebraska; and to make donation to the Organ and Tissue Donor Awareness and Education Fund;

005.0113b The application will provide voter registration information at the applicant's choice; and

005.0113c The application will include a sex offender notice.

005.01J Declaration. Each applicant must sign the following declaration to be issued a CDL: "The undersigned, being duly sworn, depose or affirm and say that the answers to the foregoing questions are true. Use of a false or fictitious name or knowingly making a false statement or knowingly concealing a material fact in this application can result in a fine or imprisonment."

005.02 Age Requirements for Class A, B, and C CDLs.

005.02A Intrastate Age Requirements. An applicant must be 18 years of age or older to apply for a Class A, B, or C CDL for intrastate operation.

005.02B Interstate Age Requirements. Drivers who cross state lines (interstate operation) must be at least 21 years of age to hold a Class A, B or C CDL.

005.02C Exception – Farm Plated Vehicles. Properly licensed CDL holders who are custom harvesters, beekeepers, and individuals driving farm-plated tractor-trailers may cross state lines at age 18.

005.03 CDL Renewal Requirements, Limitations, and Expiration Periods.

005.03A At Age 20. Individuals who are age 20 may apply for a CDL renewal 60 days prior to their 21st birthday. The license can be issued within ten days of the 21st birthday.

005.03B Under Age 21. CDLs issued to individuals under the age of 21 expire on the license holder's 21st birthday, with the exception of CDLs with the hazardous materials endorsement.

005.03C Twenty-one and Older. Individuals age 21 and older may apply for and be issued a CDL renewal 90 days prior to its expiration date.

005.03D Expiration. CDLs issued to individuals 21 and older expire on the license holder's birthday in the fifth year after issuance, with the exception of CDLs with the hazardous materials endorsement.

005.03E Upgrade. Applicants who are upgrading their CDL class when not in the renewal period will retain the expiration date of the original license.

005.03F In-state Renewal Required. CDL holders may not renew while out of state.

005.03G Military. CDL holders are not eligible for out-of-state military renewals.

005.03H Duplicates and Replacements. CDL holders must apply for duplicate/replacement CDLs through the driver licensing staff.

005.03I Void. A duplicate or replacement CDL license or permit voids any previously issued license or permit. Consequently, it cannot be used for proof of identification, to waive any written or drive examinations upon renewal or for operating privileges.

005.03J Change of Name or Address. Individuals must apply for a replacement CDL with updated information within 60 days of moving or changing their name.

005.03K Identification. Identifying information must be consistent on any or all state ID or license documents held by the individual. The applicant has the option of surrendering documents in lieu of making required changes.

005.03L Mutilated License. The original mutilated or unreadable license or permit must be surrendered to the staff to obtain a replacement.

005.04 Proof of Identity and Principal Address Requirements.

005.04A Proof of Identity and Principal Address. Applicants are subject to state statute and federal law governing documents that may be used to show proof of identity for obtaining a CDL. Applicants may be required to present two forms of principal address. Acceptable documents shall be published on a list of documents approved by the Director. The current list of approved documents that may be used to verify proof of identity and principal address shall be available to the public on the Nebraska Department of Motor Vehicles website www.dmv.ne.gov. The Department reserves the right to update the approved documents and address requirements list as provided in statute.

005.04B Social Security Number. An applicant must present a valid social security number to be issued a CDL.

005.04C Record Check/s Required. The Department will check the applicant's record on the Nebraska Driver's License Information System (NDLIS), Commercial Driver License Information System (CDLIS), National Driver Register Problem Driver Pointer System (PDPS), Social Security On-Line Verification System (SSOLV), and any other databases as may become available as a verification tool. The Department may deny the applicant if any record check is unsatisfactory. The record checks shall be performed no earlier than 24 hours prior to issuance if the license is issued to a driver who does not currently possess a valid CDL from Nebraska and within ten days if renewing or upgrading a Nebraska CDL. Any applicant who is denied will be given a refusal certificate providing the reason for denial.

005.05 DOT Vision/Medical Requirements.

005.05A Required. The applicant must meet one of the following DOT vision and medical requirements:

005.05A1 49 CFR part 391 minimum vision and medical requirements;

005.05A2 Skill Performance Evaluation Certificate; or

005.05A3 Training Skills Performance Evaluation Certificate; or

005.05A4 Federal Diabetes Exemption; or

005.05A5 Federal Vision Exemption.

005.05B Exceptions to Meeting Medical Requirements of 49 CFR Part 391.

The following individuals must hold a valid CDL to operate a vehicle in the following circumstances. They are exempt from the qualification requirements of federal Motor Carrier Safety Regulations 49 CFR part 391 but are required to meet the Department's minimum vision and medical requirements in 247 NAC Chapter 7 in lieu of the DOT requirements in 005.05A of these rules and regulations. The exception applies to:

005.05B1 Driver of a Farm Plated Tractor-trailer. Under age 21 and 21 and older;

005.05B2 Beekeeper. Under age 21 and 21 and older;

005.05B3 Custom Harvester. Under age 21 and 21 and older;

005.05B4 Governmental (Federal, State, County, or Local) Employee. Age 21 and older; and

005.05B5 **Power Company Employee.** Age 21 and older.

005.05B6 Grandfathered drivers who have held a Nebraska CDL since July 30, 1996 and who only drive intrastate. (Holding a LPC or RCDL since July 30, 1996 does not meet this requirement.); or

005.05B7 Any driver under age 21 employed in businesses listed in 005.05B1 through 005.05B5 and operating only intrastate.

005.06 **CDL Examinations: General Requirements.** Applicants who meet the above requirements in section 005 of these rules and regulations for a CDL license must also pass all written examinations and skills examinations as provided in sections 006 through 013 of these regulations as may be applicable to the type license or permit applied for.

005.06A The applicant must pass the written examinations given by the Department before the skills examination will be administered.

005.06B CDL Third Party Examiners may administer skills examinations prior to the applicant's passage of the written examinations.

005.06C All written and skills examinations for any class of CDL license or permit or any endorsement shall comply with the standards in 49 CFR 383.

005.07 **Denial.** A CDL will not be issued or renewed if the applicant's driver's license is subject to a period of revocation, disqualification, or impoundment, or under suspension, until the applicant is eligible for reinstatement and has reinstated.

006 **WRITTEN EXAMINATIONS.** *[Note: LPC, RCDL and SEP, and Hazmat CDL have unique requirements. Please check the applicable section of these regulations.]*

006.01 **Requirements.** Every CDL applicant shall pass a general knowledge examination before any CDL can be issued.

006.01A **Type of Vehicle.** The applicant shall pass a knowledge examination for the type of vehicle the applicant expects to operate.

006.01B **Endorsement.** The applicant shall pass a knowledge examination for each endorsement.

006.01C **Pre-trip Vehicle Inspection.** The applicant shall pass a knowledge examination for the pre-trip vehicle inspection.

006.01D **CDL Applicant Holding an Out-of-state CDL.** An applicant for a Nebraska CDL who holds a valid commercial driver's license from another state is not required to take the knowledge examination, except the hazardous material written examination and any written knowledge examinations not previously taken

for that class of commercial motor vehicle or endorsement applied for. The valid nonresident out-of-state CDL shall be surrendered to the driver licensing staff. This requirement applies to valid out-of-state temporary CDLs and CDLs issued from Canada or Mexico, provided the license can be verified on CDLIS.

006.01E LPC. The knowledge examination shall be waived for an applicant who holds a Nebraska issued LPC that is valid or has been expired less than one year provided such LPC has not been cancelled, suspended, revoked or disqualified.

006.01F Renewal of a CDL. For renewal of a CDL, the general knowledge examination is not required, except the hazardous material portion of the examination and any knowledge examinations not previously taken for that class of commercial motor vehicle or endorsement, if the applicant renews his or her commercial driver's license prior to its expiration or within one year after its expiration and if the applicant's driving record abstract maintained in the Department's computerized records shows that his or her commercial driver's license is not suspended, revoked, cancelled, or disqualified. A license with an impounded or confiscated status may be renewed but will be held by driver licensing staff to send to the court or the Department. The renewed license shall be provided to the holder at the end of impoundment or confiscation.

006.02 Failed Examination. Any written examination that is failed cannot be retaken the same day.

006.03 Scoring Written Examinations. The written examinations have various numbers of questions. Applicants must have 80% correct to pass the examinations.

006.04 Valid for Six Months. Written examinations results are valid for six months.

006.05 Re-examination. A CDL applicant will be allowed to take all desired written examinations, even if one or more of the examinations is failed. The applicant may retake any failed written examination the next working day.

006.06 Foreign Language. The use of a foreign language dictionary by an applicant is permissible after the driver licensing staff has reviewed and approved it.

006.07 Communication in English. A person is qualified to drive a commercial motor vehicle if he or she can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records as required by 49 CFR 391.11(b)(2).

007 SKILLS EXAMINATIONS: GENERAL INFORMATION.

007.01 Required. Skills examinations means any tests, in addition to a CDL knowledge test, that an applicant is required to successfully complete prior to the

issuance of a CDL for a particular class of vehicle or endorsement. CDL skills examinations are required in the following situations:

007.01A First-time CDL applicants (if not eligible to grandfather);

007.01B Individuals who surrender their CDL license, obtain a Class O license, and later decide to reapply for a CDL license;

007.01C Persons wanting to reinstate a CDL after a period of revocation, cancellation, or disqualification and those who have licenses expired over 12 months;

007.01D Adding a P or S endorsement to a current CDL, or changing to a higher class of CDL;

007.01E Removing the L, M, N, or O restrictions;

007.01F Changing from the N to M restriction;

007.01G Any person identified by the driver licensing staff as needing to retake the skills examination, including but not limited to, an individual who has a CDL third party waiver; or

007.01H Any change in endorsement or restriction may require skills examination the applicant.

007.02 Appointments. CDL skills examinations are administered by appointment only, with the exception of the air brake tests.

007.03 Appropriate Vehicle Class. The applicant will perform skills examinations in an appropriate vehicle for the class of license he or she is applying for. The applicant must provide the vehicle for the skills examinations.

007.03A Exception; L Restriction. To remove the L restriction, an applicant may drive any class of commercial motor vehicle that is equipped with air brakes during the skills test. The trailer need not be attached.

007.03B Hazardous Materials. No skills examinations will be given in a HAZARDOUS MATERIALS placarded vehicle unless the hazardous materials have been removed from the vehicle at the time of the drive test.

007.04 Grandfathering the Skills Examinations. An applicant eligible for grandfathering may waive the skills examinations if the following requirements are met:

007.04A The applicant is in an exempt category within the last 30 days and the applicant has at least two years experience driving the vehicle he or she wishes to be licensed for;

007.04B The applicant has a driving record that meets requirements as defined in Neb. Rev. Stat. § 60-4,156 as outlined on the “CDL Certification for Waiver of the Driving Skills Examination” form; and

007.04C The applicant and employer have correctly completed the “CDL Certification for Waiver of the Driving Skills Examination”. Such waiver will be valid for a period of 30 days. The applicant must certify that he or she is eligible for grandfathering on the issuance certificate.

008 ADMINISTRATION OF THE SKILLS EXAMINATIONS. The skills examination consists of brake checks, a basic control skills test, and a drive examination.

008.01 Counties with No Skills Examination. Not all counties have drive facilities that meet the required elements of a skills examination compliant with 49 CFR 383, subpart G, governing CDL testing. The Department reserves the right to provide skills examinations only in locations able to provide all the required elements for the skills examination. Applicants should check with their local driver licensing staff to determine which counties offer skills examinations and to make an appointment at a location where the skills examination is offered.

008.02 Examination Conditions.

008.02A The driver licensing staff and applicant must be the only persons riding in the vehicle. The driver licensing staff will read the standardized instructions to the applicant prior to the skills examination. The driver licensing staff and applicant will limit unnecessary conversation during the examination.

008.02B The driver licensing staff will instruct the applicant about maneuvers in sufficient time for the applicant to complete the instructions without causing danger to themselves, other traffic or pedestrians. The driver licensing staff shall closely monitor each action of the applicant for conformity to the instructions.

008.02C The driver licensing staff will carry the scoring sheet/refusal form and drive test results form during the drive examination and make appropriate notes on the CDL Score Sheet/Refusal form and results form.

008.02D The driver licensing staff and applicant must use seat belts in all commercial motor vehicles 1973 and newer. If available, they will use seatbelts in older vehicles.

008.03 Completion of Examinations.

008.03A Success. Upon successful completion of all parts of the required skills examinations, driver licensing staff will issue the issuance certificate to the applicant and retain all CDL Score Sheets/Refusal forms.

008.03B Failure. If the applicant fails any part of the skills examination, the CDL Score Sheet/Refusal will be given as a refusal.

008.04 Brake Checks. All elements of this examination must be performed correctly to pass.

008.04A Driver Licensing Staff. Department staff will confirm that the brake system, type and class of vehicle (straight truck, tractor-trailer, school bus, or coach transit bus, air brake/hydraulic) match the CDL Score Sheet. If the vehicle provided does not match the information on the CDL Score Sheet and additional written examinations must be taken, the skills examinations will terminate.

008.04B Applicant. The applicant shall perform an air brake or hydraulic brake check of the vehicle, followed by the parking brake check as outlined in the Nebraska Manual for Commercial Driver's Licensing.

008.04C Failure of Examination. If the applicant fails the brake check, he or she will be permitted to retake it at the conclusion of the skills examination. Only two failures of the brake check are permitted on a single day. If the applicant must come back another day and the brake check is the applicant's only examination, the applicant will be allowed only one attempt.

008.05 Basic Control Skills Examination. This examination consists of a series of basic control exercises, which includes straight line, alley dock backing and a graded right turn (Form 4). CDL Third Party Examiners also have the option of administering the following exercises: straight line, alley dock backing, and parallel parking (Form 1). A passing score on Form 1 is 16 errors or less. A passing score on Form 4 is ten errors or less.

008.06 Re-examination. An applicant may schedule a re-examination, by appointment. Any re-examination must be scheduled a minimum of one working day after failure of an examination. There is no limit to the number of CDL skills examinations an applicant may take.

008.07 Driving Skills Examination Course. The driving skills examination shall be given on a standardized course as required by the DOT and developed by the American Association of Motor Vehicle Administrators. All driving skills examination routes used must be approved by the Department and be on file in the Department's Lincoln office.

008.07A Scoring. Each indication of poor driving practices during this examination will be represented by a deduction. Each of these deductions is numbered on the CDL Score Sheet/Refusal form and will be checked. If the total deduction amounts to more than 25 points, the applicant will fail and be asked to reappear for another driving skills examination.

008.07B Automatic Failure. There are nine specific items for which an applicant will automatically fail the drive examination:

008.07B1 Failure to use seat belt;

- 008.07B2** Involvement in an avoidable accident or incident;
- 008.07B3** Committing any dangerous action or unsafe behavior;
- 008.07B4** Failure to cooperate with or follow driver licensing staff instructions;
- 008.07B5** Commission of moving traffic violations or failure to obey signs and signals;
- 008.07B6** Displaying poor control of vehicle;
- 008.07B7** Turning from wrong lane;
- 008.07B8** Speeding six MPH or more over speed limit; or
- 008.07B9** Driving vehicle over sidewalks or curbs (unnecessarily).

008.07C Hazmat/Hazardous Materials Endorsement Driving Skills Test. Vehicles should be placarded and empty (except fuel trucks which should have a minimal amount of fuel in tank(s)) when being used for CDL skills tests. Although regulations do not permit empty vehicles to display placards, Carrier Enforcement will not enforce this regulation while the driver licensing staff is present in the vehicle. Before and after the examination, vehicles that are not transporting hazardous materials must not display placards.

008.07D School Bus. An applicant for a school bus endorsement must pass a school bus skills examination.

009 CDL THIRD PARTY TESTERS. Skills examinations as listed in 008 of these regulations may be administered by an approved "CDL Third Party Examiner" employed by a Third Party Tester, which is an entity that is an independent contractor acting as an agent of the Department. The Department authorizes CDL Third Party Examiners pursuant to 247 NAC Chapter 8.

009.01 Order of Skills Examinations. CDL Third Party Examiners may have the applicant take the skills examinations before the written examinations. CDL Third Party Examiners can do any or all components of the skills examinations.

009.02 CDL Third Party Certificate of Completion. A CDL applicant will supply a completed CDL Third Party Certificate of Completion of the Driving Skills Examination form to driver licensing staff when the applicant has successfully completed the skills examinations administered by a CDL Third Party Examiner. The driver licensing staff will verify that an applicant's skills test score is passing, and, if so, will waive the skills examination for the applicant.

009.02A Void. The CDL Third Party Certificate of Completion of the Driving Skills Examination form will be void if:

009.02A1 Any alterations on the scores or dates on the form appear, or

009.02A2 the applicant was examined while his or her driver's license was under suspension, revocation, disqualification, or otherwise invalid.

009.02B Expiration. CDL Third Party Certification of Completion of the Driving Skills Examination form is not valid for issuance of a CDL when the examination date is more than 30 days prior to the date of application.

010 LICENSE FEES.

010.01 Fees. Fees for CDLs and Restricted CDLs shall be as provided by the Legislature in Neb. Rev. Stat. § 60-4,115. If the Legislature should change the license fees applicants will be charged the new fee set by the Legislature from the effective date prescribed in the statute.

010.02 Error Correction.

010.02A There will be no charge for correcting a mistake on a newly issued driver's license when the applicant did not make the error and the error is brought to the attention of driver licensing staff before the applicant leaves the examining station.

010.02B Any licensee returning to an examining station to correct an error on a license shall be charged for a duplicate/replacement license.

011 LEARNER'S PERMIT COMMERCIAL (LPC). The LPC authorizes the holder to operate a commercial motor vehicle for learning purposes when accompanied by an adult (at least 21 years old) who has a valid CDL for the class of vehicle being driven.

011.01 LPC Specific Provisions.

011.01A Hazmat. A person holding an LPC-learner's permit shall not operate a commercial motor vehicle transporting hazardous materials.

011.01B Not a Prerequisite for a CDL. A LPC is not required prior to applying for a CDL.

011.01C Validity. The LPC is valid for six months. It may be renewed only once within any two-year period.

011.02 LPC Age, Identification, Record Check, Medical, and Vision Requirements. The applicant must meet the CDL age and identification requirements, record check requirements, and medical and vision requirements set forth in these rules and regulations to be issued an LPC.

011.03 General Knowledge Examination. The applicant must hold a valid Class O license or equivalent or must successfully complete all requirements for a Class O

license and shall pass the general knowledge written examination prior to the issuance of a Nebraska LPC, unless the applicant:

011.03A surrenders a valid out-of-state CDL;

011.03B is renewing a Nebraska CDL, which is valid or expired less than one year; or

011.03C is renewing a Nebraska LPC, which is valid or expired less than one year (the applicant need not present the LPC).

012 RESTRICTED COMMERCIAL DRIVER'S LICENSE (RCDL) AND SEASONAL PERMIT (SEP).

012.01 RCDL. The RCDL when held in conjunction with a SEP allows a Nebraska resident to drive a Class B or C commercial motor vehicle for purposes of farm-related or ranch-related industry within 150 miles of employer's place of business or the farm or ranch being served.

012.02 SEP. The SEP is valid for 180 consecutive days in any 12-month period from the date of issuance. An RCDL holder must have a valid SEP to drive a commercial motor vehicle.

012.03 Endorsements. The holder of an RCDL may receive an M (motorcycle) endorsement. The holder cannot obtain any other CDL endorsements but can transport:

012.03A diesel fuel in quantities of 1,000 gallons or less;

012.03B liquid fertilizers (including anhydrous ammonia) with total capacities of 3,000 gallons or less; or

012.03C solid fertilizers that are not transported or mixed with any organic substance.

012.04 Restrictions. The only CDL restrictions that may be placed on an RCDL are K or I restrictions.

012.05 Valid License. The applicant shall possess a valid Nebraska or out-of-state operator's license. The document or combination of documents must have been held:

012.05A during the 12-month period immediately preceding the application date; or

012.05B for two years if the license has been held that long and meets either 012.05B1 or 012.05B2 of these rules and regulations. Out-of-state driving records may be required to meet the one-year or two-year requirement. These out-of-state driving records must be dated within the last 30 days.

012.05B1 The applicant has possessed a valid operator's license for two or more years. In the immediate two-year period, the applicant:

012.05B1a has not possessed more than one operator's license at one time;

012.05B1b has not had any operator's license suspended, revoked, disqualified, or cancelled; and

012.05B1c has not been convicted in any type of motor vehicle for any of the offenses listed in 012.03C of these rules and regulations.

012.05B2 The applicant has possessed a valid operator's license for more than one year, but less than two years and that for the entire driving history has not been convicted in any type of motor vehicle for any of the offenses listed in 012.05C of these rules and regulations.

012.05C Offenses. To be issued an RCDL, the applicant must have a good driving record. The good driving record must be confirmed prior to the issuance of any original or renewal RCDL. Good driving record means the applicant:

012.05C1 has not had more than one license at one time;

012.05C2 has not had any license suspended, revoked, disqualified, or cancelled;

012.05C3 has not had any conviction for any type of motor vehicle for the following disqualifying offenses:

012.05C3a Being under the influence of alcohol as prescribed by a state law;

012.05C3b Being under the influence of a controlled substance;

012.05C3c Having an alcohol concentration of .04 or over while operating a commercial motor vehicle;

012.05C3d Refusing to take an alcohol test as required by a state or jurisdiction under its implied consent law.

012.05C3e Leaving the scene of an accident;

012.05C3f Using the vehicle to commit a felony;

012.05C3g Driving a commercial motor vehicle when the driver's CDL is revoked, suspended, cancelled, disqualified, or otherwise invalid;

012.05C3h Causing a fatality through the negligent operation of a commercial motor vehicle; and

012.05C3i Using a vehicle in commission of a felony involving manufacturing, distributing, or dispensing a controlled substance.

012.05D has not had any conviction for any type of motor vehicle for serious traffic violations; and

012.05E has not had any conviction for a violation of state, or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with any traffic accident, and has no record of an accident in which he or she was at fault.

012.06 Age, Identification, Principal Address, Record Check, Medical and Vision Requirements. The applicant must meet the CDL age, identification, and principal address requirements, the record check requirements and the medical and vision requirements set forth in these rules and regulations.

012.07 Custom Harvesters. Drivers employed by custom harvesters are exempt from the qualification requirements of federal Motor Carrier Safety Regulations 49 CFR 391, but shall meet the Department's minimum vision and medical requirements required for a Class O license.

012.08 Written and Drive Examination Requirements. None.

013 HAZARDOUS MATERIALS ENDORSEMENT.

013.01 Required Transportation Security Administration (TSA) Approval. The TSA requires an applicant for a hazardous materials endorsement to complete a hazardous materials application (including fingerprinting and payment of a fee). The TSA must issue a Determination of No Security Threat prior to the Department's issuance of a hazardous materials endorsed CDL. The Department does not conduct the process; a TSA third party agent conducts it.

013.02 Renewal. The Hazmat CDL must be renewed every five years. The applicant will pass the hazardous materials portion of the knowledge examination and a TSA Security Threat Assessment prior to each renewal.

013.03 Expiration. Hazardous material endorsements expire five years after the date of issuance of the determination of no security threat. If the endorsement is added before a CDL is due to expire, a new five-year license will be issued upon the receipt of the determination of no security threat.

013.04 Transfer from Another State. Any person who transfers to Nebraska who has a CDL with a hazardous materials endorsement from another state shall surrender that license to Nebraska before a new Nebraska CDL with a hazardous materials endorsement will be issued. A prorated license for less than five years will be issued

based on the date of the applicant's most recent determination of no security threat if such determination is less than five years old. If the determination of no security threat has expired, a new application will need to be made to TSA as provided in 013.01 of these rules and regulations.

014 **RECALL.** A CDL holder may be recalled at any time for further examination:

014.01 As part of an audit of a CDL Third Party Tester or a Third Party Examiner, CDL holders originally tested by the CDL Third Party Examiner for a Third Party Tester may be ordered to take another skills examination conducted by driver licensing staff. Staff will notify the CDL holder of the time and location for the examination. Failure of the CDL holder to appear for the recall skills examination will result in cancellation of the CDL.

014.02 In response to a report that the CDL holder may have medical, psychological, or vision problems that would interfere with the CDL holder's ability to safely operate a motor vehicle or a commercial motor vehicle, the CDL holder will be notified of the time and place of the recall examination by mail. The CDL holder will be asked to provide a current physician's statement and/or vision statement at the time of the recall. Failure of the CDL holder to appear for the scheduled recall examination will result in cancellation of the CDL. Failure of the CDL holder to meet the medical and vision requirements or pass all required examinations will also result in cancellation of the holder's CDL.

015 **WORK PERMITS, INTERLOCKS, AND DIVERSION PROGRAMS.**

015.01 A CDL holder is not eligible to be issued a work permit or an interlock-restricted license or, after January 1, 2009, an Ignition Interlock Permit (IIP), to operate a commercial motor vehicle.

015.02 Pursuant to Neb. Rev. Stat. § 60-4,147.01, CDL holders shall not participate in diversion programs.

016 **APPEAL PROCEDURES.**

016.01 Any person's license that is subject to cancellation, denial, suspension, disqualification, or refusal to renew may file a civil appeal of a final order of the Director to a district court pursuant to Neb. Rev. Stat. § 60-4,105.

016.02 A person whose license has been cancelled because he or she has medical or vision problems that prevent him or her from safely operating a motor vehicle or who has been denied or refused issuance of a driver's license may write to the Director for a review of his or her case pursuant to Neb. Rev. Stat. § 60-4,114 or 60-4,118. The Director will issue a final order that may be appealed to a district court as provided in 016.01 of these rules and regulations.

016.03 There are other statutory appeals, both civil and criminal, available to persons whose driver's license have been revoked or disqualified which are not covered under

these rules and regulations. Please refer to the Nebraska Statute for the appropriate appeal provisions.

017 FEDERAL DISQUALIFICATION. Any application for a CDL will be denied if the applicant is subject to a current federal disqualification pursuant to 49 CFR 383.52.

018 OUT-OF-SERVICE VIOLATIONS. A driver who violates an out-of-service order may be disqualified from holding a CDL for a period of from 180 days to five years depending on the specifics of the violation, pursuant to 49 CFR 383.51, as amended by 72 FR No. 128, July 5, 2007. Persons subject to such disqualification order shall not be issued a CDL until the full period of disqualification has passed. Employers and drivers may also be subject to civil penalties. The Department of Motor Vehicle does not assess the civil penalties.