

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 909

FINAL READING

Introduced by Bostelman, 23; Brewer, 43.

Read first time January 08, 2018

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to transportation; to amend sections
2 28-1204.04, 37-1280, 37-1285, 37-1293, 60-104, 60-119, 60-129,
3 60-133, 60-142.04, 60-142.05, 60-142.06, 60-174, 60-191, 60-309,
4 60-335, 60-348, 60-354, 60-378, 60-389, 60-3,185, 60-4,128,
5 60-4,130.04, 60-6,244, 60-6,254, 60-6,255, 60-6,263, 60-6,279,
6 60-6,306, 60-6,307, 60-6,308, 60-6,313, and 69-2441, Reissue Revised
7 Statutes of Nebraska, sections 60-104.01, 60-124, 60-146, 60-148,
8 60-168.01, 60-169, 60-171, 60-173, 60-175, 60-309.01, 60-316,
9 60-340, 60-3,100, 60-3,113.02, 60-3,113.03, 60-3,143, 60-3,147,
10 60-3,148, 60-3,187, 60-3,190, 60-3,221, 60-3,228, 60-462, 60-463.02,
11 60-480, 60-484, 60-4,122, 60-4,123, 60-4,123.01, 60-4,124, 60-4,127,
12 60-4,131, 60-4,131.01, 60-4,132, 60-4,182, 60-601, 60-610.01,
13 60-639, 60-640, 60-6,226, 60-1401, 60-1401.02, 60-1401.28, and
14 60-1401.42, Revised Statutes Cumulative Supplement, 2016, sections
15 37-1285.01, 60-101, 60-102, 60-119.01, 60-149, 60-164, 60-164.01,
16 60-192, 60-301, 60-302, 60-336.01, 60-363, 60-386, 60-395, 60-3,104,
17 60-3,113.04, 60-3,193.01, 60-3,229, 60-462.01, 60-479.01,
18 60-4,147.02, 60-501, 60-628.01, 60-6,267, 60-6,294, 60-6,298,
19 60-1507, 75-363, 75-364, 75-366, 75-369.03, 75-392, and 75-393,
20 Revised Statutes Supplement, 2017, section 37-1283, Revised Statutes
21 Supplement, 2017, as amended by section 75, Legislative Bill 193,
22 One Hundred Fifth Legislature, Second Session, 2018, and section

1 60-166, Revised Statutes Supplement, 2017, as amended by section 87,
2 Legislative Bill 193, One Hundred Fifth Legislature, Second Session,
3 2018, and section 2, Legislative Bill 275, One Hundred Fifth
4 Legislature, Second Session, 2018; to change provisions relating to
5 the Motor Vehicle Certificate of Title Act, the Motor Vehicle
6 Industry Regulation Act, the Motor Vehicle Operator's License Act,
7 the Motor Vehicle Registration Act, the Motor Vehicle Safety
8 Responsibility Act, the Nebraska Rules of the Road, the State Boat
9 Act, motor carriers, and hazardous materials regulations; to
10 harmonize provisions; to provide a duty for the Revisor of Statutes;
11 to repeal the original sections; and to declare an emergency.
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-1204.04, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 28-1204.04 (1) Any person who possesses a firearm in a school, on
4 school grounds, in a school-owned vehicle, or at a school-sponsored
5 activity or athletic event is guilty of the offense of unlawful
6 possession of a firearm at a school. Unlawful possession of a firearm at
7 a school is a Class IV felony. This subsection shall not apply to (a) the
8 issuance of firearms to or possession by members of the armed forces of
9 the United States, active or reserve, National Guard of this state, or
10 Reserve Officers Training Corps or peace officers or other duly
11 authorized law enforcement officers when on duty or training, (b) the
12 possession of firearms by peace officers or other duly authorized law
13 enforcement officers when contracted by a school to provide school
14 security or school event control services, (c) firearms which may
15 lawfully be possessed by the person receiving instruction, for
16 instruction under the immediate supervision of an adult instructor, (d)
17 firearms which may lawfully be possessed by a member of a college or
18 university rifle team, within the scope of such person's duties as a
19 member of the team, (e) firearms which may lawfully be possessed by a
20 person employed by a college or university in this state as part of an
21 agriculture or a natural resources program of such college or university,
22 within the scope of such person's employment, (f) firearms contained
23 within a private vehicle operated by a nonstudent adult which are not
24 loaded and (i) are encased or (ii) are in a locked firearm rack that is
25 on a motor vehicle, (g) firearms which may lawfully be possessed by a
26 person for the purpose of using them, with the approval of the school, in
27 a historical reenactment, in a hunter education program, or as part of an
28 honor guard, or (h) a handgun carried as a concealed handgun by a valid
29 holder of a permit issued under the Concealed Handgun Permit Act in a
30 vehicle or on his or her person while riding in or on a vehicle into or
31 onto any parking area, which is open to the public and used by a school

1 if, prior to exiting the vehicle, the handgun is locked inside the glove
2 box, trunk, or other compartment of the vehicle, a storage box securely
3 attached to the vehicle, or, if the vehicle is a motorcycle, other than
4 an autocycle, a hardened compartment securely attached to the motorcycle
5 while the vehicle is in or on such parking area, except as prohibited by
6 federal law. For purposes of this subsection, encased means enclosed in a
7 case that is expressly made for the purpose of containing a firearm and
8 that is completely zipped, snapped, buckled, tied, or otherwise fastened
9 with no part of the firearm exposed.

10 (2) Any firearm possessed in violation of subsection (1) of this
11 section shall be confiscated without warrant by a peace officer or may be
12 confiscated without warrant by school administrative or teaching
13 personnel. Any firearm confiscated by school administrative or teaching
14 personnel shall be delivered to a peace officer as soon as practicable.

15 (3) Any firearm confiscated by or given to a peace officer pursuant
16 to subsection (2) of this section shall be declared a common nuisance and
17 shall be held by the peace officer prior to his or her delivery of the
18 firearm to the property division of the law enforcement agency which
19 employs the peace officer. The property division of such law enforcement
20 agency shall hold such firearm for as long as the firearm is needed as
21 evidence. After the firearm is no longer needed as evidence, it shall be
22 destroyed in such manner as the court may direct.

23 (4) Whenever a firearm is confiscated and held pursuant to this
24 section or section 28-1204.02, the peace officer who received such
25 firearm shall cause to be filed within ten days after the confiscation a
26 petition for destruction of such firearm. The petition shall be filed in
27 the district court of the county in which the confiscation is made. The
28 petition shall describe the firearm held, state the name of the owner, if
29 known, allege the essential elements of the violation which caused the
30 confiscation, and conclude with a prayer for disposition and destruction
31 in such manner as the court may direct. At any time after the

1 confiscation of the firearm and prior to court disposition, the owner of
2 the firearm seized may petition the district court of the county in which
3 the confiscation was made for possession of the firearm. The court shall
4 release the firearm to such owner only if the claim of ownership can
5 reasonably be shown to be true and either (a) the owner of the firearm
6 can show that the firearm was taken from his or her property or place of
7 business unlawfully or without the knowledge and consent of the owner and
8 that such property or place of business is different from that of the
9 person from whom the firearm was confiscated or (b) the owner of the
10 firearm is acquitted of the charge of unlawful possession of a handgun in
11 violation of section 28-1204, unlawful transfer of a firearm to a
12 juvenile, or unlawful possession of a firearm at a school. No firearm
13 having significant antique value or historical significance as determined
14 by the Nebraska State Historical Society shall be destroyed. If a firearm
15 has significant antique value or historical significance, it shall be
16 sold at auction and the proceeds shall be remitted to the State Treasurer
17 for distribution in accordance with Article VII, section 5, of the
18 Constitution of Nebraska.

19 Sec. 2. Section 37-1280, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 37-1280 (1) The Department of Motor Vehicles shall adopt and
22 promulgate rules and regulations necessary to carry out sections 37-1275
23 to 37-1290, and the county treasurers shall conform to the rules and
24 regulations and act at the direction of the department. The department
25 shall also provide the county treasurers with the necessary training for
26 the proper administration of such sections. The department shall receive
27 and file in its office all instruments forwarded to it by the county
28 treasurers under such sections and shall maintain indices covering the
29 entire state for the instruments so filed. These indices shall be by hull
30 identification number and alphabetically by the owner's name and shall be
31 for the entire state and not for individual counties. The department

1 shall provide and furnish the forms required by section 37-1286 to the
2 county treasurers except manufacturers' or importers' certificates. The
3 department shall check with its records all duplicate certificates of
4 title received from the county treasurers. If it appears that a
5 certificate of title has been improperly issued, the department shall
6 cancel the certificate of title. Upon cancellation of any certificate of
7 title, the department shall notify the county treasurer who issued the
8 certificate, and the county treasurer shall enter the cancellation upon
9 his or her records. The department shall also notify the person to whom
10 such certificate of title was issued and any lienholders appearing on the
11 certificate of the cancellation and shall demand the surrender of the
12 certificate of title, but the cancellation shall not affect the validity
13 of any lien noted on the certificate. The holder of the certificate of
14 title shall return the certificate to the department immediately. If a
15 certificate of number has been issued pursuant to section 37-1216 to the
16 holder of a certificate of title so canceled, the department shall notify
17 the commission. Upon receiving the notice, the commission shall
18 immediately cancel the certificate of number and demand the return of the
19 certificate of number and the holder of the certificate of number shall
20 return the certificate to the commission immediately.

21 (2) The department may remove a lien on a certificate of title when
22 such lien was improperly noted if evidence of the improperly noted lien
23 is submitted to the department and the department finds the evidence
24 sufficient to support removal of the lien. The department shall send
25 notification prior to removal of the lien to the last-known address of
26 the lienholder. The lienholder must respond within thirty days after the
27 date on the notice and provide sufficient evidence to support that the
28 lien should not be removed. If the lienholder fails to respond to the
29 notice, the lien may be removed by the department.

30 Sec. 3. Section 37-1283, Revised Statutes Supplement, 2017, as
31 amended by section 75, Legislative Bill 193, One Hundred Fifth

1 Legislature, Second Session, 2018, is amended to read:

2 37-1283 (1)(a) This subsection applies prior to the implementation
3 date designated by the Director of Motor Vehicles pursuant to subsection
4 (2) of section 118 of this act.

5 **(b)(i)** ~~(1)~~ Whenever ownership of a motorboat is transferred by
6 operation of law as upon inheritance, devise, bequest, order in
7 bankruptcy, insolvency, replevin, or execution sale, ~~(ii)~~ ~~(2)~~ whenever a
8 motorboat is sold to satisfy storage or repair charges or under section
9 76-1607, or ~~(iii)~~ ~~(3)~~ whenever repossession is had upon default in
10 performance of the terms of a chattel mortgage, trust receipt,
11 conditional sales contract, or other like agreement, ~~and upon acceptance~~
12 ~~of an electronic certificate of title record after repossession, in~~
13 ~~addition to the title requirements in this section,~~ the county treasurer
14 of any county or the Department of Motor Vehicles, upon the surrender of
15 the prior certificate of title or the manufacturer's or importer's
16 certificate, or when that is not possible, upon presentation of
17 satisfactory proof of ownership and right of possession to the motorboat,
18 and upon payment of the fee prescribed in section 37-1287 and the
19 presentation of an application for certificate of title, may issue to the
20 applicant a certificate of title thereto.

21 **(2)(a)** This subsection applies beginning on the implementation date
22 designated by the director pursuant to subsection (2) of section 118 of
23 this act.

24 **(b)(i)** Whenever ownership of a motorboat is transferred by operation
25 of law as upon inheritance, devise, bequest, order in bankruptcy,
26 insolvency, replevin, or execution sale, (ii) whenever a motorboat is
27 sold to satisfy storage or repair charges or under section 76-1607, or
28 (iii) whenever repossession is had upon default in performance of the
29 terms of a chattel mortgage, trust receipt, conditional sales contract,
30 or other like agreement, and upon acceptance of an electronic certificate
31 of title record after repossession, in addition to the title requirements

1 in this section, the county treasurer of any county or the Department of
2 Motor Vehicles, upon the surrender of the prior certificate of title or
3 the manufacturer's or importer's certificate, or when that is not
4 possible, upon presentation of satisfactory proof of ownership and right
5 of possession to the motorboat, and upon payment of the fee prescribed in
6 section 37-1287 and the presentation of an application for certificate of
7 title, may issue to the applicant a certificate of title thereto.

8 (3) If the prior certificate of title issued for the motorboat
9 provided for joint ownership with right of survivorship, a new
10 certificate of title shall be issued to a subsequent purchaser upon the
11 assignment of the prior certificate of title by the surviving owner and
12 presentation of satisfactory proof of death of the deceased owner.

13 (4) Only an affidavit by the person or agent of the person to whom
14 possession of the motorboat has so passed, setting forth facts entitling
15 him or her to such possession and ownership, together with a copy of a
16 court order or an instrument upon which such claim of possession and
17 ownership is founded shall be considered satisfactory proof of ownership
18 and right of possession, except that if the applicant cannot produce such
19 proof of ownership, he or she may submit to the department such evidence
20 as he or she may have and the department may thereupon, if it finds the
21 evidence sufficient, issue the certificate of title or authorize any
22 county treasurer to issue a certificate of title, as the case may be. If
23 from the records of the county treasurer or the department there appear
24 to be any liens on the motorboat, the certificate of title shall comply
25 with section 37-1282 regarding the liens unless the application is
26 accompanied by proper evidence of their satisfaction or extinction.

27 Sec. 4. Section 37-1285, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 37-1285 Each owner of a motorboat and each person mentioned as owner
30 in the last certificate of title, when the motorboat is dismantled,
31 destroyed, or changed in such a manner that it loses its character as a

1 motorboat or changed in such a manner that it is not the motorboat
2 described in the certificate of title, shall surrender his or her
3 certificate of title to any county treasurer or to the Department of
4 Motor Vehicles. If the certificate of title is surrendered to a county
5 treasurer, he or she shall, with the consent of any holders of any liens
6 noted on the certificate, enter a cancellation upon the records and shall
7 notify the department of the cancellation. Beginning on the
8 implementation date designated by the Director of Motor Vehicles pursuant
9 to subsection (3) of section 118 of this act, a wrecker or salvage dealer
10 shall report electronically to the department using the electronic
11 reporting system. If the certificate is surrendered to the department, it
12 shall, with the consent of any holder of any lien noted on the
13 certificate, enter a cancellation upon its records. Upon cancellation of
14 a certificate of title in the manner prescribed by this section, the
15 county treasurer and the department may cancel and destroy all
16 certificates and all memorandum certificates in that chain of title.

17 Sec. 5. Section 37-1285.01, Revised Statutes Supplement, 2017, is
18 amended to read:

19 37-1285.01 Beginning on the implementation date designated by the
20 Director of Motor Vehicles pursuant to subsection (2) of section 118 of
21 this act ~~January 1, 2019~~, if a motorboat certificate of title is an
22 electronic certificate of title record, upon application by an owner or a
23 lienholder and payment of the fee prescribed in section 37-1287, the
24 following changes may be made to a certificate of title electronically
25 and without printing a certificate of title:

- 26 (1) Changing the name of an owner to reflect a legal change of name;
27 (2) Removing the name of an owner with the consent of all owners and
28 lienholders; or
29 (3) Adding an additional owner with the consent of all owners and
30 lienholders.

31 Sec. 6. Section 37-1293, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 37-1293 When an insurance company acquires a salvage motorboat
3 through payment of a total loss settlement on account of damage, the
4 company shall obtain the certificate of title from the owner, surrender
5 such certificate of title to the county treasurer, and make application
6 for a salvage branded certificate of title which shall be assigned when
7 the company transfers ownership. An insurer shall take title to a salvage
8 motorboat for which a total loss settlement is made unless the owner of
9 the motorboat elects to retain the motorboat. If the owner elects to
10 retain the motorboat, the insurance company shall notify the Department
11 of Motor Vehicles of such fact in a format prescribed by the department.
12 Beginning on the implementation date designated by the Director of Motor
13 Vehicles pursuant to subsection (3) of section 118 of this act, the
14 insurance company shall report electronically to the department using the
15 electronic reporting system. The department shall immediately enter the
16 salvage brand onto the computerized record of the motorboat. The
17 insurance company shall also notify the owner of the owner's
18 responsibility to comply with this section. The owner shall, within
19 thirty days after the settlement of the loss, forward the properly
20 endorsed acceptable certificate of title to the county treasurer. The
21 county treasurer shall, upon receipt of the certificate of title, issue a
22 salvage branded certificate of title for the motorboat.

23 Sec. 7. Section 60-101, Revised Statutes Supplement, 2017, is
24 amended to read:

25 60-101 Sections 60-101 to 60-197 and sections 11, 12, 16, 17, and 23
26 of this act shall be known and may be cited as the Motor Vehicle
27 Certificate of Title Act.

28 Sec. 8. Section 60-102, Revised Statutes Supplement, 2017, is
29 amended to read:

30 60-102 For purposes of the Motor Vehicle Certificate of Title Act,
31 unless the context otherwise requires, the definitions found in sections

1 60-103 to 60-136.01 and sections 11, 12, 16, and 17 of this act shall be
2 used.

3 Sec. 9. Section 60-104, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 60-104 Assembled vehicle means a vehicle which was manufactured or
6 assembled less than thirty years prior to application for a certificate
7 of title and which ~~that~~ is materially altered from its construction by
8 the removal, addition, or substitution of new or used major component
9 parts unless such major component parts were replaced under warranty by
10 the original manufacturer of the vehicle. Its make shall be assembled,
11 and its model year shall be the year in which the vehicle was assembled.
12 ~~Assembled vehicle also includes a specially constructed vehicle.~~

13 Sec. 10. Section 60-104.01, Revised Statutes Cumulative Supplement,
14 2016, is amended to read:

15 60-104.01 Autocycle means any motor vehicle (1) having a seat that
16 does not require the operator to straddle or sit astride it, (2) designed
17 to travel on three wheels in contact with the ground, (3) ~~in which the~~
18 ~~operator and passenger ride either side by side or in tandem in a seating~~
19 ~~area that is completely enclosed with a removable or fixed top and is~~
20 ~~equipped with manufacturer-installed air bags, a manufacturer-installed~~
21 ~~roll cage, and for each occupant a manufacturer-installed three-point~~
22 ~~safety belt system,~~ (4) having antilock brakes, (4) ~~and (5)~~ designed to
23 be controlled with a steering wheel and pedals, and (5) in which the
24 operator and passenger ride either side by side or in tandem in a seating
25 area that is equipped with a manufacturer-installed three-point safety
26 belt system for each occupant and that has a seating area that either (a)
27 is completely enclosed and is equipped with manufacturer-installed
28 airbags and a manufacturer-installed roll cage or (b) is not completely
29 enclosed and is equipped with a manufacturer-installed rollover
30 protection system.

31 Sec. 11. Auxiliary axle means an auxiliary undercarriage assembly

1 with a fifth wheel and tow bar used to convert a semitrailer to a full
2 trailer, commonly known as converter gears or converter dollies.

3 Sec. 12. Car toter or tow dolly means a two-wheeled conveyance
4 designed or adapted to support the weight of one axle of a motor vehicle
5 while being towed in combination behind another motor vehicle.

6 Sec. 13. Section 60-119, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 60-119 Kit vehicle means a vehicle which was assembled by a person
9 other than a generally recognized manufacturer of vehicles by the use of
10 a reproduction resembling a specific manufacturer's make and model that
11 is at least thirty years old replica purchased from an authorized
12 manufacturer and accompanied by a manufacturer's statement of origin. Kit
13 ~~The term kit~~ vehicle does not include glider kits.

14 Sec. 14. Section 60-119.01, Revised Statutes Supplement, 2017, is
15 amended to read:

16 60-119.01 Low-speed vehicle means a (1) four-wheeled motor vehicle
17 (a) ~~(1)~~ whose speed attainable in one mile is more than twenty miles per
18 hour and not more than twenty-five miles per hour on a paved, level
19 surface, (b) ~~(2)~~ whose gross vehicle weight rating is less than three
20 thousand pounds, and (c) ~~(3)~~ that complies with 49 C.F.R. part 571, as
21 such part existed on January 1, 2018, or (2) three-wheeled motor vehicle
22 (a) whose maximum speed attainable is not more than twenty-five miles per
23 hour on a paved, level surface, (b) whose gross vehicle weight rating is
24 less than three thousand pounds, (c) which is equipped with a windshield
25 and an occupant protection system, and (d) that complies with 49 C.F.R.
26 part 571, as such part existed on January 1, 2018. A motorcycle with a
27 sidecar attached is not a low-speed vehicle 2017.

28 Sec. 15. Section 60-124, Revised Statutes Cumulative Supplement,
29 2016, is amended to read:

30 60-124 Motorcycle means any motor vehicle having a seat or saddle
31 for the use of the operator and designed to travel on not more than three

1 wheels in contact with the ground. Motorcycle includes ~~does not include~~
2 an autocycle.

3 Sec. 16. Reconstructed means the designation of a vehicle which was
4 permanently altered from its original design construction by removing,
5 adding, or substituting major component parts.

6 Sec. 17. Replica means the designation of a vehicle which resembles
7 a specific manufacturer's make and model that is at least thirty years
8 old and which has been assembled as a kit vehicle.

9 Sec. 18. Section 60-129, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 60-129 Semitrailer means any trailer so constructed that some part
12 of its weight and that of its load rests upon or is carried by the towing
13 vehicle. Semitrailer does not include an auxiliary axle or a car toter or
14 tow dolly.

15 Sec. 19. Section 60-133, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 60-133 Trailer means any device without motive power designed for
18 carrying persons or property and being towed by a motor vehicle and so
19 constructed that no part of its weight rests upon the towing vehicle.
20 Trailer does not include an auxiliary axle or a car toter or tow dolly.

21 Sec. 20. Section 60-142.04, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 60-142.04 The owner of ~~(1) an assembled vehicle or (2) a vehicle~~
24 which was manufactured or assembled more than thirty years prior to
25 application for a certificate of title with one or more major component
26 parts replaced by replacement parts, other than replacement parts that
27 are essentially the same in design and material to that originally
28 supplied by the manufacturer for the specific year, make, and model of
29 vehicle, may apply for a certificate of title by presenting a certificate
30 of title for one major component part, a notarized bill of sale for all
31 other major component parts replaced, a statement that an inspection has

1 been conducted on the vehicle, and a vehicle identification number as
2 described in section 60-148. The certificate of title shall indicate the
3 year of the vehicle resembles, ~~as the year application for title was made~~
4 ~~and~~ the make of the vehicle resembles, and the model the vehicle
5 resembles and shall be branded as reconstructed assembled.

6 Sec. 21. Section 60-142.05, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 60-142.05 The owner of a kit vehicle may apply for a certificate of
9 title by presenting a manufacturer's statement of origin for the kit, a
10 notarized bill of sale for all major component parts not in the kit, a
11 statement that an inspection has been conducted on the vehicle, and a
12 vehicle identification number as described in section 60-148. The
13 certificate of title shall indicate the year of the vehicle resembles, ~~as~~
14 ~~the year application for title was made and~~ the make of the vehicle
15 resembles, and the model the vehicle resembles and shall be branded as
16 replica assembled.

17 Sec. 22. Section 60-142.06, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 60-142.06 An owner of a vehicle which has ~~previously~~ been issued a
20 certificate of title as an assembled vehicle prior to the effective date
21 of this act in this state may have the vehicle inspected by a qualified
22 car club representative who shall determine whether or not any
23 modifications or replacement parts are essentially the same in design and
24 material to that originally supplied by the manufacturer for the specific
25 year, make, and model of vehicle and obtain a statement as provided in
26 section 60-142.03. The owner may apply for a certificate of title
27 indicating the year, make, and model of the vehicle by presenting the
28 statement and an application for certificate of title to the department.
29 After review of the application, the department shall issue the
30 certificate of title to the owner if the vehicle meets the specifications
31 provided in section 60-142.02.

1 Sec. 23. The owner of an assembled vehicle may apply for a
2 certificate of title by presenting a certificate of title for one major
3 component part, a notarized bill of sale for all other major component
4 parts replaced, a statement that an inspection has been conducted on the
5 vehicle, and a vehicle identification number as described in section
6 60-148. The certificate of title shall indicate the year of the vehicle
7 as the year application for title was made and the make of the vehicle as
8 assembled.

9 Sec. 24. Section 60-146, Revised Statutes Cumulative Supplement,
10 2016, is amended to read:

11 60-146 (1) An application for a certificate of title for a vehicle
12 shall include a statement that an identification inspection has been
13 conducted on the vehicle unless (a) the title sought is a salvage branded
14 certificate of title or a nontransferable certificate of title, (b) the
15 surrendered ownership document is a Nebraska certificate of title, a
16 manufacturer's statement of origin, an importer's statement of origin, a
17 United States Government Certificate of Release of a vehicle, or a
18 nontransferable certificate of title, (c) the application contains a
19 statement that the vehicle is to be registered under section 60-3,198,
20 (d) the vehicle is a cabin trailer, (e) the title sought is the first
21 title for the vehicle sold directly by the manufacturer of the vehicle to
22 a dealer franchised by the manufacturer, or (f) the vehicle was sold at
23 an auction authorized by the manufacturer and purchased by a dealer
24 franchised by the manufacturer of the vehicle.

25 (2) The department shall prescribe a form to be executed by a dealer
26 and submitted with an application for a certificate of title for vehicles
27 exempt from inspection pursuant to subdivision (1)(e) or (f) of this
28 section. The form shall clearly identify the vehicle and state under
29 penalty of law that the vehicle is exempt from inspection.

30 (3) The statement that an identification inspection has been
31 conducted shall be furnished by the county sheriff of any county or by

1 any other holder of a certificate of training issued pursuant to section
2 60-183, shall be in a format as determined by the department, and shall
3 expire ninety days after the date of the inspection. The county treasurer
4 shall accept a certificate of inspection, approved by the superintendent,
5 from an officer of a state police agency of another state unless an
6 inspection is required under section 60-174.

7 (4) The identification inspection shall include examination and
8 notation of the then current odometer reading, if any, and a comparison
9 of the vehicle identification number with the number listed on the
10 ownership records, except that if a lien is registered against a vehicle
11 and recorded on the vehicle's ownership records, the county treasurer
12 shall provide a copy of the ownership records for use in making such
13 comparison. If such numbers are not identical, if there is reason to
14 believe further inspection is necessary, or if the inspection is for a
15 Nebraska assigned number, the person performing the inspection shall make
16 a further inspection of the vehicle which may include, but shall not be
17 limited to, examination of other identifying numbers placed on the
18 vehicle by the manufacturer and an inquiry into the numbering system used
19 by the state issuing such ownership records to determine ownership of a
20 vehicle. The identification inspection shall also include a statement
21 that the vehicle identification number has been checked for entry in the
22 National Crime Information Center and the Nebraska Crime Information
23 Service. In the case of an assembled vehicle, a vehicle designated as
24 reconstructed, or a vehicle designated as replica, the identification
25 inspection shall include, but not be limited to, an examination of the
26 records showing the date of receipt and source of each major component
27 part. No identification inspection shall be conducted unless all major
28 component parts are properly attached to the vehicle in the correct
29 location.

30 (5) If there is cause to believe that odometer fraud exists, written
31 notification shall be given to the office of the Attorney General. If

1 after such inspection the sheriff or his or her designee determines that
2 the vehicle is not the vehicle described by the ownership records, no
3 statement shall be issued.

4 (6) The county treasurer or the department may also request an
5 identification inspection of a vehicle to determine if it meets the
6 definition of motor vehicle as defined in section 60-123.

7 Sec. 25. Section 60-148, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 60-148 (1) Whenever a person applies for a certificate of title for
10 a vehicle, the department shall assign a distinguishing identification
11 number to the vehicle if the vehicle identification number is destroyed,
12 obliterated, or missing. The owner of such a vehicle to which such number
13 is assigned shall have such number affixed to such vehicle as provided in
14 subsection (2) of this section and sign an affidavit on a form prepared
15 by the department that such number has been attached. Before the
16 certificate of title for an assigned number is released to the applicant
17 by the county treasurer, the applicant shall also provide a statement
18 that an inspection has been conducted.

19 (2) The department shall develop a metallic assigned vehicle
20 identification number plate which can be permanently secured to a vehicle
21 by rivets or a permanent sticker or other form of marking or identifying
22 the vehicle with the distinguishing identification number as determined
23 by the director. All distinguishing identification numbers shall contain
24 seventeen characters in conformance with national standards. When the
25 manufacturer's vehicle identification number is known, it shall be used
26 by the department as the assigned number. In the case of an assembled
27 all-terrain vehicle, a utility-type vehicle, a ~~or~~ minibike, an ~~or~~
28 assembled vehicle, a vehicle designated as reconstructed, or a vehicle
29 designated as replica, the department shall use a distinguishing
30 identification number. The department shall, upon application by an
31 owner, provide the owner with a number plate or a permanent sticker or

1 other form of marking or identification displaying a distinguishing
2 identification number or the manufacturer's number.

3 (3) Any vehicle to which a distinguishing identification number is
4 assigned shall be titled under such distinguishing identification number
5 when titling of the vehicle is required under the Motor Vehicle
6 Certificate of Title Act.

7 Sec. 26. Section 60-149, Revised Statutes Supplement, 2017, is
8 amended to read:

9 60-149 (1)(a) If a certificate of title has previously been issued
10 for a vehicle in this state, the application for a new certificate of
11 title shall be accompanied by the certificate of title duly assigned
12 except as otherwise provided in the Motor Vehicle Certificate of Title
13 Act.

14 (b) Except for manufactured homes or mobile homes as provided in
15 subsection (2) of this section, if a certificate of title has not
16 previously been issued for the vehicle in this state or if a certificate
17 of title is unavailable ~~pursuant to subsection (4) of section 52-1801,~~
18 the application shall be accompanied by:

19 (i) A manufacturer's or importer's certificate except as otherwise
20 provided in subdivision (viii) ~~(vii)~~ of this subdivision;

21 (ii) A duly certified copy of the manufacturer's or importer's
22 certificate;

23 (iii) An affidavit by the owner affirming ownership in the case of
24 an all-terrain vehicle, a utility-type vehicle, or a minibike;

25 (iv) A certificate of title from another state;

26 (v) A court order issued by a court of record, a manufacturer's
27 certificate of origin, or an assigned registration certificate, if the
28 law of the state from which the vehicle was brought into this state does
29 not have a certificate of title law;

30 (vi) Evidence of ownership as provided for in section 30-24,125,
31 sections 52-601.01 to 52-605, sections 60-1901 to 60-1911, or sections

1 60-2401 to 60-2411;

2 (vii) (vi) Documentation prescribed in section 60-142.01, 60-142.02,
3 60-142.04, 60-142.05, or 60-142.09 or section 23 of this act or
4 documentation of compliance with section 76-1607;—or

5 (viii) (vii) A manufacturer's or importer's certificate and an
6 affidavit by the owner affirming ownership in the case of a minitruck;
7 or —

8 (ix) In the case of a motor vehicle, a trailer, an all-terrain
9 vehicle, a utility-type vehicle, or a minibike, an affidavit by the
10 holder of a motor vehicle auction dealer's license as described in
11 subdivision (11) of section 60-1406 affirming that the certificate of
12 title is unavailable and that the vehicle (A) is a salvage vehicle
13 through payment of a total loss settlement, (B) is a salvage vehicle
14 purchased by the auction dealer, or (C) has been donated to an
15 organization operating under section 501(c)(3) of the Internal Revenue
16 Code as defined in section 49-801.01.

17 (c) If the application for a certificate of title in this state is
18 accompanied by a valid certificate of title issued by another state which
19 meets that state's requirements for transfer of ownership, then the
20 application may be accepted by this state.

21 (d) If a certificate of title has not previously been issued for the
22 vehicle in this state and the applicant is unable to provide such
23 documentation, the applicant may apply for a bonded certificate of title
24 as prescribed in section 60-167.

25 (2)(a) If the application for a certificate of title for a
26 manufactured home or a mobile home is being made in accordance with
27 subdivision (4)(b) of section 60-137 or if the certificate of title for a
28 manufactured home or a mobile home is unavailable pursuant to section
29 52-1801, the application shall be accompanied by proof of ownership in
30 the form of:

31 (i) A duly assigned manufacturer's or importer's certificate;

- 1 (ii) A certificate of title from another state;
2 (iii) A court order issued by a court of record;
3 (iv) Evidence of ownership as provided for in section 30-24,125,
4 52-601.01 to 52-605, 60-1901 to 60-1911, or 60-2401 to 60-2411, or
5 documentation of compliance with section 76-1607; or
6 (v) Assessment records for the manufactured home or mobile home from
7 the county assessor and an affidavit by the owner affirming ownership.

8 (b) If the applicant cannot produce proof of ownership described in
9 subdivision (a) of this subsection, he or she may submit to the
10 department such evidence as he or she may have, and the department may
11 thereupon, if it finds the evidence sufficient, issue the certificate of
12 title or authorize the county treasurer to issue a certificate of title,
13 as the case may be.

14 (3) For purposes of this section, certificate of title includes a
15 salvage certificate, a salvage branded certificate of title, or any other
16 document of ownership issued by another state or jurisdiction for a
17 salvage vehicle. Only a salvage branded certificate of title shall be
18 issued to any vehicle conveyed upon a salvage certificate, a salvage
19 branded certificate of title, or any other document of ownership issued
20 by another state or jurisdiction for a salvage vehicle.

21 (4) The county treasurer shall retain the evidence of title
22 presented by the applicant and on which the certificate of title is
23 issued.

24 (5)(a) If an affidavit is submitted under subdivision (1)(b)(ix) of
25 this section, the holder of a motor vehicle auction dealer's license
26 shall certify that (i) it has made at least two written attempts and has
27 been unable to obtain the properly endorsed certificate of title to the
28 property noted in the affidavit from the owner and (ii) thirty days have
29 expired after the mailing of a written notice regarding the intended
30 disposition of the property noted in the affidavit by certified mail,
31 return receipt requested, to the last-known address of the owner and to

1 any lien or security interest holder of record of the property noted in
2 the affidavit.

3 (b) The notice under subdivision (5)(a)(ii) of this section shall
4 contain a description of the property noted in the affidavit and a
5 statement that title to the property noted in the affidavit shall vest in
6 the holder of the motor vehicle auction dealer's license thirty days
7 after the date such notice was mailed.

8 (c) The mailing of notice and the expiration of thirty days under
9 subdivision (5)(a)(ii) of this section shall extinguish any lien or
10 security interest of a lienholder or security interest holder in the
11 property noted in the affidavit, unless the lienholder or security
12 interest holder has claimed such property within such thirty-day period.
13 The holder of a motor vehicle auction dealer's license shall transfer
14 possession of the property noted in the affidavit to the lienholder or
15 security interest holder claiming such property.

16 Sec. 27. Section 60-164, Revised Statutes Supplement, 2017, is
17 amended to read:

18 60-164 (1) The department shall implement an electronic title and
19 lien system for vehicles. The holder of a security interest, trust
20 receipt, conditional sales contract, or similar instrument regarding a
21 vehicle, or beginning on the implementation date determined by the
22 director pursuant to subsection (7) of section 60-1507 January 1, 2019, a
23 licensed dealer, may file a lien electronically as prescribed by the
24 department. Upon receipt of an application for a certificate of title for
25 a vehicle, any lien filed electronically shall become part of the
26 electronic certificate of title record created by the county treasurer or
27 department maintained on the electronic title and lien system. If an
28 application for a certificate of title indicates that there is a lien or
29 encumbrance on a vehicle or if a lien or notice of lien has been filed
30 electronically, the department shall retain an electronic certificate of
31 title record and shall note and cancel such liens electronically on the

1 system. The department shall provide access to the electronic certificate
2 of title records for licensed dealers and lienholders who participate in
3 the system by a method determined by the director.

4 (2) Except as provided in section 60-165, the provisions of article
5 9, Uniform Commercial Code, shall never be construed to apply to or to
6 permit or require the deposit, filing, or other record whatsoever of a
7 security agreement, conveyance intended to operate as a mortgage, trust
8 receipt, conditional sales contract, or similar instrument or any copy of
9 the same covering a vehicle. Any mortgage, conveyance intended to operate
10 as a security agreement as provided by article 9, Uniform Commercial
11 Code, trust receipt, conditional sales contract, or other similar
12 instrument covering a vehicle, if such instrument is accompanied by
13 delivery of such manufacturer's or importer's certificate and followed by
14 actual and continued possession of the same by the holder of such
15 instrument or, in the case of a certificate of title, if a notation of
16 the same has been made electronically as prescribed in subsection (1) of
17 this section or by the county treasurer or department on the face of the
18 certificate of title or on the electronic certificate of title record,
19 shall be valid as against the creditors of the debtor, whether armed with
20 process or not, and subsequent purchasers, secured parties, and other
21 lienholders or claimants but otherwise shall not be valid against them,
22 except that during any period in which a vehicle is inventory, as defined
23 in section 9-102, Uniform Commercial Code, held for sale by a person or
24 corporation that is required to be licensed as provided in the Motor
25 Vehicle Industry Regulation Act and is in the business of selling such
26 vehicles, the filing provisions of article 9, Uniform Commercial Code, as
27 applied to inventory, shall apply to a security interest in such vehicle
28 created by such person or corporation as debtor without the notation of
29 lien on the certificate of title. A buyer of a vehicle at retail from a
30 dealer required to be licensed as provided in the Motor Vehicle Industry
31 Regulation Act shall take such vehicle free of any security interest. A

1 purchase-money security interest, as defined in section 9-103, Uniform
2 Commercial Code, in a vehicle is perfected against the rights of judicial
3 lien creditors and execution creditors on and after the date the
4 purchase-money security interest attaches.

5 (3) Subject to subsections (1) and (2) of this section, all liens,
6 security agreements, and encumbrances noted upon a certificate of title
7 or an electronic certificate of title record and all liens noted
8 electronically as prescribed in subsection (1) of this section shall take
9 priority according to the order of time in which the same are noted by
10 the county treasurer or department. Exposure for sale of any vehicle by
11 the owner thereof with the knowledge or with the knowledge and consent of
12 the holder of any lien, security agreement, or encumbrance on such
13 vehicle shall not render the same void or ineffective as against the
14 creditors of such owner or holder of subsequent liens, security
15 agreements, or encumbrances upon such vehicle.

16 (4) The holder of a security agreement, trust receipt, conditional
17 sales contract, or similar instrument, upon presentation of such
18 instrument to the department or to any county treasurer, together with
19 the certificate of title and the fee prescribed for notation of lien, may
20 have a notation of such lien made on the face of such certificate of
21 title. The owner of a vehicle may present a valid out-of-state
22 certificate of title issued to such owner for such vehicle with a
23 notation of lien on such certificate of title and the prescribed fee to
24 the county treasurer or department and have the notation of lien made on
25 the new certificate of title issued pursuant to section 60-144 without
26 presenting a copy of the lien instrument. The county treasurer or the
27 department shall enter the notation and the date thereof over the
28 signature of the person making the notation and the seal of the office.
29 If noted by a county treasurer, he or she shall on that day notify the
30 department which shall note the lien on its records. The county treasurer
31 or the department shall also indicate by appropriate notation and on such

1 instrument itself the fact that such lien has been noted on the
2 certificate of title.

3 (5) A transaction does not create a sale or a security interest in a
4 vehicle, other than an all-terrain vehicle, a utility-type vehicle, or a
5 minibike, merely because it provides that the rental price is permitted
6 or required to be adjusted under the agreement either upward or downward
7 by reference to the amount realized upon sale or other disposition of the
8 vehicle.

9 (6) The county treasurer or the department, upon receipt of a lien
10 instrument duly signed by the owner in the manner prescribed by law
11 governing such lien instruments together with the fee prescribed for
12 notation of lien, shall notify the first lienholder to deliver to the
13 county treasurer or the department, within fifteen days after the date of
14 notice, the certificate of title to permit notation of such other lien
15 and, after notation of such other lien, the county treasurer or the
16 department shall deliver the certificate of title to the first
17 lienholder. The holder of a certificate of title who refuses to deliver a
18 certificate of title to the county treasurer or the department for the
19 purpose of showing such other lien on such certificate of title within
20 fifteen days after the date of notice shall be liable for damages to such
21 other lienholder for the amount of damages such other lienholder suffered
22 by reason of the holder of the certificate of title refusing to permit
23 the showing of such lien on the certificate of title.

24 (7) Upon receipt of a subsequent lien instrument duly signed by the
25 owner in the manner prescribed by law governing such lien instruments or
26 a notice of lien filed electronically, together with an application for
27 notation of the subsequent lien, the fee prescribed in section 60-154,
28 and, if a printed certificate of title exists, the presentation of the
29 certificate of title, the county treasurer or department shall make
30 notation of such other lien. If the certificate of title is not an
31 electronic certificate of title record, the county treasurer or

1 department, upon receipt of a lien instrument duly signed by the owner in
2 the manner prescribed by law governing such lien instruments together
3 with the fee prescribed for notation of lien, shall notify the first
4 lienholder to deliver to the county treasurer or department, within
5 fifteen days after the date of notice, the certificate of title to permit
6 notation of such other lien. After such notation of lien, the lien shall
7 become part of the electronic certificate of title record created by the
8 county treasurer or department which is maintained on the electronic
9 title and lien system. The holder of a certificate of title who refuses
10 to deliver a certificate of title to the county treasurer or department
11 for the purpose of noting such other lien on such certificate of title
12 within fifteen days after the date when notified to do so shall be liable
13 for damages to such other lienholder for the amount of damages such other
14 lienholder suffered by reason of the holder of the certificate of title
15 refusing to permit the noting of such lien on the certificate of title.

16 (8) When a lien is discharged, the holder shall, within fifteen days
17 after payment is received, note a cancellation of the lien on the
18 certificate of title over his, her, or its signature and deliver the
19 certificate of title to the county treasurer or the department, which
20 shall note the cancellation of the lien on the face of the certificate of
21 title and on the records of such office. If delivered to a county
22 treasurer, he or she shall on that day notify the department which shall
23 note the cancellation on its records. The county treasurer or the
24 department shall then return the certificate of title to the owner or as
25 otherwise directed by the owner. The cancellation of lien shall be noted
26 on the certificate of title without charge. For an electronic certificate
27 of title record, the lienholder shall, within fifteen days after payment
28 is received when such lien is discharged, notify the department
29 electronically or provide written notice of such lien release, in a
30 manner prescribed by the department, to the county treasurer or
31 department. The department shall note the cancellation of lien and, if no

1 other liens exist, issue the certificate of title to the owner or as
2 otherwise directed by the owner or lienholder. If the holder of the title
3 cannot locate a lienholder, a lien may be discharged ten years after the
4 date of filing by presenting proof that thirty days have passed since the
5 mailing of a written notice by certified mail, return receipt requested,
6 to the last-known address of the lienholder.

7 Sec. 28. Section 60-164.01, Revised Statutes Supplement, 2017, is
8 amended to read:

9 60-164.01 Beginning on the implementation date designated by the
10 director pursuant to subsection (2) of section 118 of this act ~~January 1,~~
11 ~~2019~~, if a certificate of title is an electronic certificate of title
12 record, upon application by an owner or a lienholder and payment of the
13 fee prescribed in section 60-154, the following changes may be made to a
14 certificate of title electronically and without printing a certificate of
15 title:

- 16 (1) Changing the name of an owner to reflect a legal change of name;
17 (2) Removing the name of an owner with the consent of all owners and
18 lienholders; or
19 (3) Adding an additional owner with the consent of all owners and
20 lienholders.

21 Sec. 29. Section 60-166, Revised Statutes Supplement, 2017, as
22 amended by section 87, Legislative Bill 193, One Hundred Fifth
23 Legislature, Second Session, 2018, and section 2, Legislative Bill 275,
24 One Hundred Fifth Legislature, Second Session, 2018, is amended to read:

25 60-166 (1)(a) This subsection applies prior to the implementation
26 date designated by the Director of Motor Vehicles pursuant to subsection
27 (2) of section 118 of this act.

28 (b) ~~(1)~~ In the event of (i) (a) the transfer of ownership of a
29 vehicle by operation of law as upon inheritance, devise, ~~or~~ bequest,
30 order in bankruptcy, insolvency, replevin, or execution sale or as
31 provided in sections 30-24,125, 52-601.01 to 52-605, 60-1901 to 60-1911

1 and section 3 of this act, and 60-2401 to 60-2411, ~~(ii) (b)~~ the engine of
2 a vehicle being replaced by another engine, ~~(iii) (c)~~ a vehicle being
3 sold to satisfy storage or repair charges or under section 76-1607, or
4 ~~(iv) (d)~~ repossession being had upon default in performance of the terms
5 of a chattel mortgage, trust receipt, conditional sales contract, or
6 other like agreement, ~~and upon acceptance of an electronic certificate of~~
7 ~~title record after repossession, in addition to the title requirements in~~
8 ~~this section,~~ the county treasurer of any county or the department, upon
9 the surrender of the prior certificate of title or the manufacturer's or
10 importer's certificate, or when that is not possible, upon presentation
11 of satisfactory proof of ownership and right of possession to such
12 vehicle, and upon payment of the appropriate fee and the presentation of
13 an application for certificate of title, may issue to the applicant a
14 certificate of title thereto.

15 (2)(a) This subsection applies beginning on the implementation date
16 designated by the director pursuant to subsection (2) of section 118 of
17 this act.

18 (b) In the event of (i) the transfer of ownership of a vehicle by
19 operation of law as upon inheritance, devise, bequest, order in
20 bankruptcy, insolvency, replevin, or execution sale or as provided in
21 section 30-24,125, sections 52-601.01 to 52-605, sections 60-1901 to
22 60-1911 and section 3 of Legislative Bill 275, One Hundred Fifth
23 Legislature, Second Session, 2018, and sections 60-2401 to 60-2411, (ii)
24 the engine of a vehicle being replaced by another engine, (iii) a vehicle
25 being sold to satisfy storage or repair charges or under section 76-1607,
26 or (iv) repossession being had upon default in performance of the terms
27 of a chattel mortgage, trust receipt, conditional sales contract, or
28 other like agreement, and upon acceptance of an electronic certificate of
29 title record after repossession, in addition to the title requirements in
30 this section, the county treasurer of any county or the department, upon
31 the surrender of the prior certificate of title or the manufacturer's or

1 importer's certificate, or when that is not possible, upon presentation
2 of satisfactory proof of ownership and right of possession to such
3 vehicle, and upon payment of the appropriate fee and the presentation of
4 an application for certificate of title, may issue to the applicant a
5 certificate of title thereto.

6 (3) If the prior certificate of title issued for such vehicle
7 provided for joint ownership with right of survivorship, a new
8 certificate of title shall be issued to a subsequent purchaser upon the
9 assignment of the prior certificate of title by the surviving owner and
10 presentation of satisfactory proof of death of the deceased owner.

11 (4) Only an affidavit by the person or agent of the person to whom
12 possession of such vehicle has so passed, setting forth facts entitling
13 him or her to such possession and ownership, together with a copy of a
14 court order or an instrument upon which such claim of possession and
15 ownership is founded, shall be considered satisfactory proof of ownership
16 and right of possession, except that if the applicant cannot produce such
17 proof of ownership, he or she may submit to the department such evidence
18 as he or she may have, and the department may thereupon, if it finds the
19 evidence sufficient, issue the certificate of title or authorize any
20 county treasurer to issue a certificate of title, as the case may be.

21 (5) ~~(2)~~ If from the records of the county treasurer or the
22 department there appear to be any liens on such vehicle, such certificate
23 of title shall comply with section 60-164 or 60-165 regarding such liens
24 unless the application is accompanied by proper evidence of their
25 satisfaction or extinction.

26 Sec. 30. Section 60-168.01, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 60-168.01 (1) The department, upon receipt of clear and convincing
29 evidence of a failure to note a required brand or failure to note a lien
30 on a certificate of title, shall notify the holder of such certificate of
31 title to deliver to the county treasurer or the department, within

1 fifteen days after the date on the notice, such certificate of title to
2 permit the noting of such brand or lien. After notation, the county
3 treasurer or the department shall deliver the corrected certificate of
4 title to the holder as provided by section 60-152. If a holder fails to
5 deliver a certificate of title to the county treasurer or to the
6 department, within fifteen days after the date on the notice for the
7 purpose of noting such brand or lien on the certificate of title, the
8 department shall cancel the certificate of title. This subsection ~~section~~
9 does not apply when noting a lien in accordance with subsection (6) of
10 section 60-164.

11 (2) The department may remove a lien on a certificate of title when
12 such lien was improperly noted if evidence of the improperly noted lien
13 is submitted to the department and the department finds the evidence
14 sufficient to support removal of the lien. The department shall send
15 notification prior to removal of the lien to the last-known address of
16 the lienholder. The lienholder must respond within thirty days after the
17 date on the notice and provide sufficient evidence to support that the
18 lien should not be removed. If the lienholder fails to respond to the
19 notice, the lien may be removed by the department.

20 Sec. 31. Section 60-169, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 60-169 (1)(a) Except as otherwise provided in subdivision (b) of
23 this subsection, each owner of a vehicle and each person mentioned as
24 owner in the last certificate of title, when the vehicle is dismantled,
25 destroyed, or changed in such a manner that it loses its character as a
26 vehicle or changed in such a manner that it is not the vehicle described
27 in the certificate of title, shall surrender his or her certificate of
28 title to any county treasurer or to the department. If the certificate of
29 title is surrendered to a county treasurer, he or she shall, with the
30 consent of any holders of any liens noted thereon, enter a cancellation
31 upon the records and shall notify the department of such cancellation.

1 Beginning on the implementation date designated by the director pursuant
2 to subsection (3) of section 118 of this act, a wrecker or salvage dealer
3 shall report electronically to the department using the electronic
4 reporting system. If the certificate is surrendered to the department, it
5 shall, with the consent of any holder of any lien noted thereon, enter a
6 cancellation upon its records.

7 (b)(i) In the case of a mobile home or manufactured home for which a
8 certificate of title has been issued, if such mobile home or manufactured
9 home is affixed to real property in which each owner of the mobile home
10 or manufactured home has any ownership interest, the certificate of title
11 may be surrendered for cancellation to the county treasurer of the county
12 where such mobile home or manufactured home is affixed to real property
13 if at the time of surrender the owner submits to the county treasurer an
14 affidavit of affixture on a form provided by the department that contains
15 all of the following, as applicable:

16 (A) The names and addresses of all of the owners of record of the
17 mobile home or manufactured home;

18 (B) A description of the mobile home or manufactured home that
19 includes the name of the manufacturer, the year of manufacture, the
20 model, and the manufacturer's serial number;

21 (C) The legal description of the real property upon which the mobile
22 home or manufactured home is affixed and the names of all of the owners
23 of record of the real property;

24 (D) A statement that the mobile home or manufactured home is affixed
25 to the real property;

26 (E) The written consent of each holder of a lien duly noted on the
27 certificate of title to the release of such lien and the cancellation of
28 the certificate of title;

29 (F) A copy of the certificate of title surrendered for cancellation;
30 and

31 (G) The name and address of an owner, a financial institution, or

1 another entity to which notice of cancellation of the certificate of
2 title may be delivered.

3 (ii) The person submitting an affidavit of affixture pursuant to
4 subdivision (b)(i) of this subsection shall swear or affirm that all
5 statements in the affidavit are true and material and further acknowledge
6 that any false statement in the affidavit may subject the person to
7 penalties relating to perjury under section 28-915.

8 (2) If a certificate of title of a mobile home or manufactured home
9 is surrendered to the county treasurer, along with the affidavit required
10 by subdivision (1)(b) of this section, he or she shall enter a
11 cancellation upon his or her records, notify the department of such
12 cancellation, forward a duplicate original of the affidavit to the
13 department, and deliver a duplicate original of the executed affidavit
14 under subdivision (1)(b) of this section to the register of deeds for the
15 county in which the real property is located to be filed by the register
16 of deeds. The county treasurer shall be entitled to collect fees from the
17 person submitting the affidavit in accordance with section 33-109 to
18 cover the costs of filing such affidavit. Following the cancellation of a
19 certificate of title for a mobile home or manufactured home, the county
20 treasurer or designated county official shall not issue a certificate of
21 title for such mobile home or manufactured home, except as provided in
22 subsection (5) of this section.

23 (3) If a mobile home or manufactured home is affixed to real estate
24 before June 1, 2006, a person who is the holder of a lien or security
25 interest in both the mobile home or manufactured home and the real estate
26 to which it is affixed on such date may enforce its liens or security
27 interests by accepting a deed in lieu of foreclosure or in the manner
28 provided by law for enforcing liens on the real estate.

29 (4) A mobile home or manufactured home for which the certificate of
30 title has been canceled and for which an affidavit of affixture has been
31 duly recorded pursuant to subsection (2) of this section shall be treated

1 as part of the real estate upon which such mobile home or manufactured
2 home is located. Any lien thereon shall be perfected and enforced in the
3 same manner as a lien on real estate. The owner of such mobile home or
4 manufactured home may convey ownership of the mobile home or manufactured
5 home only as a part of the real estate to which it is affixed.

6 (5)(a) If each owner of both the mobile home or manufactured home
7 and the real estate described in subdivision (1)(b) of this section
8 intends to detach the mobile home or manufactured home from the real
9 estate, the owner shall do both of the following: (i) Before detaching
10 the mobile home or manufactured home, record an affidavit of detachment
11 in the office of the register of deeds in the county in which the
12 affidavit is recorded under subdivision (1)(b) of this section; and (ii)
13 apply for a certificate of title for the mobile home or manufactured home
14 pursuant to section 60-147.

15 (b) The affidavit of detachment shall contain all of the following:

16 (i) The names and addresses of all of the owners of record of the
17 mobile home or manufactured home;

18 (ii) A description of the mobile home or manufactured home that
19 includes the name of the manufacturer, the year of manufacture, the
20 model, and the manufacturer's serial number;

21 (iii) The legal description of the real estate from which the mobile
22 home or manufactured home is to be detached and the names of all of the
23 owners of record of the real estate;

24 (iv) A statement that the mobile home or manufactured home is to be
25 detached from the real property;

26 (v) A statement that the certificate of title of the mobile home or
27 manufactured home has previously been canceled;

28 (vi) The name of each holder of a lien of record against the real
29 estate from which the mobile home or manufactured home is to be detached,
30 with the written consent of each holder to the detachment; and

31 (vii) The name and address of an owner, a financial institution, or

1 another entity to which the certificate of title may be delivered.

2 (6) An owner of an affixed mobile home or manufactured home for
3 which the certificate of title has previously been canceled pursuant to
4 subsection (2) of this section shall not detach the mobile home or
5 manufactured home from the real estate before a certificate of title for
6 the mobile home or manufactured home is issued by the county treasurer or
7 department. If a certificate of title is issued by the county treasurer
8 or department, the mobile home or manufactured home is no longer
9 considered part of the real property. Any lien thereon shall be perfected
10 pursuant to section 60-164. The owner of such mobile home or manufactured
11 home may convey ownership of the mobile home or manufactured home only by
12 way of a certificate of title.

13 (7) For purposes of this section:

14 (a) A mobile home or manufactured home is affixed to real estate if
15 the wheels, towing hitches, and running gear are removed and it is
16 permanently attached to a foundation or other support system; and

17 (b) Ownership interest means the fee simple interest in real estate
18 or an interest as the lessee under a lease of the real property that has
19 a term that continues for at least twenty years after the recording of
20 the affidavit under subsection (2) of this section.

21 (8) Upon cancellation of a certificate of title in the manner
22 prescribed by this section, the county treasurer and the department may
23 cancel and destroy all certificates and all memorandum certificates in
24 that chain of title.

25 Sec. 32. Section 60-171, Revised Statutes Cumulative Supplement,
26 2016, is amended to read:

27 60-171 For purposes of sections 60-171 to 60-177:

28 (1) Cost of repairs means the estimated or actual retail cost of
29 parts needed to repair a vehicle plus the cost of labor computed by using
30 the hourly labor rate and time allocations for repair that are customary
31 and reasonable. Retail cost of parts and labor rates may be based upon

1 collision estimating manuals or electronic computer estimating systems
2 customarily used in the insurance industry;

3 (2) Flood damaged means damage to a vehicle resulting from being
4 submerged in water to the point that rising water has reached over the
5 floorboard, has entered the passenger compartment, and has caused damage
6 to any electrical, computerized, or mechanical components. Flood damaged
7 specifically does not apply to a vehicle that an inspection, conducted by
8 an insurance claim representative or a vehicle repairer, indicates:

9 (a) Has no electrical, computerized, or mechanical components
10 damaged by water; or

11 (b) Had one or more electrical, computerized, or mechanical
12 components damaged by water and all such damaged components were repaired
13 or replaced;

14 (3) ~~(2)~~ Late model vehicle means a vehicle which has (a) a
15 manufacturer's model year designation of, or later than, the year in
16 which the vehicle was wrecked, damaged, or destroyed, or any of the six
17 preceding years or (b)(i) in the case of vehicles other than all-terrain
18 vehicles, utility-type vehicles, and minibikes, a retail value of more
19 than ten thousand five hundred dollars until January 1, 2010, and a
20 retail value of more than ten thousand five hundred dollars increased by
21 five hundred dollars every five years thereafter or (ii) in the case of
22 all-terrain vehicles, utility-type vehicles, or minibikes, a retail value
23 of more than one thousand seven hundred fifty dollars until January 1,
24 2010, and a retail value of more than one thousand seven hundred fifty
25 dollars increased by two hundred fifty dollars every five years
26 thereafter;

27 (4) ~~(3)~~ Manufacturer buyback means the designation of a vehicle with
28 an alleged nonconformity when the vehicle (a) has been replaced by a
29 manufacturer or (b) has been repurchased by a manufacturer as the result
30 of court judgment, arbitration, or any voluntary agreement entered into
31 between the manufacturer or its agent and a consumer;

1 (5) ~~(4)~~ Previously salvaged means the designation of a rebuilt or
2 reconstructed vehicle which was previously required to be issued a
3 salvage branded certificate of title and which has been inspected as
4 provided in section 60-146;

5 (6) ~~(5)~~ Retail value means the actual cash value, fair market value,
6 or retail value of a vehicle as (a) set forth in a current edition of any
7 nationally recognized compilation, including automated data bases, of
8 retail values or (b) determined pursuant to a market survey of comparable
9 vehicles with respect to condition and equipment; and

10 (7) ~~(6)~~ Salvage means the designation of a vehicle which is:

11 (a) A late model vehicle which has been wrecked, damaged, or
12 destroyed to the extent that the estimated total cost of repair to
13 rebuild or reconstruct the vehicle to its condition immediately before it
14 was wrecked, damaged, or destroyed and to restore the vehicle to a
15 condition for legal operation, meets or exceeds seventy-five percent of
16 the retail value of the vehicle at the time it was wrecked, damaged, or
17 destroyed; or

18 (b) Voluntarily designated by the owner of the vehicle as a salvage
19 vehicle by obtaining a salvage branded certificate of title, without
20 respect to the damage to, age of, or value of the vehicle. ~~;~~ or

21 ~~(c) Flood damaged resulting from being submerged in water to the~~
22 ~~point that rising water has reached over the floorboard, has entered the~~
23 ~~passenger compartment, and has caused damage to any electrical,~~
24 ~~computerized, or mechanical components. Flood damaged specifically does~~
25 ~~not apply to a vehicle that an inspection, conducted by an insurance~~
26 ~~claim representative or a vehicle repairer, indicates:~~

27 ~~(i) Has no electrical, computerized, or mechanical components~~
28 ~~damaged by water; or~~

29 ~~(ii) Had one or more electrical, computerized, or mechanical~~
30 ~~components damaged by water and all such damaged components were repaired~~
31 ~~or replaced.~~

1 Sec. 33. Section 60-173, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 60-173 (1) When an insurance company acquires a salvage vehicle
4 through payment of a total loss settlement on account of damage, the
5 company shall obtain the certificate of title from the owner, surrender
6 such certificate of title to the county treasurer, and make application
7 for a salvage branded certificate of title which shall be assigned when
8 the company transfers ownership. An insurer shall take title to a salvage
9 vehicle for which a total loss settlement is made unless the owner of the
10 salvage vehicle elects to retain the salvage vehicle.

11 (2) If the owner elects to retain the salvage vehicle, the insurance
12 company shall notify the department of such fact in a format prescribed
13 by the department. The department shall immediately enter the salvage
14 brand onto the computerized record of the vehicle. Beginning on the
15 implementation date designated by the director pursuant to subsection (3)
16 of section 118 of this act, the insurance company shall report
17 electronically to the department using the electronic reporting system.
18 The insurance company shall also notify the owner of the owner's
19 responsibility to comply with this section. The owner shall, within
20 thirty days after the settlement of the loss, forward the properly
21 endorsed acceptable certificate of title to the county treasurer in the
22 county designated in section 60-144. The county treasurer shall, upon
23 receipt of the certificate of title, issue a salvage branded certificate
24 of title for the vehicle.

25 (3) An insurance company may apply to the department for a salvage
26 branded certificate of title without obtaining a properly endorsed
27 certificate of title from the owner or other evidence of ownership as
28 prescribed by the department if it has been at least thirty days since
29 the company obtained oral or written acceptance by the owner of an offer
30 in an amount in settlement of a total loss. The insurance company shall
31 submit an application form prescribed by the department for a salvage

1 branded certificate of title accompanied by an affidavit from the
2 insurance company that it has made at least two written attempts and has
3 been unable to obtain the proper endorsed certificate of title from the
4 owner following an oral or written acceptance by the owner of an offer of
5 an amount in settlement of a total loss and evidence of settlement.

6 Sec. 34. Section 60-174, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 60-174 Whenever a title is issued in this state for a vehicle that
9 is designated a salvage, previously salvaged, flood damaged, or
10 manufacturer buyback, the following title brands shall be required:
11 Salvage, previously salvaged, flood damaged, or manufacturer buyback. A
12 certificate branded salvage, previously salvaged, flood damaged, or
13 manufacturer buyback shall be administered in the same manner and for the
14 same fee or fees as provided for a certificate of title in sections
15 60-154 to 60-160. When a salvage branded certificate of title is
16 surrendered for a certificate of title branded previously salvaged, the
17 application for a certificate of title shall be accompanied by a
18 statement of inspection as provided in section 60-146.

19 Sec. 35. Section 60-175, Revised Statutes Cumulative Supplement,
20 2016, is amended to read:

21 60-175 Any person who acquires ownership of a salvage, flood-
22 damaged, or manufacturer buyback vehicle for which he or she does not
23 obtain a salvage branded, flood-damaged branded, or manufacturer buyback
24 branded certificate of title shall surrender the certificate of title to
25 the county treasurer and make application for a salvage branded, flood-
26 damaged branded, or manufacturer buyback branded certificate of title
27 within thirty days after acquisition or prior to the sale or resale of
28 the vehicle or any major component part of such vehicle or use of any
29 major component part of the vehicle, whichever occurs earlier.

30 Sec. 36. Section 60-191, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 60-191 If any odometer is repaired or replaced, the reading of the
2 repaired or replaced odometer shall be set at the reading of the odometer
3 repaired or replaced immediately prior to repair or replacement and the
4 adjustment shall not be deemed a violation of section 60-190, except that
5 when the repaired or replaced odometer is incapable of registering the
6 same mileage as before such repair or replacement, the repaired or
7 replaced odometer shall be adjusted to read zero and a notice in writing
8 on a form prescribed by the department shall be attached to the left door
9 frame of the motor vehicle, or in the case of a motorcycle, other than an
10 autocycle, to the frame of the motorcycle, by the owner or his or her
11 agent specifying the mileage prior to repair or replacement of the
12 odometer and the date on which it was repaired or replaced and any
13 removal or alteration of such notice so affixed shall be deemed a
14 violation of section 60-190.

15 Sec. 37. Section 60-192, Revised Statutes Supplement, 2017, is
16 amended to read:

17 60-192 The transferor of any motor vehicle of an age of less than
18 ten years, which was equipped with an odometer by the manufacturer, shall
19 provide to the transferee a statement, signed by the transferor, setting
20 forth: (1) The mileage on the odometer at the time of transfer; and (2)
21 (a) a statement that, to the transferor's best knowledge, such mileage is
22 that actually driven by the motor vehicle, (b) a statement that the
23 transferor has knowledge that the mileage shown on the odometer is in
24 excess of the designated mechanical odometer limit, or (c) a statement
25 that the odometer reading does not reflect the actual mileage and should
26 not be relied upon because the transferor has knowledge that the odometer
27 reading differs from the actual mileage and that the difference is
28 greater than that caused by odometer calibration error. If a discrepancy
29 exists between the odometer reading and the actual mileage, a warning
30 notice to alert the transferee shall be included with the statement. The
31 transferor shall retain a true copy of such statement for a period of

1 five years from the date of the transaction. Beginning on the
2 implementation date designated by the director pursuant to subsection (2)
3 of section 118 of this act, if If motor vehicle ownership has been
4 transferred by operation of law pursuant to repossession under
5 subdivision (2)(b)(iv) ~~(1)(d)~~ of section 60-166, the mileage shall be
6 listed as the odometer reading at the time of the most recent transfer of
7 ownership prior to the repossession of the motor vehicle. The adjustment
8 shall not be deemed a violation of section 60-190.

9 Sec. 38. Section 60-301, Revised Statutes Supplement, 2017, is
10 amended to read:

11 60-301 Sections 60-301 to 60-3,235 and sections 40, 41, 47, 49, and
12 50 of this act shall be known and may be cited as the Motor Vehicle
13 Registration Act.

14 Sec. 39. Section 60-302, Revised Statutes Supplement, 2017, is
15 amended to read:

16 60-302 For purposes of the Motor Vehicle Registration Act, unless
17 the context otherwise requires, the definitions found in sections
18 60-302.01 to 60-360 and sections 40, 41, 47, 49, and 50 of this act shall
19 be used.

20 Sec. 40. Auxiliary axle means an auxiliary undercarriage assembly
21 with a fifth wheel and tow bar used to convert a semitrailer to a full
22 trailer, commonly known as converter gears or converter dollies.

23 Sec. 41. Car toter or tow dolly means a two-wheeled conveyance
24 designed or adapted to support the weight of one axle of a motor vehicle
25 while being towed in combination behind another motor vehicle.

26 Sec. 42. Section 60-309, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 60-309 Assembled vehicle means a motor vehicle or trailer which was
29 manufactured or assembled less than thirty years prior to application for
30 registration under the Motor Vehicle Registration Act and which that is
31 materially altered from its construction by the removal, addition, or

1 substitution of new or used major component parts unless such major
2 component parts were replaced under warranty by the original manufacturer
3 of the motor vehicle or trailer. Its make shall be assembled, and its
4 model year shall be the year in which the motor vehicle or trailer was
5 assembled. ~~Assembled vehicle also includes a specially constructed~~
6 ~~vehicle.~~

7 Sec. 43. Section 60-309.01, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 60-309.01 Autocycle means any motor vehicle (1) having a seat that
10 does not require the operator to straddle or sit astride it, (2) designed
11 to travel on three wheels in contact with the ground, (3) ~~in which the~~
12 ~~operator and passenger ride either side by side or in tandem in a seating~~
13 ~~area that is completely enclosed with a removable or fixed top and is~~
14 ~~equipped with manufacturer-installed air bags, a manufacturer-installed~~
15 ~~roll cage, and for each occupant a manufacturer-installed three-point~~
16 ~~safety belt system, (4) having antilock brakes, (4) and (5) designed to~~
17 ~~be controlled with a steering wheel and pedals, and (5) in which the~~
18 operator and passenger ride either side by side or in tandem in a seating
19 area that is equipped with a manufacturer-installed three-point safety
20 belt system for each occupant and that has a seating area that either (a)
21 is completely enclosed and is equipped with manufacturer-installed
22 airbags and a manufacturer-installed roll cage or (b) is not completely
23 enclosed and is equipped with a manufacturer-installed rollover
24 protection system.

25 Sec. 44. Section 60-316, Revised Statutes Cumulative Supplement,
26 2016, is amended to read:

27 60-316 (1) This subsection applies until January 1, 2023.
28 Commercial motor vehicle means any motor vehicle used or maintained for
29 the transportation of persons or property for hire, compensation, or
30 profit or designed, used, or maintained primarily for the transportation
31 of property and does not include farm trucks or public power district

1 motor vehicles.

2 (2) This subsection applies beginning January 1, 2023. Commercial
3 motor vehicle means any motor vehicle used or maintained for the
4 transportation of persons or property for hire, compensation, or profit
5 or designed, used, or maintained primarily for the transportation of
6 property and does not include farm trucks, metropolitan utilities
7 district motor vehicles, or public power district motor vehicles.

8 Sec. 45. Section 60-335, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 60-335 Kit vehicle means a motor vehicle or trailer which was
11 assembled by a person other than a generally recognized manufacturer of
12 motor vehicles or trailers by the use of a reproduction resembling a
13 specific manufacturer's make and model that is at least thirty years old
14 replica purchased from an authorized manufacturer and accompanied by a
15 manufacturer's statement of origin. Kit vehicle does not include glider
16 kits.

17 Sec. 46. Section 60-336.01, Revised Statutes Supplement, 2017, is
18 amended to read:

19 60-336.01 Low-speed vehicle means a (1) four-wheeled motor vehicle
20 (a) ~~(1)~~ whose speed attainable in one mile is more than twenty miles per
21 hour and not more than twenty-five miles per hour on a paved, level
22 surface, (b) ~~(2)~~ whose gross vehicle weight rating is less than three
23 thousand pounds, and (c) ~~(3)~~ that complies with 49 C.F.R. part 571, as
24 such part existed on January 1, 2018, or (2) three-wheeled motor vehicle
25 (a) whose maximum speed attainable is not more than twenty-five miles per
26 hour on a paved, level surface, (b) whose gross vehicle weight rating is
27 less than three thousand pounds, (c) which is equipped with a windshield
28 and an occupant protection system, and (d) that complies with 49 C.F.R.
29 part 571, as such part existed on January 1, 2018. A motorcycle with a
30 sidecar attached is not a low-speed vehicle 2017.

31 Sec. 47. Metropolitan utilities district means a district created

1 pursuant to section 14-2101.

2 Sec. 48. Section 60-340, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 60-340 Motorcycle means any motor vehicle having a seat or saddle
5 for use of the operator and designed to travel on not more than three
6 wheels in contact with the ground. Motorcycle includes ~~does not include~~
7 an autocycle.

8 Sec. 49. Reconstructed means the designation of a vehicle which was
9 permanently altered from its original design construction by removing,
10 adding, or substituting major component parts.

11 Sec. 50. Replica means the designation of a vehicle which resembles
12 a specific manufacturer's make and model that is at least thirty years
13 old and which has been assembled as a kit vehicle.

14 Sec. 51. Section 60-348, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 60-348 Semitrailer means any trailer so constructed that some part
17 of its weight and that of its load rests upon or is carried by the towing
18 vehicle. Semitrailer does not include an auxiliary axle or a car toter or
19 tow dolly.

20 Sec. 52. Section 60-354, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 60-354 Trailer means any device without motive power designed for
23 carrying persons or property and being towed by a motor vehicle and so
24 constructed that no part of its weight rests upon the towing vehicle.
25 Trailer does not include an auxiliary axle or a car toter or tow dolly.

26 Sec. 53. Section 60-363, Revised Statutes Supplement, 2017, is
27 amended to read:

28 60-363 (1) No person shall operate or park a motor vehicle on the
29 highways unless such motor vehicle at all times carries in or upon it,
30 subject to inspection by any peace officer, the registration certificate
31 issued for it.

1 (2) No person shall tow or park a trailer on the highways unless the
2 registration certificate issued for the trailer or a copy thereof is
3 carried in or upon the trailer or in or upon the motor vehicle that is
4 towing or parking the trailer, subject to inspection by any peace
5 officer, except as provided in subsections ~~subsection~~ (4) and (5) of this
6 section and except fertilizer trailers as defined in section 60-326. The
7 registration certificate for a fertilizer trailer shall be kept at the
8 principal place of business of the owner of the fertilizer trailer.

9 (3) In the case of a motorcycle other than an autocycle, the
10 registration certificate shall be carried either in plain sight, affixed
11 to the motorcycle, or in the tool bag or some convenient receptacle
12 attached to the motorcycle.

13 (4) In the case of a motor vehicle or trailer operated by a public
14 power district registered pursuant to section 60-3,228, the registration
15 certificate shall be kept at the principal place of business of the
16 public power district.

17 (5) Beginning January 1, 2023, in the case of a motor vehicle or
18 trailer operated by a metropolitan utilities district registered pursuant
19 to section 60-3,228, the registration certificate shall be kept at the
20 principal place of business of the metropolitan utilities district.

21 Sec. 54. Section 60-378, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 60-378 (1) Any transporter doing business in this state may, in lieu
24 of registering each motor vehicle or trailer which such transporter is
25 transporting, upon payment of a fee of ten dollars, apply to the
26 department for a transporter's certificate and one transporter license
27 plate. Additional pairs of transporter certificates and transporter
28 license plates may be procured for a fee of ten dollars each. Transporter
29 license plates shall be displayed (a) upon the motor vehicle or trailer
30 being transported or (b) upon a properly registered truck or truck-
31 tractor which is a work or service vehicle in the process of towing a

1 trailer which is itself being delivered by the transporter, and such
2 registered truck or truck-tractor shall also display a transporter plate
3 upon the front thereof. The applicant for a transporter plate shall keep
4 for six years a record of each motor vehicle or trailer transported by
5 him or her under this section, and such record shall be available to the
6 department for inspection. Each applicant shall file with the department
7 proof of his or her status as a bona fide transporter.

8 (2) Transporter license plates may be the same size as license
9 plates issued for motorcycles other than autocycles, shall bear thereon a
10 mark to distinguish them as transporter plates, and shall be serially
11 numbered so as to distinguish them from each other. Such license plates
12 may only be displayed upon the front of a driven motor vehicle of a
13 lawful combination or upon the front of a motor vehicle driven singly or
14 upon the rear of a trailer being towed.

15 Sec. 55. Section 60-386, Revised Statutes Supplement, 2017, is
16 amended to read:

17 60-386 (1) Each new application shall contain, in addition to other
18 information as may be required by the department, the name and
19 residential and mailing address of the applicant and a description of the
20 motor vehicle or trailer, including the color, the manufacturer, the
21 identification number, the United States Department of Transportation
22 number if required by 49 C.F.R. 390.5 and 390.19, as such regulations
23 existed on January 1, 2018 ~~2017~~, and the weight of the motor vehicle or
24 trailer required by the Motor Vehicle Registration Act. Beginning on the
25 implementation date designated by the director pursuant to subsection (4)
26 of section 118 of this act, for trailers which are not required to have a
27 certificate of title under section 60-137 and which have no
28 identification number, the assignment of an identification number shall
29 be required and the identification number shall be issued by the county
30 treasurer or department. With the application the applicant shall pay the
31 proper registration fee and shall state whether the motor vehicle is

1 propelled by alternative fuel and, if alternative fuel, the type of fuel.
2 The application shall also contain a notification that bulk fuel
3 purchasers may be subject to federal excise tax liability. The department
4 shall include such notification in the notices required by section
5 60-3,186.

6 (2) This subsection applies beginning on an implementation date
7 designated by the director. The director shall designate an
8 implementation date which is on or before January 1, 2020. In addition to
9 the information required under subsection (1) of this section, the
10 application for registration shall contain (a) the full legal name as
11 defined in section 60-468.01 of each owner and (b)(i) the motor vehicle
12 operator's license number or state identification card number of each
13 owner, if applicable, and one or more of the identification elements as
14 listed in section 60-484 of each owner, if applicable, and (ii) if any
15 owner is a business entity, a nonprofit organization, an estate, a trust,
16 or a church-controlled organization, its tax identification number.

17 Sec. 56. Section 60-389, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 60-389 Upon the filing of such application, the department shall,
20 upon registration, assign to such motor vehicle or trailer a distinctive
21 registration number in the form of a license plate. Beginning on the
22 implementation date designated by the director pursuant to subsection (4)
23 of section 118 of this act, for trailers which are not required to have a
24 certificate of title under section 60-137 and which have an
25 identification number issued by the county treasurer or department under
26 section 60-386, trailer identification tags shall be supplied by the
27 department and shall be required to be affixed to the trailer after
28 issuance. Upon sale or transfer of any such motor vehicle or trailer,
29 such number may be canceled or may be reassigned to another motor vehicle
30 or trailer, at the option of the department, subject to the provisions of
31 the Motor Vehicle Registration Act.

1 Sec. 57. Section 60-395, Revised Statutes Supplement, 2017, is
2 amended to read:

3 60-395 (1) Except as otherwise provided in subsection (2) of this
4 section and sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,
5 60-3,224, 60-3,227, 60-3,231, 60-3,233, and 60-3,235, the registration
6 shall expire and the registered owner or lessee may, by returning the
7 registration certificate, the license plates, and, when appropriate, the
8 validation decals and by either making application on a form prescribed
9 by the department to the county treasurer of the occurrence of an event
10 described in subdivisions (a) through (e) of this subsection or, in the
11 case of a change in situs, displaying to the county treasurer the
12 registration certificate of such other state as evidence of a change in
13 situs, receive a refund of that part of the unused fees and taxes on
14 motor vehicles or trailers based on the number of unexpired months
15 remaining in the registration period from the date of any of the
16 following events:

17 (a) Upon transfer of ownership of any motor vehicle or trailer;

18 (b) In case of loss of possession because of fire, theft,
19 dismantlement, or junking;

20 (c) When a salvage branded certificate of title is issued;

21 (d) Whenever a type or class of motor vehicle or trailer previously
22 registered is subsequently declared by legislative act or court decision
23 to be illegal or ineligible to be operated or towed on the public roads
24 and no longer subject to registration fees, the motor vehicle tax imposed
25 in section 60-3,185, the motor vehicle fee imposed in section 60-3,190,
26 and the alternative fuel fee imposed in section 60-3,191;

27 (e) Upon a trade-in or surrender of a motor vehicle under a lease;
28 or

29 (f) In case of a change in the situs of a motor vehicle or trailer
30 to a location outside of this state.

31 (2) If the date of the event falls within the same calendar month in

1 which the motor vehicle or trailer is acquired, no refund shall be
2 allowed for such month.

3 (3) If the transferor or lessee acquires another motor vehicle at
4 the time of the transfer, trade-in, or surrender, the transferor or
5 lessee shall have the credit provided for in this section applied toward
6 payment of the motor vehicle fees and taxes then owing. Otherwise, the
7 transferor or lessee shall file a claim for refund with the county
8 treasurer upon an application form prescribed by the department.

9 (4) The registered owner or lessee shall make a claim for refund or
10 credit of the fees and taxes for the unexpired months in the registration
11 period within sixty days after the date of the event or shall be deemed
12 to have forfeited his or her right to such refund or credit.

13 (5) For purposes of this section, the date of the event shall be:
14 (a) In the case of a transfer or loss, the date of the transfer or loss;
15 (b) in the case of a change in the situs, the date of registration in
16 another state; (c) in the case of a trade-in or surrender under a lease,
17 the date of trade-in or surrender; (d) in the case of a legislative act,
18 the effective date of the act; and (e) in the case of a court decision,
19 the date the decision is rendered.

20 (6) Application for registration or for reassignment of license
21 plates and, when appropriate, validation decals to another motor vehicle
22 or trailer shall be made within thirty days of the date of purchase.

23 (7) If a motor vehicle or trailer was reported stolen under section
24 60-178, a refund under this section shall not be reduced for a lost plate
25 charge and a credit under this section may be reduced for a lost plate
26 charge but the applicant shall not be required to pay the plate fee for
27 new plates.

28 (8) The county treasurer shall refund the motor vehicle fee and
29 registration fee from the fees which have not been transferred to the
30 State Treasurer. The county treasurer shall make payment to the claimant
31 from the undistributed motor vehicle taxes of the taxing unit where the

1 tax money was originally distributed. No refund of less than two dollars
2 shall be paid.

3 Sec. 58. Section 60-3,100, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 60-3,100 (1) The department shall issue to every person whose motor
6 vehicle or trailer is registered one or two fully reflectorized license
7 plates upon which shall be displayed (a) the registration number
8 consisting of letters and numerals assigned to such motor vehicle or
9 trailer in figures not less than two and one-half inches nor more than
10 three inches in height and (b) also the word Nebraska suitably lettered
11 so as to be attractive. The license plates shall be of a color designated
12 by the director. The color of the plates shall be changed each time the
13 license plates are changed. Each time the license plates are changed, the
14 director shall secure competitive bids for materials pursuant to sections
15 81-145 to 81-162. Autocycle, motorcycle, minitruck, low-speed vehicle,
16 and trailer license plate letters and numerals may be one-half the size
17 of those required in this section.

18 (2)(a) Except as otherwise provided in this subsection, two license
19 plates shall be issued for every motor vehicle.

20 (b) One license plate shall be issued for (i) apportionable
21 vehicles, (ii) buses, (iii) dealers, (iv) minitrucks, (v) motorcycles,
22 other than autocycles, (vi) special interest motor vehicles that use the
23 special interest motor vehicle license plate authorized by and issued
24 under section 60-3,135.01, (vii) trailers, and (viii) truck-tractors.

25 (c)(i) Beginning January 1, 2017, one license plate shall be issued,
26 upon request and compliance with this subdivision, for any passenger car
27 which is not manufactured to be equipped with a bracket on the front of
28 the vehicle to display a license plate. A license decal shall be issued
29 with the license plate as provided in subdivision (ii) of this
30 subdivision and shall be displayed on the driver's side of the
31 windshield. In order to request a single license plate and license decal,

1 there shall be an additional annual nonrefundable registration fee of one
2 hundred dollars plus the cost of the decal paid to the county treasurer
3 at the time of registration. All fees collected under this subdivision
4 shall be remitted to the State Treasurer for credit to the Highway Trust
5 Fund.

6 (ii) The department shall design, procure, and furnish to the county
7 treasurers a license decal which shall be displayed as evidence that a
8 license plate has been obtained under this subdivision. Each county
9 treasurer shall furnish a license decal to the person obtaining the
10 plate.

11 (d) When two license plates are issued, one shall be prominently
12 displayed at all times on the front and one on the rear of the registered
13 motor vehicle or trailer. When only one plate is issued, it shall be
14 prominently displayed on the rear of the registered motor vehicle or
15 trailer. When only one plate is issued for motor vehicles registered
16 pursuant to section 60-3,198 and truck-tractors, it shall be prominently
17 displayed on the front of the apportionable vehicle.

18 Sec. 59. Section 60-3,104, Revised Statutes Supplement, 2017, is
19 amended to read:

20 60-3,104 The department shall issue the following types of license
21 plates:

22 (1) Amateur radio station license plates issued pursuant to section
23 60-3,126;

24 (2) Apportionable vehicle license plates issued pursuant to section
25 60-3,203;

26 (3) Autocycle license plates issued pursuant to section 60-3,100;

27 (4) Boat dealer license plates issued pursuant to section 60-379;

28 (5) Breast Cancer Awareness Plates issued pursuant to sections
29 60-3,230 and 60-3,231;

30 (6) Bus license plates issued pursuant to section 60-3,144;

31 (7) Choose Life License Plates issued pursuant to sections 60-3,232

1 and 60-3,233;

2 (8) Commercial motor vehicle license plates issued pursuant to
3 section 60-3,147;

4 (9) Dealer or manufacturer license plates issued pursuant to
5 sections 60-3,114 and 60-3,115;

6 (10) Disabled veteran license plates issued pursuant to section
7 60-3,124;

8 (11) Farm trailer license plates issued pursuant to section
9 60-3,151;

10 (12) Farm truck license plates issued pursuant to section 60-3,146;

11 (13) Farm trucks with a gross weight of over sixteen tons license
12 plates issued pursuant to section 60-3,146;

13 (14) Fertilizer trailer license plates issued pursuant to section
14 60-3,151;

15 (15) Gold Star Family license plates issued pursuant to sections
16 60-3,122.01 and 60-3,122.02;

17 (16) Handicapped or disabled person license plates issued pursuant
18 to section 60-3,113;

19 (17) Historical vehicle license plates issued pursuant to sections
20 60-3,130 to 60-3,134;

21 (18) Local truck license plates issued pursuant to section 60-3,145;

22 (19) Metropolitan utilities district license plates issued pursuant
23 to section 60-3,228;

24 (20) ~~(19)~~ Military Honor Plates issued pursuant to sections
25 60-3,122.03 and 60-3,122.04;

26 (21) ~~(20)~~ Minitruck license plates issued pursuant to section
27 60-3,100;

28 (22) ~~(21)~~ Motor vehicle license plates for motor vehicles owned or
29 operated by the state, counties, municipalities, or school districts
30 issued pursuant to section 60-3,105;

31 (23) ~~(22)~~ Motor vehicles exempt pursuant to section 60-3,107;

1 (24) ~~(23)~~ Motorcycle license plates issued pursuant to section
2 60-3,100;

3 (25) ~~(24)~~ Mountain Lion Conservation Plates issued pursuant to
4 sections 60-3,226 and 60-3,227;

5 (26) ~~(25)~~ Native American Cultural Awareness and History Plates
6 issued pursuant to sections 60-3,234 and 60-3,235;

7 (27) ~~(26)~~ Nebraska Cornhusker Spirit Plates issued pursuant to
8 sections 60-3,127 to 60-3,129;

9 (28) ~~(27)~~ Nebraska 150 Sesquicentennial Plates issued pursuant to
10 sections 60-3,223 to 60-3,225;

11 (29) ~~(28)~~ Nonresident owner thirty-day license plates issued
12 pursuant to section 60-382;

13 (30) ~~(29)~~ Passenger car having a seating capacity of ten persons or
14 less and not used for hire issued pursuant to section 60-3,143 other than
15 autocycles;

16 (31) ~~(30)~~ Passenger car having a seating capacity of ten persons or
17 less and used for hire issued pursuant to section 60-3,143 other than
18 autocycles;

19 (32) ~~(31)~~ Pearl Harbor license plates issued pursuant to section
20 60-3,122;

21 (33) ~~(32)~~ Personal-use dealer license plates issued pursuant to
22 section 60-3,116;

23 (34) ~~(33)~~ Personalized message license plates for motor vehicles,
24 trailers, and semitrailers, except motor vehicles, trailers, and
25 semitrailers registered under section 60-3,198, issued pursuant to
26 sections 60-3,118 to 60-3,121;

27 (35) ~~(34)~~ Prisoner-of-war license plates issued pursuant to section
28 60-3,123;

29 (36) ~~(35)~~ Public power district license plates issued pursuant to
30 section 60-3,228;

31 (37) ~~(36)~~ Purple Heart license plates issued pursuant to section

1 60-3,125;

2 ~~(38)~~ ~~(37)~~ Recreational vehicle license plates issued pursuant to
3 section 60-3,151;

4 ~~(39)~~ ~~(38)~~ Repossession license plates issued pursuant to section
5 60-375;

6 ~~(40)~~ ~~(39)~~ Special interest motor vehicle license plates issued
7 pursuant to section 60-3,135.01;

8 ~~(41)~~ ~~(40)~~ Specialty license plates issued pursuant to sections
9 60-3,104.01 and 60-3,104.02;

10 ~~(42)~~ ~~(41)~~ Trailer license plates issued for trailers owned or
11 operated by the state, counties, municipalities, or school districts
12 issued pursuant to section 60-3,106;

13 ~~(43)~~ ~~(42)~~ Trailer license plates issued pursuant to section
14 60-3,100;

15 ~~(44)~~ ~~(43)~~ Trailer license plates issued for trailers owned or
16 operated by a metropolitan utilities district or public power district
17 pursuant to section 60-3,228;

18 ~~(45)~~ ~~(44)~~ Trailers exempt pursuant to section 60-3,108;

19 ~~(46)~~ ~~(45)~~ Transporter license plates issued pursuant to section
20 60-378;

21 ~~(47)~~ ~~(46)~~ Trucks or combinations of trucks, truck-tractors, or
22 trailers which are not for hire and engaged in soil and water
23 conservation work and used for the purpose of transporting pipe and
24 equipment exclusively used by such contractors for soil and water
25 conservation construction license plates issued pursuant to section
26 60-3,149;

27 ~~(48)~~ ~~(47)~~ Utility trailer license plates issued pursuant to section
28 60-3,151; and

29 ~~(49)~~ ~~(48)~~ Well-boring apparatus and well-servicing equipment license
30 plates issued pursuant to section 60-3,109.

31 Sec. 60. Section 60-3,113.02, Revised Statutes Cumulative

1 Supplement, 2016, is amended to read:

2 60-3,113.02 (1) A handicapped or disabled person or temporarily
3 handicapped or disabled person or his or her parent, legal guardian,
4 foster parent, or certifying health care provider may apply for a
5 handicapped or disabled parking permit to the department or through a
6 health care provider using a secure online process developed by the
7 department which will entitle the holder of a permit or a person driving
8 a motor vehicle for the purpose of transporting such holder to park in
9 those spaces or access aisles provided for by sections 18-1736 and
10 18-1737 when the holder of the permit will enter or exit the motor
11 vehicle while it is parked in such spaces or access aisles. For purposes
12 of this section, (a) the handicapped or disabled person or temporarily
13 handicapped or disabled person is considered the holder of the permit and
14 (b) certifying health care provider means the physician, physician
15 assistant, or advanced practice registered nurse who makes the
16 certification required in subsection (2) of this section or his or her
17 designee.

18 (2) The application process for a handicapped or disabled parking
19 permit or for the renewal of a permit under this section shall include
20 presentation of proof of identity by the handicapped or disabled person
21 or temporarily handicapped or disabled person and certification by a
22 physician, a physician assistant, or an advanced practice registered
23 nurse practicing under and in accordance with his or her certification
24 act that the person who will be the holder meets the statutory criteria
25 for qualification. An application for the renewal of a permit under this
26 section may be submitted within one hundred eighty days prior to the
27 expiration of the permit. No applicant shall be required to provide his
28 or her social security number. In the case of a temporarily handicapped
29 or disabled person, the certifying physician, physician assistant, or
30 advanced practice registered nurse shall recommend that the permit for
31 the temporarily handicapped or disabled person be issued for either a

1 three-month period or a six-month period, with such recommendation to be
2 based on the estimated date of recovery.

3 (3) The department, upon receipt of a completed application for a
4 handicapped or disabled parking permit under this section, shall verify
5 that the applicant qualifies for such permit and, if so, shall deliver
6 the permit to the applicant. In issuing a renewal of a permit ~~renewed~~
7 ~~permits~~, the department shall deliver a new expiration sticker ~~each~~
8 ~~individual renewed permit~~ to the applicant to be affixed to the existing
9 permit. Such renewal sticker ~~The renewed permit~~ shall not be issued
10 sooner than ten days prior to the date of expiration of the existing
11 permit , ~~and the existing permit shall be invalid upon receipt of the~~
12 ~~renewed permit~~. A person may hold up to two permits under this section.
13 If a person holds a permit under this section, such person may not hold a
14 permit under section 60-3,113.03.

15 (4) In issuing any handicapped or disabled parking permit under this
16 section, the department shall include a notice and an identification
17 card. The notice shall contain information listing the legal uses of the
18 permit and that the permit is not transferable, is to be used by the
19 party to whom issued, is not to be altered or reproduced, and is to be
20 used only when a handicapped or disabled person or a temporarily
21 handicapped or disabled person will enter or exit the motor vehicle while
22 it is parked in a designated parking space or access aisle. The notice
23 shall also indicate that those convicted of handicapped parking
24 infractions shall be subject to suspension of the permit for six months.
25 The identification card shall show the expiration date of the permit and
26 such identifying information with regard to the handicapped or disabled
27 person or temporarily handicapped or disabled person to whom the permit
28 is issued as is necessary to the enforcement of sections 18-1736 to
29 18-1741.07 as determined by the department.

30 Sec. 61. Section 60-3,113.03, Revised Statutes Cumulative
31 Supplement, 2016, is amended to read:

1 60-3,113.03 (1) The department shall take an application from any
2 person for a handicapped or disabled parking permit that is issued for a
3 specific motor vehicle and entitles the holder thereof or a person
4 driving the motor vehicle for the purpose of transporting handicapped or
5 disabled persons or temporarily handicapped or disabled persons to park
6 in those spaces or access aisles provided for by sections 18-1736 and
7 18-1737 if the motor vehicle is used primarily for the transportation of
8 handicapped or disabled persons or temporarily handicapped or disabled
9 persons. Such permit shall be used only when the motor vehicle for which
10 it was issued is being used for the transportation of a handicapped or
11 disabled person or temporarily handicapped or disabled person and such
12 person will enter or exit the motor vehicle while it is parked in such
13 designated spaces or access aisles.

14 (2) A person applying for a handicapped or disabled parking permit
15 or for the renewal of a permit pursuant to this section shall apply for a
16 permit for each motor vehicle used for the transportation of handicapped
17 or disabled persons or temporarily handicapped or disabled persons and
18 shall include such information as is required by the department,
19 including a demonstration to the department that each such motor vehicle
20 is used primarily for the transportation of handicapped or disabled
21 persons or temporarily handicapped or disabled persons. An application
22 for the renewal of a permit under this section may be submitted within
23 one hundred eighty days prior to the expiration of the permit.

24 (3) The department, upon receipt of a completed application, shall
25 verify that the applicant qualifies for a handicapped or disabled parking
26 permit under this section and, if so, shall deliver the permit to the
27 applicant. In issuing renewed permits, the department shall deliver each
28 individual renewal ~~renewed permit~~ to the applicant as provided in section
29 60-3,113.02. The renewed permit shall not be issued sooner than ten days
30 prior to the date of expiration, and the existing permit shall be invalid
31 upon receipt of the renewed permit. No more than one such permit shall be

1 issued for each motor vehicle under this section.

2 (4) In issuing any handicapped or disabled parking permit under this
3 section, the department shall include a notice and an identification card
4 to the registered owner of the motor vehicle or the applicant. The notice
5 shall contain information listing the legal uses of the permit and that
6 the permit is not transferable, is to be used for the motor vehicle for
7 which it is issued, is not to be altered or reproduced, and is to be used
8 only when a handicapped or disabled person or a temporarily handicapped
9 or disabled person will enter or exit the motor vehicle while it is
10 parked in a designated parking space or access aisle. The notice shall
11 also indicate that those convicted of handicapped parking infractions
12 shall be subject to suspension of the permit for six months. The
13 identification card shall identify the motor vehicle for which the permit
14 is issued as is necessary to the enforcement of sections 18-1736 to
15 18-1741.07 as determined by the department.

16 Sec. 62. Section 60-3,113.04, Revised Statutes Supplement, 2017, is
17 amended to read:

18 60-3,113.04 (1) A handicapped or disabled parking permit shall be of
19 a design, size, configuration, color, and construction and contain such
20 information as specified in the regulations adopted by the United States
21 Department of Transportation in 23 C.F.R. part 1235, UNIFORM SYSTEM FOR
22 PARKING FOR PERSONS WITH DISABILITIES, as such regulations existed on
23 January 1, 2018 ~~2017~~.

24 (2) No handicapped or disabled parking permit shall be issued to any
25 person or for any motor vehicle if any permit has been issued to such
26 person or for such motor vehicle and such permit has been suspended
27 pursuant to section 18-1741.02. At the expiration of such suspension, a
28 permit may be renewed in the manner provided for renewal in sections
29 60-3,113.02, 60-3,113.03, and 60-3,113.05.

30 (3) A duplicate handicapped or disabled parking permit may be
31 provided up to two times during any single permit period if a permit is

1 destroyed, lost, or stolen. Such duplicate permit shall be issued as
2 provided in section 60-3,113.02 or 60-3,113.03, whichever is applicable,
3 except that a new certification by a physician, a physician assistant, or
4 an advanced practice registered nurse need not be provided. A duplicate
5 permit shall be valid for the remainder of the period for which the
6 original permit was issued. If a person has been issued two duplicate
7 permits under this subsection and needs another permit, such person shall
8 reapply for a new permit under section 60-3,113.02 or 60-3,113.03,
9 whichever is applicable.

10 Sec. 63. Section 60-3,143, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 60-3,143 (1) For autocycles, the registration fee shall be as
13 provided in section 60-3,153 ~~fifteen dollars~~.

14 (2) For every motor vehicle of ten-passenger capacity or less and
15 not used for hire, the registration fee shall be fifteen dollars.

16 (3) For each motor vehicle having a seating capacity of ten persons
17 or less and used for hire, the registration fee shall be six dollars plus
18 an additional four dollars for every person such motor vehicle is
19 equipped to carry in addition to the driver.

20 (4) For motor vehicles leased for hire when no driver or chauffeur
21 is furnished by the lessor as part of the consideration paid for by the
22 lessee, incident to the operation of the leased motor vehicle, the fee
23 shall be fifteen dollars.

24 Sec. 64. Section 60-3,147, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 60-3,147 (1) The registration fee on commercial motor vehicles, ~~and~~
27 public power district motor vehicles, and, beginning January 1, 2023,
28 metropolitan utilities district motor vehicles, except those motor
29 vehicles registered under section 60-3,198, shall be based upon the gross
30 vehicle weight, not to exceed the maximum authorized by section 60-6,294.

31 (2) The registration fee on commercial motor vehicles, ~~and~~ public

1 power district motor vehicles, and, beginning January 1, 2023,
2 metropolitan utilities district motor vehicles, except for motor vehicles
3 and trailers registered under section 60-3,198, shall be based on the
4 gross vehicle weight on such commercial motor vehicles, ~~or~~ public power
5 district motor vehicles, or metropolitan utilities district motor
6 vehicles plus the gross vehicle weight of any trailer or combination with
7 which it is operated, except that for the purpose of determining the
8 registration fee, the gross vehicle weight of a commercial motor vehicle
9 towing or hauling a disabled or wrecked motor vehicle properly registered
10 for use on the highways shall be only the gross vehicle weight of the
11 towing commercial motor vehicle fully equipped and not including the
12 weight of the motor vehicle being towed or hauled.

13 (3) Except as provided in subsection (4) of this section, the
14 registration fee on such commercial motor vehicles, ~~and~~ public power
15 district motor vehicles, and, beginning January 1, 2023, metropolitan
16 utilities district motor vehicles shall be at the following rates:

17 (a) For a gross vehicle weight of three tons or less, eighteen
18 dollars;

19 (b) For a gross vehicle weight exceeding three tons and not
20 exceeding four tons, twenty-five dollars;

21 (c) For a gross vehicle weight exceeding four tons and not exceeding
22 five tons, thirty-five dollars;

23 (d) For a gross vehicle weight exceeding five tons and not exceeding
24 six tons, sixty dollars;

25 (e) For a gross vehicle weight exceeding six tons but not exceeding
26 seven tons, eighty-five dollars; and

27 (f) For a gross vehicle weight in excess of seven tons, the fee
28 shall be that for a commercial motor vehicle, ~~or~~ public power district
29 motor vehicle, or metropolitan utilities district motor vehicle having a
30 gross vehicle weight of seven tons and, in addition thereto, twenty-five
31 dollars for each ton of gross vehicle weight over seven tons.

1 (4)(a) For fractional tons in excess of the twenty percent or the
2 tolerance of one thousand pounds, as provided in section 60-6,300, the
3 fee shall be computed on the basis of the next higher bracket.

4 (b) The fees provided by this section shall be reduced ten percent
5 for motor vehicles used exclusively for the transportation of
6 agricultural products.

7 (c) Fees for commercial motor vehicles, ~~or~~ public power district
8 motor vehicles, or, beginning January 1, 2023, metropolitan utilities
9 district motor vehicles with a gross vehicle weight in excess of thirty-
10 six tons shall be increased by twenty percent for all such commercial
11 motor vehicles, ~~or~~ public power district motor vehicles, or metropolitan
12 utilities district motor vehicles operated on any highway not a part of
13 the National System of Interstate and Defense Highways.

14 (5)(a) Such fee may be paid one-half at the time of registration and
15 one-half on the first day of the seventh month of the registration period
16 when the license fee exceeds two hundred ten dollars. When the second
17 half is paid, the county treasurer shall furnish a registration
18 certificate and license plates issued by the department which shall be
19 displayed on such commercial motor vehicle in the manner provided by law.
20 In addition to the registration fee, the department shall collect a
21 sufficient fee to cover the cost of issuing the certificate and license
22 plates.

23 (b) If such second half is not paid within thirty days following the
24 first day of the seventh month, the registration of such commercial motor
25 vehicle shall be canceled and the registration certificate and license
26 plates shall be returned to the county treasurer.

27 (c) Such fee shall be paid prior to any subsequent registration or
28 renewal of registration.

29 (6) Except as provided in section 60-3,228, license plates issued
30 under this section shall be the same size and of the same basic design as
31 regular license plates issued under section 60-3,100.

1 (7) A license plate or plates issued to a commercial motor vehicle
2 with a gross weight of five tons or over shall display, in addition to
3 the registration number, the weight that the commercial motor vehicle is
4 licensed for, using a decal on the license plate or plates of the
5 commercial motor vehicle in letters and numerals of such size and design
6 as shall be determined and issued by the department.

7 Sec. 65. Section 60-3,148, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 60-3,148 (1) This subsection applies until January 1, 2023. No
10 owner of a commercial motor vehicle or public power district motor
11 vehicle shall be permitted to increase the gross vehicle weight for which
12 such commercial motor vehicle or public power district motor vehicle is
13 registered except at the office of the county treasurer in the county
14 where such commercial motor vehicle or public power district motor
15 vehicle is currently registered unless the need for such increase occurs
16 when such commercial motor vehicle is more than one hundred miles from
17 the county seat of such county or the public power district motor vehicle
18 is more than one hundred miles from its base location, unless authorized
19 to do so by the Nebraska State Patrol or authorized state scale examiner
20 as an emergency.

21 (2) This subsection applies beginning January 1, 2023. No owner of a
22 commercial motor vehicle, metropolitan utilities district motor vehicle,
23 or public power district motor vehicle shall be permitted to increase the
24 gross vehicle weight for which such commercial motor vehicle,
25 metropolitan utilities district motor vehicle, or public power district
26 motor vehicle is registered except at the office of the county treasurer
27 in the county where such commercial motor vehicle, metropolitan utilities
28 district motor vehicle, or public power district motor vehicle is
29 currently registered unless the need for such increase occurs when such
30 commercial motor vehicle is more than one hundred miles from the county
31 seat of such county or the metropolitan utilities district motor vehicle

1 or public power district motor vehicle is more than one hundred miles
2 from its base location, unless authorized to do so by the Nebraska State
3 Patrol or authorized state scale examiner as an emergency.

4 Sec. 66. Section 60-3,185, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 60-3,185 A motor vehicle tax is imposed on motor vehicles registered
7 for operation upon the highways of this state, except:

8 (1) Motor vehicles exempt from the registration fee in section
9 60-3,160;

10 (2) One motor vehicle owned and used for his or her personal
11 transportation by a disabled or blind veteran of the United States Armed
12 Forces as defined in section 77-202.23 whose disability or blindness is
13 recognized by the United States Department of Veterans Affairs and who
14 was discharged or otherwise separated with a characterization of
15 honorable if an application for the exemption has been approved under
16 subsection (1) of section 60-3,189;

17 (3) Motor vehicles owned by Indians who are members of an Indian
18 tribe as defined in 25 U.S.C. 479;

19 (4) Motor vehicles owned by a member of the United States Armed
20 Forces serving in this state in compliance with military or naval orders
21 or his or her spouse if such servicemember or spouse person is a resident
22 of a state other than Nebraska;

23 (5) Motor vehicles owned by the state and its governmental
24 subdivisions and exempt as provided in subdivision (1)(a) or (b) of
25 section 77-202;

26 (6) Motor vehicles owned and used exclusively by an organization or
27 society qualified for a tax exemption provided in subdivision (1)(c) or
28 (d) of section 77-202 if an application for the exemption provided in
29 this subdivision has been approved under subsection (2) of section
30 60-3,189; and

31 (7) Trucks, trailers, or combinations thereof registered under

1 section 60-3,198.

2 Sec. 67. Section 60-3,187, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 60-3,187 (1) The motor vehicle tax schedules are set out in this
5 section.

6 (2) The motor vehicle tax shall be calculated by multiplying the
7 base tax times the fraction which corresponds to the age category of the
8 vehicle as shown in the following table:

9 YEAR	FRACTION
10 First	1.00
11 Second	0.90
12 Third	0.80
13 Fourth	0.70
14 Fifth	0.60
15 Sixth	0.51
16 Seventh	0.42
17 Eighth	0.33
18 Ninth	0.24
19 Tenth and Eleventh	0.15
20 Twelfth and Thirteenth	0.07
21 Fourteenth and older	0.00

22 (3) The base tax shall be:

23 (a) Automobiles, autocycles, and motorcycles - An amount determined
24 using the following table:

25 Value when new	Base tax
26 Up to \$3,999	\$ 25
27 \$4,000 to \$5,999	35
28 \$6,000 to \$7,999	45
29 \$8,000 to \$9,999	60
30 \$10,000 to \$11,999	100

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1	\$12,000 to \$13,999	140
2	\$14,000 to \$15,999	180
3	\$16,000 to \$17,999	220
4	\$18,000 to \$19,999	260
5	\$20,000 to \$21,999	300
6	\$22,000 to \$23,999	340
7	\$24,000 to \$25,999	380
8	\$26,000 to \$27,999	420
9	\$28,000 to \$29,999	460
10	\$30,000 to \$31,999	500
11	\$32,000 to \$33,999	540
12	\$34,000 to \$35,999	580
13	\$36,000 to \$37,999	620
14	\$38,000 to \$39,999	660
15	\$40,000 to \$41,999	700
16	\$42,000 to \$43,999	740
17	\$44,000 to \$45,999	780
18	\$46,000 to \$47,999	820
19	\$48,000 to \$49,999	860
20	\$50,000 to \$51,999	900
21	\$52,000 to \$53,999	940
22	\$54,000 to \$55,999	980
23	\$56,000 to \$57,999	1,020
24	\$58,000 to \$59,999	1,060
25	\$60,000 to \$61,999	1,100
26	\$62,000 to \$63,999	1,140
27	\$64,000 to \$65,999	1,180
28	\$66,000 to \$67,999	1,220
29	\$68,000 to \$69,999	1,260
30	\$70,000 to \$71,999	1,300

1	\$72,000 to \$73,999	1,340
2	\$74,000 to \$75,999	1,380
3	\$76,000 to \$77,999	1,420
4	\$78,000 to \$79,999	1,460
5	\$80,000 to \$81,999	1,500
6	\$82,000 to \$83,999	1,540
7	\$84,000 to \$85,999	1,580
8	\$86,000 to \$87,999	1,620
9	\$88,000 to \$89,999	1,660
10	\$90,000 to \$91,999	1,700
11	\$92,000 to \$93,999	1,740
12	\$94,000 to \$95,999	1,780
13	\$96,000 to \$97,999	1,820
14	\$98,000 to \$99,999	1,860
15	\$100,000 and over	1,900
16	(b) Assembled automobiles – \$60	
17	(c) Assembled motorcycles <u>other than autocycles</u> – \$25	
18	(d) Cabin trailers, up to one thousand pounds – \$10	
19	(e) Cabin trailers, one thousand pounds and over and less than two	
20	thousand pounds – \$25	
21	(f) Cabin trailers, two thousand pounds and over – \$40	
22	(g) Recreational vehicles, less than eight thousand pounds – \$160	
23	(h) Recreational vehicles, eight thousand pounds and over and less	
24	than twelve thousand pounds – \$410	
25	(i) Recreational vehicles, twelve thousand pounds and over – \$860	
26	(j) Assembled recreational vehicles and buses shall follow the	
27	schedules for body type and registered weight	
28	(k) Trucks - Over seven tons and less than ten tons – \$360	
29	(l) Trucks - Ten tons and over and less than thirteen tons – \$560	
30	(m) Trucks - Thirteen tons and over and less than sixteen tons –	
31	\$760	

1 (n) Trucks - Sixteen tons and over and less than twenty-five tons -
2 \$960

3 (o) Trucks - Twenty-five tons and over - \$1,160

4 (p) Buses - \$360

5 (q) Trailers other than semitrailers - \$10

6 (r) Semitrailers - \$110

7 (s) Minitrucks - \$50

8 (t) Low-speed vehicles - \$50

9 (4) For purposes of subsection (3) of this section, truck means all
10 trucks and combinations of trucks except those trucks, trailers, or
11 combinations thereof registered under section 60-3,198, and the tax is
12 based on the gross vehicle weight rating as reported by the manufacturer.

13 (5) Current model year vehicles are designated as first-year motor
14 vehicles for purposes of the schedules.

15 (6) When a motor vehicle is registered which is newer than the
16 current model year by the manufacturer's designation, the motor vehicle
17 is subject to the initial motor vehicle tax in the first registration
18 period and ninety-five percent of the initial motor vehicle tax in the
19 second registration period.

20 (7) Assembled cabin trailers, assembled recreational vehicles, and
21 assembled buses shall be designated as sixth-year motor vehicles in their
22 first year of registration for purposes of the schedules.

23 (8) When a motor vehicle is registered which is required to have a
24 title branded as previous salvage pursuant to section 60-175, the motor
25 vehicle tax shall be reduced by twenty-five percent.

26 Sec. 68. Section 60-3,190, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 60-3,190 (1) A motor vehicle fee is imposed on all motor vehicles
29 registered for operation in this state. An owner of a motor vehicle which
30 is exempt from the imposition of a motor vehicle tax pursuant to section
31 60-3,185 shall also be exempt from the imposition of the motor vehicle

1 fee imposed pursuant to this section.

2 (2) The department shall annually determine the motor vehicle fee on
3 each motor vehicle registered pursuant to this section and shall cause a
4 notice of the amount to be delivered to the registrant. The notice shall
5 be combined with the notice of the motor vehicle tax required by section
6 60-3,186.

7 (3) The motor vehicle fee schedules are set out in this subsection
8 and subsection (4) of this section. Except for automobiles with a value
9 when new of less than \$20,000, and for assembled, reconstructed-
10 designated, and replica-designated automobiles, the fee shall be
11 calculated by multiplying the base fee times the fraction which
12 corresponds to the age category of the automobile as shown in the
13 following table:

14 YEAR	FRACTION
15 First through fifth	1.00
16 Sixth through tenth	.70
17 Eleventh and over	.35

18 (4) The base fee shall be:

19 (a) Automobiles, with a value when new of less than \$20,000, and
20 assembled, reconstructed-designated, and replica-designated automobiles –
21 \$5

22 (b) Automobiles, with a value when new of \$20,000 through \$39,999 –
23 \$20

24 (c) Automobiles, with a value when new of \$40,000 or more – \$30

25 (d) Motorcycles and autocycles – \$10

26 (e) Recreational vehicles and cabin trailers – \$10

27 (f) Trucks over seven tons and buses – \$30

28 (g) Trailers other than semitrailers – \$10

29 (h) Semitrailers – \$30

30 (i) Minitrucks – \$10

31 (j) Low-speed vehicles – \$10.

1 ~~(k) Autocycles — \$10.~~

2 (5) The motor vehicle tax, motor vehicle fee, and registration fee
3 shall be paid to the county treasurer prior to the registration of the
4 motor vehicle for the following registration period. After retaining one
5 percent of the motor vehicle fee collected for costs, the remaining
6 proceeds shall be remitted to the State Treasurer for credit to the Motor
7 Vehicle Fee Fund. The State Treasurer shall return funds from the Motor
8 Vehicle Fee Fund remitted by a county treasurer which are needed for
9 refunds or credits authorized by law.

10 (6)(a) The Motor Vehicle Fee Fund is created. On or before the last
11 day of each calendar quarter, the State Treasurer shall distribute all
12 funds in the Motor Vehicle Fee Fund as follows: (i) Fifty percent to the
13 county treasurer of each county, amounts in the same proportion as the
14 most recent allocation received by each county from the Highway
15 Allocation Fund; and (ii) fifty percent to the treasurer of each
16 municipality, amounts in the same proportion as the most recent
17 allocation received by each municipality from the Highway Allocation
18 Fund. Any money in the fund available for investment shall be invested by
19 the state investment officer pursuant to the Nebraska Capital Expansion
20 Act and the Nebraska State Funds Investment Act.

21 (b) Funds from the Motor Vehicle Fee Fund shall be considered local
22 revenue available for matching state sources.

23 (c) All receipts by counties and municipalities from the Motor
24 Vehicle Fee Fund shall be used for road, bridge, and street purposes.

25 (7) For purposes of subdivisions (4)(a), (b), (c), and (f) of this
26 section, automobiles or trucks includes all trucks and combinations of
27 trucks or truck-tractors, except those trucks, trailers, or semitrailers
28 registered under section 60-3,198, and the fee is based on the gross
29 vehicle weight rating as reported by the manufacturer.

30 (8) Current model year vehicles are designated as first-year motor
31 vehicles for purposes of the schedules.

1 (9) When a motor vehicle is registered which is newer than the
2 current model year by the manufacturer's designation, the motor vehicle
3 is subject to the initial motor vehicle fee for six registration periods.

4 (10) Assembled vehicles other than assembled, reconstructed-
5 designated, or replica-designated automobiles shall follow the schedules
6 for the motor vehicle body type.

7 Sec. 69. Section 60-3,193.01, Revised Statutes Supplement, 2017, is
8 amended to read:

9 60-3,193.01 For purposes of the Motor Vehicle Registration Act, the
10 International Registration Plan is adopted and incorporated by reference
11 as the plan existed on January 1, 2018 ~~2017~~.

12 Sec. 70. Section 60-3,221, Revised Statutes Cumulative Supplement,
13 2016, is amended to read:

14 60-3,221 (1) Except as otherwise provided in the Motor Vehicle
15 Registration Act:

16 (a) A cabin trailer shall only be towed by a properly registered:

17 (i) Passenger car;

18 (ii) Commercial motor vehicle or apportionable vehicle;

19 (iii) Farm truck;

20 (iv) Local truck;

21 (v) Minitruck;

22 (vi) Recreational vehicle; or

23 (vii) Bus;

24 (b) A utility trailer shall only be towed by:

25 (i) A properly registered passenger car;

26 (ii) A properly registered commercial motor vehicle or apportionable
27 vehicle;

28 (iii) A properly registered farm truck;

29 (iv) A properly registered local truck;

30 (v) A properly registered minitruck;

31 (vi) A properly registered recreational vehicle;

1 (vii) A properly registered motor vehicle which is engaged in soil
2 and water conservation pursuant to section 60-3,149;

3 (viii) A properly registered well-boring apparatus;

4 (ix) A dealer-plated vehicle;

5 (x) A personal-use dealer-plated vehicle;

6 (xi) A properly registered bus; or

7 (xii) A properly registered public power district motor vehicle or,
8 beginning January 1, 2023, a properly registered metropolitan utilities
9 district motor vehicle;

10 (c) A farm trailer shall only be towed by a properly registered:

11 (i) Passenger car;

12 (ii) Commercial motor vehicle;

13 (iii) Farm truck; or

14 (iv) Minitruck;

15 (d) A commercial trailer shall only be towed by:

16 (i) A properly registered motor vehicle which is engaged in soil and
17 water conservation pursuant to section 60-3,149;

18 (ii) A properly registered local truck;

19 (iii) A properly registered well-boring apparatus;

20 (iv) A properly registered commercial motor vehicle or apportionable
21 vehicle;

22 (v) A dealer-plated vehicle;

23 (vi) A personal-use dealer-plated vehicle;

24 (vii) A properly registered bus;

25 (viii) A properly registered farm truck; or

26 (ix) A properly registered public power district motor vehicle or,
27 beginning January 1, 2023, a properly registered metropolitan utilities
28 district motor vehicle;

29 (e) A fertilizer trailer shall only be towed by a properly
30 registered:

31 (i) Passenger car;

- 1 (ii) Commercial motor vehicle or apportionable vehicle;
- 2 (iii) Farm truck; or
- 3 (iv) Local truck;
- 4 (f) A pole and cable reel trailer shall only be towed by a properly
- 5 registered:
- 6 (i) Commercial motor vehicle or apportionable vehicle;
- 7 (ii) Local truck; or
- 8 (iii) Public power district motor vehicle or, beginning January 1,
- 9 2023, metropolitan utilities district motor vehicle;
- 10 (g) A dealer-plated trailer shall only be towed by:
- 11 (i) A dealer-plated vehicle;
- 12 (ii) A properly registered passenger car;
- 13 (iii) A properly registered commercial motor vehicle or
- 14 apportionable vehicle;
- 15 (iv) A properly registered farm truck;
- 16 (v) A properly registered minitruck; or
- 17 (vi) A personal-use dealer-plated vehicle; and
- 18 (h) Trailers registered pursuant to section 60-3,198 as part of an
- 19 apportioned fleet shall only be towed by:
- 20 (i) A properly registered motor vehicle which is engaged in soil and
- 21 water conservation pursuant to section 60-3,149;
- 22 (ii) A properly registered local truck;
- 23 (iii) A properly registered well-boring apparatus;
- 24 (iv) A properly registered commercial motor vehicle or apportionable
- 25 vehicle;
- 26 (v) A dealer-plated vehicle;
- 27 (vi) A personal-use dealer-plated vehicle;
- 28 (vii) A properly registered bus; or
- 29 (viii) A properly registered farm truck.
- 30 (2) Nothing in this section shall be construed to waive compliance
- 31 with the Nebraska Rules of the Road or Chapter 75.

1 (3) Nothing in this section shall be construed to prohibit any motor
2 vehicle or trailer from displaying dealer license plates or In Transit
3 stickers authorized by section 60-376.

4 Sec. 71. Section 60-3,228, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

6 60-3,228 (1)(a) This subsection applies until January 1, 2023. ~~(1)~~

7 (b) Upon application and payment of the fees required pursuant to
8 this section and section 60-3,229, each motor vehicle and trailer
9 operated by a public power district shall be issued permanent public
10 power district license plates. The public power district license plates
11 shall be issued by the county in which the public power district is
12 headquartered.

13 (c) ~~(2)~~ Public power district vehicles shall display a distinctive
14 license plate provided by the department pursuant to this section.

15 (d) ~~(3)~~ Any license plate issued pursuant to this section shall
16 remain affixed to the front and rear of the motor vehicle and to the rear
17 of the trailer as long as the public power district vehicle is registered
18 pursuant to this section by the owner or lessor making the original
19 application pursuant to subdivision (1)(b) subsection—(1) of this
20 section.

21 (2)(a) This subsection applies beginning on January 1, 2023.

22 (b) Upon application and payment of the fees required pursuant to
23 this section and section 60-3,229, each motor vehicle and trailer
24 operated by a metropolitan utilities district or a public power district
25 shall be issued permanent metropolitan utilities district or public power
26 district license plates. The metropolitan utilities district or public
27 power district license plates shall be issued by the county in which the
28 metropolitan utilities district or public power district is
29 headquartered.

30 (c) Metropolitan utilities district vehicles or public power
31 district vehicles shall display a distinctive license plate provided by

1 the department pursuant to this section.

2 (d) Any license plate issued pursuant to this section shall remain
3 affixed to the front and rear of the motor vehicle and to the rear of the
4 trailer as long as the metropolitan utilities district vehicle or public
5 power district vehicle is registered pursuant to this section by the
6 owner or lessor making the original application pursuant to subdivision
7 (2)(b) of this section.

8 Sec. 72. Section 60-3,229, Revised Statutes Supplement, 2017, is
9 amended to read:

10 60-3,229 (1) This subsection applies until January 1, 2023. The
11 registration fee for a public power district motor vehicle shall be the
12 fee provided for commercial motor vehicles in section 60-3,147. The
13 registration fee for a public power district trailer shall be the fee
14 provided for a trailer in section 60-3,151.

15 (2) This subsection applies beginning January 1, 2023. The
16 registration fee for a metropolitan utilities district motor vehicle or
17 public power district motor vehicle shall be the fee provided for
18 commercial motor vehicles in section 60-3,147. The registration fee for a
19 metropolitan utilities district trailer or public power district trailer
20 shall be the fee provided for a trailer in section 60-3,151.

21 Sec. 73. Section 60-462, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 60-462 Sections 60-462 to 60-4,189 and section 90 of this act shall
24 be known and may be cited as the Motor Vehicle Operator's License Act.

25 Sec. 74. Section 60-462.01, Revised Statutes Supplement, 2017, is
26 amended to read:

27 60-462.01 For purposes of the Motor Vehicle Operator's License Act,
28 the following federal regulations are adopted as Nebraska law as they
29 existed on January 1, 2018 ~~2017~~:

30 The parts, subparts, and sections of Title 49 of the Code of Federal
31 Regulations, as referenced in the Motor Vehicle Operator's License Act.

1 Sec. 75. Section 60-463.02, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 60-463.02 Autocycle means any motor vehicle (1) having a seat that
4 does not require the operator to straddle or sit astride it, (2) designed
5 to travel on three wheels in contact with the ground, (3) ~~in which the~~
6 ~~operator and passenger ride either side by side or in tandem in a seating~~
7 ~~area that is completely enclosed with a removable or fixed top and is~~
8 ~~equipped with manufacturer-installed air bags, a manufacturer-installed~~
9 ~~roll cage, and for each occupant a manufacturer-installed three-point~~
10 ~~safety belt system, (4) having antilock brakes, (4) and (5) designed to~~
11 ~~be controlled with a steering wheel and pedals, and (5) in which the~~
12 operator and passenger ride either side by side or in tandem in a seating
13 area that is equipped with a manufacturer-installed three-point safety
14 belt system for each occupant and that has a seating area that either (a)
15 is completely enclosed and is equipped with manufacturer-installed
16 airbags and a manufacturer-installed roll cage or (b) is not completely
17 enclosed and is equipped with a manufacturer-installed rollover
18 protection system.

19 Sec. 76. Section 60-479.01, Revised Statutes Supplement, 2017, is
20 amended to read:

21 60-479.01 (1) All persons handling source documents or engaged in
22 the issuance of new, renewed, or reissued operators' licenses or state
23 identification cards shall have periodic fraudulent document recognition
24 training.

25 (2) All persons and agents of the department involved in the
26 recording of verified application information or verified operator's
27 license and state identification card information, involved in the
28 manufacture or production of licenses or cards, or who have the ability
29 to affect information on such licenses or cards shall be subject to a
30 criminal history record information check, including a check of prior
31 employment references, and a lawful status check as required by 6 C.F.R.

1 part 37, as such part existed on January 1, 2018 ~~2017~~. Such persons and
2 agents shall provide fingerprints which shall be submitted to the Federal
3 Bureau of Investigation. The bureau shall use its records for the
4 criminal history record information check.

5 (3) Upon receipt of a request pursuant to subsection (2) of this
6 section, the Nebraska State Patrol shall undertake a search for criminal
7 history record information relating to such applicant, including
8 transmittal of the applicant's fingerprints to the Federal Bureau of
9 Investigation for a national criminal history record information check.
10 The criminal history record information check shall include information
11 concerning the applicant from federal repositories of such information
12 and repositories of such information in other states, if authorized by
13 federal law. The Nebraska State Patrol shall issue a report to the
14 employing public agency that shall include the criminal history record
15 information concerning the applicant. The cost of any background check
16 shall be borne by the employer of the person or agent.

17 (4) Any person convicted of any disqualifying offense as provided in
18 6 C.F.R. part 37, as such part existed on January 1, 2018 ~~2017~~, shall not
19 be involved in the recording of verified application information or
20 verified operator's license and state identification card information,
21 involved in the manufacture or production of licenses or cards, or
22 involved in any capacity in which such person would have the ability to
23 affect information on such licenses or cards. Any employee or prospective
24 employee of the department shall be provided notice that he or she will
25 undergo such criminal history record information check prior to
26 employment or prior to any involvement with the issuance of operators'
27 licenses or state identification cards.

28 Sec. 77. Section 60-480, Revised Statutes Cumulative Supplement,
29 2016, is amended to read:

30 60-480 (1) Operators' licenses issued by the department pursuant to
31 the Motor Vehicle Operator's License Act shall be classified as follows:

1 (a) ~~(1)~~ Class O license. The operator's license which authorizes the
2 person to whom it is issued to operate on highways any motor vehicle
3 except a commercial motor vehicle or motorcycle;

4 (b) ~~(2)~~ Class M license. The operator's license or endorsement on a
5 Class O license, provisional operator's permit, learner's permit, school
6 permit, or commercial driver's license which authorizes the person to
7 whom it is issued to operate a motorcycle on highways;

8 (c) ~~(3)~~ CDL-commercial driver's license. The operator's license
9 which authorizes the person to whom it is issued to operate a class of
10 commercial motor vehicle or any motor vehicle, except a motorcycle, on
11 highways;

12 (d) ~~(4)~~ CLP-commercial learner's permit. A permit which when carried
13 with a Class O license authorizes an individual to operate a class of
14 commercial motor vehicle when accompanied by a holder of a valid
15 commercial driver's license for purposes of behind-the-wheel training.
16 When issued to a commercial driver's license holder, a CLP-commercial
17 learner's permit serves as authorization for accompanied behind-the-wheel
18 training in a commercial motor vehicle for which the holder's current
19 commercial driver's license is not valid;

20 (e) ~~(5)~~ RCDL-restricted commercial driver's license. The class of
21 commercial driver's license which, when held with an annual seasonal
22 permit, authorizes a seasonal commercial motor vehicle operator as
23 defined in section 60-4,146.01 to operate any Class B Heavy Straight
24 Vehicle or Class C Small Vehicle commercial motor vehicle for purposes of
25 a farm-related or ranch-related service industry as defined in such
26 section within one hundred fifty miles of the employer's place of
27 business or the farm or ranch currently being served as provided in such
28 section or any other motor vehicle, except a motorcycle, on highways;

29 (f) ~~(6)~~ POP-provisional operator's permit. A motor vehicle operating
30 permit with restrictions issued pursuant to section 60-4,120.01 to a
31 person who is at least sixteen years of age but less than eighteen years

1 of age which authorizes the person to operate any motor vehicle except a
2 commercial motor vehicle or motorcycle;

3 (g) ~~(7)~~ SCP-school permit. A permit issued to a student between
4 fourteen years and two months of age and sixteen years of age for the
5 purpose of driving in accordance with the requirements of section
6 60-4,124;

7 (h) ~~(8)~~ FMP-farm permit. A permit issued to a person for purposes of
8 operating farm tractors and other motorized implements of farm husbandry
9 on highways in accordance with the requirements of section 60-4,126;

10 (i) ~~(9)~~ LPD-learner's permit. A permit issued in accordance with the
11 requirements of section 60-4,123 to a person at least fifteen years of
12 age which authorizes the person to operate a motor vehicle, except a
13 commercial motor vehicle, for learning purposes when accompanied by a
14 licensed operator who is at least twenty-one years of age and who
15 possesses a valid operator's license issued by this state or another
16 state;

17 (j) ~~(10)~~ LPE-learner's permit. A permit issued to a person at least
18 fourteen years of age which authorizes the person to operate a motor
19 vehicle, except a commercial motor vehicle, while learning to drive in
20 preparation for application for a school permit;

21 (k) ~~(11)~~ EDP-employment driving permit. A permit issued to a person
22 which authorizes the person to operate a motor vehicle, except a
23 commercial motor vehicle, pursuant to the requirements of sections
24 60-4,129 and 60-4,130;

25 (l) ~~(12)~~ IIP-ignition interlock permit. A permit issued to a person
26 which authorizes the person to operate a motor vehicle, except a
27 commercial motor vehicle, which is equipped with an ignition interlock
28 device;

29 (m) ~~(13)~~ SEP-seasonal permit. A permit issued to a person who holds
30 a restricted commercial driver's license authorizing the person to
31 operate a commercial motor vehicle, as prescribed by section 60-4,146.01,

1 for no more than one hundred eighty consecutive days in any twelve-month
2 period. The seasonal permit shall be valid and run from the date of
3 original issuance of the permit for one hundred eighty days and from the
4 date of annual revalidation of the permit; and

5 (n) ~~(14)~~ MHP-medical hardship driving permit. A permit issued to a
6 person which authorizes the person to operate a motor vehicle, except a
7 commercial motor vehicle, pursuant to the requirements of sections
8 60-4,130.01 and 60-4,130.02.

9 (2) For purposes of this section, motorcycle does not include an
10 autocycle.

11 Sec. 78. Section 60-484, Revised Statutes Cumulative Supplement,
12 2016, is amended to read:

13 60-484 (1) Except as otherwise provided in the Motor Vehicle
14 Operator's License Act, no resident of the State of Nebraska shall
15 operate a motor vehicle upon the alleys or highways of this state until
16 the person has obtained an operator's license for that purpose.

17 (2) Application for an operator's license or a state identification
18 card shall be made in a manner prescribed by the department.

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

29 (i) Have you within the last three months (e.g. due to diabetes,
30 epilepsy, mental illness, head injury, stroke, heart condition,
31 neurological disease, etc.):

1 (A) lost voluntary control or consciousness ... yes ... no

2 (B) experienced vertigo or multiple episodes of dizziness or
3 fainting ... yes ... no

4 (C) experienced disorientation ... yes ... no

5 (D) experienced seizures ... yes ... no

6 (E) experienced impairment of memory, memory loss ... yes ... no

7 Please explain:

8 (ii) Do you experience any condition which affects your ability to
9 operate a motor vehicle? (e.g. due to loss of, or impairment of, foot,
10 leg, hand, arm; neurological or neuromuscular disease, etc.) ... yes ...
11 no

12 Please explain:

13 (iii) Since the issuance of your last driver's license/permit, has
14 your health or medical condition changed or worsened? ... yes ... no

15 Please explain, including how the above affects your ability to
16 drive:, and (d) may answer the following:

17 (i) Do you wish to register to vote as part of this application
18 process?

19 (ii) Do you wish to have the word "veteran" displayed on the front
20 of your operator's license or state identification card to show that you
21 served in the armed forces of the United States? (To be eligible you must
22 register with the Nebraska Department of Veterans' Affairs registry.)

23 (iii) Do you wish to include your name in the Donor Registry of
24 Nebraska and donate your organs and tissues at the time of your death?

25 (iv) Do you wish to receive any additional specific information
26 regarding organ and tissue donation and the Donor Registry of Nebraska?

27 (v) Do you wish to donate \$1 to promote the Organ and Tissue Donor
28 Awareness and Education Fund?

29 (4) Application for an operator's license or state identification
30 card shall include a signed oath, affirmation, or declaration of the
31 applicant that the information provided on the application for the

1 license or card is true and correct.

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

15 (6)(a) Each individual applying for an operator's license or a state
16 identification card shall furnish proof of date of birth and identity
17 with documents containing a photograph or with nonphoto identity
18 documents which include his or her full legal name and date of birth.
19 Such documents shall be those provided in subsection (1) of section
20 60-484.04.

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

31 (c) An applicant may present other documents as proof of

1 identification and age designated by the director. Any documents accepted
2 shall be recorded according to a written exceptions process established
3 by the director.

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

8 (8) No person shall be a holder of an operator's license and a state
9 identification card at the same time. A person who has a digital image
10 and digital signature on file with the department may apply
11 electronically to change his or her Class 0 operator's license to a state
12 identification card.

13 Sec. 79. Section 60-4,122, Revised Statutes Cumulative Supplement,
14 2016, is amended to read:

15 60-4,122 (1) Except as otherwise provided in subsections (2), (3),
16 and (8) of this section, no original or renewal operator's license shall
17 be issued to any person until such person has demonstrated his or her
18 ability to operate a motor vehicle safely as provided in section
19 60-4,114.

20 (2) Except as otherwise provided in this section and section
21 60-4,127, any person who renews his or her Class 0 or Class M license
22 shall demonstrate his or her ability to drive and maneuver a motor
23 vehicle safely as provided in subdivision (3)(b) of section 60-4,114 only
24 at the discretion of department personnel, except that a person required
25 to use bioptic or telescopic lenses shall be required to demonstrate his
26 or her ability to drive and maneuver a motor vehicle safely each time he
27 or she renews his or her license.

28 (3) Any person who renews his or her Class 0 or Class M license
29 prior to or within one year after its expiration may not be required to
30 demonstrate his or her knowledge of the motor vehicle laws of this state
31 as provided in subdivision (3)(c) of section 60-4,114 if his or her

1 driving record abstract maintained in the computerized records of the
2 department shows that such person's license is not impounded, suspended,
3 revoked, or canceled.

4 (4) Except for operators' licenses issued to persons required to use
5 bioptic or telescopic lenses, any person who renews his or her operator's
6 license which has been valid for fifteen months or less shall not be
7 required to take any examination required under section 60-4,114.

8 (5) Any person who renews a state identification card shall appear
9 before department personnel and present his or her current state
10 identification card or shall follow the procedure for electronic renewal
11 in subsection (9) of this section. Proof of identification shall be
12 required as prescribed in sections 60-484 and 60-4,181 and the
13 information and documentation required by section 60-484.04.

14 (6) A nonresident who applies for an initial operator's license in
15 this state and who holds a valid operator's license from another state
16 which is his or her state of residence may not be required to demonstrate
17 his or her knowledge of the motor vehicle laws of this state if he or she
18 surrenders to the department his or her valid out-of-state operator's
19 license.

20 (7) An applicant for an original operator's license may not be
21 required to demonstrate his or her knowledge of the motor vehicle laws of
22 this state if he or she has been issued a Nebraska LPD-learner's permit
23 that is valid or has been expired for no more than one year. The written
24 examination shall not be waived if the original operator's license being
25 applied for contains a class or endorsement which is different from the
26 class or endorsement of the Nebraska LPD-learner's permit.

27 (8)(a) A qualified licensee as determined by the department who is
28 twenty-one years of age or older, whose license expires prior to his or
29 her seventy-second birthday, and who has a digital image and digital
30 signature preserved in the digital system may renew his or her Class O or
31 Class M license once by electronic means in a manner prescribed by the

1 department using the preserved digital image and digital signature
2 without taking any examination required under section 60-4,114 if such
3 renewal is prior to or within one year after the expiration of the
4 license, if his or her driving record abstract maintained in the records
5 of the department shows that such person's license is not impounded,
6 suspended, revoked, or canceled, and if his or her driving record
7 indicates that he or she is otherwise eligible. Every licensee, including
8 a licensee who is out of the state at the time of renewal, must apply for
9 renewal in person at least once every ten years and have a new digital
10 image and digital signature captured.

11 (b) In order to allow for an orderly progression through the various
12 types of operators' licenses issued to persons under twenty-one years of
13 age, a qualified holder of an operator's license who is under twenty-one
14 years of age and who has a digital image and digital signature preserved
15 in the digital system may apply for an operator's license by electronic
16 means in a manner prescribed by the department using the preserved
17 digital image and digital signature if the applicant has passed any
18 required examinations prior to application, if his or her driving record
19 abstract maintained in the records of the department shows that such
20 person's operator's license is not impounded, suspended, revoked, or
21 canceled, and if his or her driving record indicates that he or she is
22 otherwise eligible.

23 (9) Any person who is twenty-one years of age or older and who has
24 been issued a state identification card with a digital image and digital
25 signature may electronically renew his or her state identification card
26 ~~once~~ by electronic means in a manner prescribed by the department using
27 the preserved digital image and digital signature. ~~Every holder of a~~
28 ~~state identification card shall apply for renewal in person at least once~~
29 ~~every ten years and have a new digital image and digital signature~~
30 ~~captured.~~

31 (10) In addition to services available at driver license offices,

1 the department may develop requirements for using electronic means for
2 online issuance of operators' licenses and state identification cards to
3 qualified holders as determined by the department.

4 Sec. 80. Section 60-4,123, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

6 60-4,123 (1) Any person who is at least fifteen years of age may
7 apply for an LPD-learner's permit from the department. In order to obtain
8 an LPD-learner's permit, the applicant shall successfully complete a
9 written examination. A person may take the written examination beginning
10 sixty days prior to his or her fifteenth birthday but shall not be issued
11 a permit until he or she is fifteen years of age. The written examination
12 may be waived for any person who has been issued an LPE-learner's permit,
13 LPD-learner's permit, or SCP-school permit that has been expired for no
14 more than one year.

15 (2) Upon successful completion of the written examination and the
16 payment of a fee and surcharge as prescribed in section 60-4,115, the
17 applicant shall be issued an LPD-learner's permit as provided in section
18 60-4,113. The permit shall be valid for twelve months.

19 (3)(a) The holder of an LPD-learner's permit shall only operate a
20 motor vehicle on the highways of this state if he or she is accompanied
21 at all times by a licensed operator who is at least twenty-one years of
22 age and who has been licensed by this state or another state and if (i)
23 for all motor vehicles other than autocycles, motorcycles, or mopeds, he
24 or she is actually occupying the seat beside the licensed operator, (ii)
25 in the case of an autocycle, he or she is actually occupying the seat
26 beside or in front of the licensed operator, or (iii) in the case of a
27 motorcycle, other than an autocycle, or a moped, he or she is within
28 visual contact of and under the supervision of, in the case of a
29 motorcycle, a licensed motorcycle operator or, in the case of a moped, a
30 licensed motor vehicle operator.

31 (b) The holder of an LPD-learner's permit shall not use any type of

1 interactive wireless communication device while operating a motor vehicle
2 on the highways of this state. Enforcement of this subdivision shall be
3 accomplished only as a secondary action when the holder of the LPD-
4 learner's permit has been cited or charged with a violation of some other
5 law.

6 (4) Department personnel or the county treasurer shall collect the
7 fee and surcharge prescribed in section 60-4,115 for the issuance of each
8 LPD-learner's permit.

9 Sec. 81. Section 60-4,123.01, Revised Statutes Cumulative
10 Supplement, 2016, is amended to read:

11 60-4,123.01 For purposes of driver training, any person who has
12 attained or will attain the age of fourteen years on or before October 15
13 of the current year may operate a motor vehicle, other than an autocycle,
14 upon the highways of this state if he or she is accompanied or, in the
15 case of a motorcycle, other than an autocycle, or a moped, supervised at
16 all times by a licensed operator who is a driver training instructor
17 certified by the Commissioner of Education.

18 Sec. 82. Section 60-4,124, Revised Statutes Cumulative Supplement,
19 2016, is amended to read:

20 60-4,124 (1) A person who is younger than sixteen years and three
21 months of age but is older than fourteen years and two months of age may
22 be issued a school permit if such person either resides outside a city of
23 the metropolitan, primary, or first class or attends a school which is
24 outside a city of the metropolitan, primary, or first class and if such
25 person has held an LPE-learner's permit for two months. A school permit
26 shall not be issued until such person has demonstrated that he or she is
27 capable of successfully operating a motor vehicle, moped, or motorcycle
28 and has in his or her possession an issuance certificate authorizing the
29 county treasurer to issue a school permit. In order to obtain an issuance
30 certificate, the applicant shall present (a) proof of successful
31 completion of a department-approved driver safety course which includes

1 behind-the-wheel driving specifically emphasizing (i) the effects of the
2 consumption of alcohol on a person operating a motor vehicle, (ii)
3 occupant protection systems, (iii) risk assessment, and (iv) railroad
4 crossing safety and (b)(i) proof of successful completion of a written
5 examination and driving test administered by a driver safety course
6 instructor or (ii) a certificate in a form prescribed by the department,
7 signed by a parent, guardian, or licensed driver at least twenty-one
8 years of age, verifying that the applicant has completed fifty hours of
9 lawful motor vehicle operation, under conditions that reflect department-
10 approved driver safety course curriculum, with a parent, guardian, or
11 adult at least twenty-one years of age, who has a current Nebraska
12 operator's license or who is licensed in another state. The department
13 may waive the written examination if the applicant has been issued an
14 LPE-learner's permit or LPD-learner's permit and if such permit is valid
15 or has expired no more than one year prior to application. The written
16 examination shall not be waived if the permit being applied for contains
17 a class or endorsement which is different from the class or endorsement
18 of the LPE-learner's permit.

19 (2) A person holding a school permit may operate a motor vehicle,
20 moped, or motorcycle or an autocycle:

21 (a) To and from where he or she attends school and between schools
22 of enrollment over the most direct and accessible route by the nearest
23 highway from his or her place of residence to transport such person or
24 any family member who resides with such person to attend duly scheduled
25 courses of instruction and extracurricular or school-related activities
26 at the school he or she attends; or

27 (b) Under the personal supervision of a licensed operator. Such
28 licensed operator shall be at least twenty-one years of age and licensed
29 by this state or another state and shall (i) for all motor vehicles other
30 than autocycles, motorcycles, or mopeds, actually occupy the seat beside
31 the permitholder, (ii) in the case of an autocycle, actually occupy the

1 seat beside or behind the permitholder, or (iii) in the case of a
2 motorcycle, other than an autocycle, or a moped, if the permitholder is
3 within visual contact of and under the supervision of, in the case of a
4 motorcycle, a licensed motorcycle operator or, in the case of a moped, a
5 licensed motor vehicle operator.

6 (3) The holder of a school permit shall not use any type of
7 interactive wireless communication device while operating a motor vehicle
8 on the highways of this state. Enforcement of this subsection shall be
9 accomplished only as a secondary action when the holder of the school
10 permit has been cited or charged with a violation of some other law.

11 (4) A person who is younger than sixteen years of age but is over
12 fourteen years of age may be issued an LPE-learner's permit, which permit
13 shall be valid for a period of three months. An LPE-learner's permit
14 shall not be issued until such person successfully completes a written
15 examination prescribed by the department and demonstrates that he or she
16 has sufficient powers of eyesight to safely operate a motor vehicle,
17 moped, or motorcycle or an autocycle.

18 (5)(a) While holding the LPE-learner's permit, the person may
19 operate a motor vehicle on the highways of this state if (i) for all
20 motor vehicles other than autocycles, motorcycles, or mopeds, he or she
21 has seated next to him or her a person who is a licensed operator, (ii)
22 in the case of an autocycle, he or she has seated next to or behind him
23 or her a person who is a licensed operator, or (iii) in the case of a
24 motorcycle, other than an autocycle, or a moped, he or she is within
25 visual contact of and is under the supervision of a person who, in the
26 case of a motorcycle, is a licensed motorcycle operator or, in the case
27 of a moped, is a licensed motor vehicle operator. Such licensed motor
28 vehicle or motorcycle operator shall be at least twenty-one years of age
29 and licensed by this state or another state.

30 (b) The holder of an LPE-learner's permit shall not use any type of
31 interactive wireless communication device while operating a motor vehicle

1 on the highways of this state. Enforcement of this subdivision shall be
2 accomplished only as a secondary action when the holder of the LPE-
3 learner's permit has been cited or charged with a violation of some other
4 law.

5 (6) Department personnel or the county treasurer shall collect the
6 fee and surcharge prescribed in section 60-4,115 from each successful
7 applicant for a school or LPE-learner's permit. All school permits shall
8 be subject to impoundment or revocation under the terms of section
9 60-496. Any person who violates the terms of a school permit shall be
10 guilty of an infraction and shall not be eligible for another school,
11 farm, LPD-learner's, or LPE-learner's permit until he or she has attained
12 the age of sixteen years.

13 (7) Any person who holds a permit issued under this section and has
14 violated subdivision (3)(b) or (c) of section 28-306, subdivision (3)(b)
15 or (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197, or
16 60-6,197.06 shall not be eligible for an ignition interlock permit.

17 Sec. 83. Section 60-4,127, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:

19 60-4,127 (1) No person shall operate a motorcycle on the alleys or
20 highways of the State of Nebraska until such person has obtained a Class
21 M license. No such license shall be issued until the applicant has (a)
22 met the vision and physical requirements established under section
23 60-4,118 for operation of a motor vehicle and (b) successfully completed
24 an examination, including the actual operation of a motorcycle,
25 prescribed by the director, except that the required examination may be
26 waived, including the actual operation of a motorcycle, if the applicant
27 presents proof of successful completion of a motorcycle safety course
28 under the Motorcycle Safety Education Act within the immediately
29 preceding twenty-four months.

30 (2) Department personnel shall conduct the examination of the
31 applicants and deliver to each successful applicant an issuance

1 certificate or a receipt. If department personnel issue a receipt,
2 department personnel shall collect the fee and surcharge as provided in
3 section 60-4,115 and issue a receipt with driving privileges which is
4 valid for up to thirty days. In counties where the county treasurer
5 collects fees and issues receipts, the certificate may be presented to
6 the county treasurer within ninety days after issuance. Upon presentation
7 of an issuance certificate, the county treasurer shall collect the fee
8 and surcharge for a Class M license as prescribed by section 60-4,115 and
9 issue a receipt with driving privileges which is valid for up to thirty
10 days. If department personnel refuse to issue an issuance certificate or
11 receipt, the department personnel shall state such cause in writing and
12 deliver such written cause to the applicant. The license shall be
13 delivered as provided in section 60-4,113. If the applicant is the holder
14 of an operator's license, the county treasurer or department personnel
15 shall have endorsed on the license the authorization to operate a
16 motorcycle. Fees for Class M licenses shall be as provided by section
17 60-4,115.

18 (3) For purposes of this section, motorcycle does not include an
19 autocycle.

20 Sec. 84. Section 60-4,128, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 60-4,128 (1) Any person violating the provisions of section
23 60-4,127 shall be guilty of a traffic infraction and shall upon
24 conviction thereof be fined not less than ten dollars nor more than one
25 hundred dollars. In addition, a person operating a motorcycle without a
26 Class M license may be required to complete the basic motorcycle safety
27 course as provided in the Motorcycle Safety Education Act.

28 (2) For purposes of this section, motorcycle does not include an
29 autocycle.

30 Sec. 85. Section 60-4,130.04, Reissue Revised Statutes of Nebraska,
31 is amended to read:

1 60-4,130.04 Commercial driver safety course instructors shall
2 possess competence as outlined in rules and regulations adopted and
3 promulgated by the Department of Motor Vehicles. Instructors who teach
4 the department-approved driver safety course in a public school or
5 institution and possess competence as outlined in a driver's education
6 endorsement shall be eligible to sign a form prescribed by the department
7 or electronically submit test results to the department showing
8 successful completion of the driver safety course. Each public school or
9 institution offering a department-approved driver safety course shall be
10 required to obtain a certificate and pay the fee pursuant to section
11 60-4,130.05. The Nebraska Safety Center shall offer a department-approved
12 driver safety course at least once each year in any county where no
13 approved course is offered.

14 Sec. 86. Section 60-4,131, Revised Statutes Cumulative Supplement,
15 2016, is amended to read:

16 60-4,131 (1) Sections 60-462.01 and 60-4,132 to 60-4,172 and section
17 90 of this act shall apply to the operation of any commercial motor
18 vehicle.

19 (2) For purposes of such sections:

20 (a) Disqualification means:

21 (i) The suspension, revocation, cancellation, or any other
22 withdrawal by a state of a person's privilege to operate a commercial
23 motor vehicle;

24 (ii) A determination by the Federal Motor Carrier Safety
25 Administration, under the rules of practice for motor carrier safety
26 contained in 49 C.F.R. part 386, that a person is no longer qualified to
27 operate a commercial motor vehicle under 49 C.F.R. part 391; or

28 (iii) The loss of qualification which automatically follows
29 conviction of an offense listed in 49 C.F.R. 383.51;

30 (b) Downgrade means the state:

31 (i) Allows the driver of a commercial motor vehicle to change his or

1 her self-certification to interstate, but operating exclusively in
2 transportation or operation excepted from 49 C.F.R. part 391, as provided
3 in 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3;

4 (ii) Allows the driver of a commercial motor vehicle to change his
5 or her self-certification to intrastate only, if the driver qualifies
6 under a state's physical qualification requirements for intrastate only;

7 (iii) Allows the driver of a commercial motor vehicle to change his
8 or her certification to intrastate, but operating exclusively in
9 transportation or operations excepted from all or part of a state driver
10 qualification requirement; or

11 (iv) Removes the commercial driver's license privilege from the
12 operator's license;

13 (c) Employee means any operator of a commercial motor vehicle,
14 including full time, regularly employed drivers; casual, intermittent, or
15 occasional drivers; and leased drivers and independent, owner-operator
16 contractors, while in the course of operating a commercial motor vehicle,
17 who are either directly employed by or under lease to an employer;

18 (d) Employer means any person, including the United States, a state,
19 the District of Columbia, or a political subdivision of a state, that
20 owns or leases a commercial motor vehicle or assigns employees to operate
21 a commercial motor vehicle;

22 (e) Endorsement means an authorization to an individual's CLP-
23 commercial learner's permit or commercial driver's license required to
24 permit the individual to operate certain types of commercial motor
25 vehicles;

26 (f) Foreign means outside the fifty United States and the District
27 of Columbia;

28 (g) Imminent hazard means the existence of a condition relating to
29 hazardous material that presents a substantial likelihood that death,
30 serious illness, severe personal injury, or a substantial endangerment to
31 health, property, or the environment may occur before the reasonably

1 foreseeable completion date of a formal proceeding begun to lessen the
2 risk of that death, illness, injury, or endangerment;

3 (h) Issue and issuance means initial issuance, transfer, renewal, or
4 upgrade of a CLP-commercial learner's permit, commercial driver's
5 license, nondomiciled CLP-commercial learner's permit, or nondomiciled
6 commercial driver's license, as described in 49 C.F.R. 383.73;

7 (i) Medical examiner means an individual certified by the Federal
8 Motor Carrier Safety Administration and listed on the National Registry
9 of Certified Medical Examiners in accordance with 49 C.F.R. part 390,
10 subpart D;

11 (j) Medical examiner's certificate means a form meeting the
12 requirements of 49 C.F.R. 391.43 issued by a medical examiner in
13 compliance with such regulation;

14 (k) Medical variance means the Federal Motor Carrier Safety
15 Administration has provided a driver with either an exemption letter
16 permitting operation of a commercial motor vehicle pursuant to 49 C.F.R.
17 381, subpart C, or 49 C.F.R. 391.64 or a Skill Performance Evaluation
18 Certificate permitting operation of a commercial motor vehicle pursuant
19 to 49 C.F.R. 391.49;

20 (l) Nondomiciled CLP-commercial learner's permit or nondomiciled
21 commercial driver's license means a CLP-commercial learner's permit or
22 commercial driver's license, respectively, issued by this state or other
23 jurisdiction under either of the following two conditions:

24 (i) To an individual domiciled in a foreign country meeting the
25 requirements of 49 C.F.R. 383.23(b)(1); and

26 (ii) To an individual domiciled in another state meeting the
27 requirements of 49 C.F.R. 383.23(b)(2);

28 (m) Representative vehicle means a motor vehicle which represents
29 the type of motor vehicle that a driver applicant operates or expects to
30 operate;

31 (n) State means a state of the United States and the District of

1 Columbia;

2 (o) State of domicile means that state where a person has his or her
3 true, fixed, and permanent home and principal residence and to which he
4 or she has the intention of returning whenever he or she is absent;

5 (p) Tank vehicle means any commercial motor vehicle that is designed
6 to transport any liquid or gaseous materials within a tank or tanks that
7 have an individual rated capacity of more than one hundred nineteen
8 gallons and an aggregate rated capacity of one thousand gallons or more
9 and that are either permanently or temporarily attached to the vehicle or
10 the chassis. A commercial motor vehicle transporting an empty storage
11 container tank, not designed for transportation, with a rated capacity of
12 one thousand gallons or more that is temporarily attached to a flatbed
13 trailer is not considered a tank vehicle;

14 (q) Third-party skills test examiner means a person employed by a
15 third-party tester who is authorized by this state to administer the
16 commercial driver's license skills tests specified in 49 C.F.R. part 383,
17 subparts G and H;

18 (r) Third-party tester means a person, including, but not limited
19 to, another state, a motor carrier, a private driver training facility or
20 other private institution, or a department, agency, or instrumentality of
21 a local government, authorized by this state to employ skills test
22 examiners to administer the commercial driver's license skills tests
23 specified in 49 C.F.R. part 383, subparts G and H;

24 (s) United States means the fifty states and the District of
25 Columbia; and

26 (t) Vehicle group means a class or type of vehicle with certain
27 operating characteristics.

28 Sec. 87. Section 60-4,131.01, Revised Statutes Cumulative
29 Supplement, 2016, is amended to read:

30 60-4,131.01 Sections 60-462.01 and 60-4,132 to 60-4,172 and section
31 90 of this act shall not apply to individuals who operate commercial

1 motor vehicles for military purposes, including and limited to:

2 (1) Active duty military personnel;

3 (2) Members of the military reserves, other than military
4 technicians;

5 (3) Active duty United States Coast Guard personnel; and

6 (4) Members of the National Guard on active duty, including:

7 (a) Personnel on full-time National Guard duty;

8 (b) Personnel on part-time National Guard training; and

9 (c) National Guard military technicians required to wear military
10 uniforms.

11 Such individuals must have a valid military driver's license unless
12 such individual is operating the vehicle under written orders from a
13 commanding officer in an emergency declared by the federal government or
14 by the State of Nebraska.

15 Sec. 88. Section 60-4,132, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

17 60-4,132 The purposes of sections 60-462.01 and 60-4,137 to 60-4,172
18 and section 90 of this act are to implement the requirements mandated by
19 the federal Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31100
20 et seq., the federal Motor Carrier Safety Improvement Act of 1999, Public
21 Law 106-159, section 1012 of the federal Uniting and Strengthening
22 America by Providing Appropriate Tools Required to Intercept and Obstruct
23 Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C. 5103a, and federal
24 regulations and to reduce or prevent commercial motor vehicle accidents,
25 fatalities, and injuries by: (1) Permitting drivers to hold only one
26 operator's license; (2) disqualifying drivers for specified offenses and
27 serious traffic violations; and (3) strengthening licensing and testing
28 standards.

29 Sec. 89. Section 60-4,147.02, Revised Statutes Supplement, 2017, is
30 amended to read:

31 60-4,147.02 No endorsement authorizing the driver to operate a

1 commercial motor vehicle transporting hazardous materials shall be
2 issued, renewed, or transferred by the Department of Motor Vehicles
3 unless the endorsement is issued, renewed, or transferred in conformance
4 with the requirements of section 1012 of the federal Uniting and
5 Strengthening America by Providing Appropriate Tools Required to
6 Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C.
7 5103a, including all amendments and federal regulations adopted pursuant
8 thereto as of January 1, 2018 ~~2017~~, for the issuance of licenses to
9 operate commercial motor vehicles transporting hazardous materials.

10 Sec. 90. In conformance with section 7208 of the federal Fixing
11 America's Surface Transportation Act and 49 C.F.R. 383.3(i), as such
12 section and regulation existed on January 1, 2018, no hazardous materials
13 endorsement authorizing the holder of a Class A commercial driver's
14 license to operate a commercial motor vehicle transporting diesel fuel
15 shall be required if such driver is (1) operating within the state and
16 acting within the scope of his or her employment as an employee of a
17 custom harvester operation, an agrichemical business, a farm retail
18 outlet and supplier, or a livestock feeder and (2) operating a service
19 vehicle that is (a) transporting diesel in a quantity of one thousand
20 gallons or less and (b) clearly marked with a flammable or combustible
21 placard, as appropriate.

22 Sec. 91. Section 60-4,182, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:

24 60-4,182 In order to prevent and eliminate successive traffic
25 violations, there is hereby provided a point system dealing with traffic
26 violations as disclosed by the files of the director. The following point
27 system shall be adopted:

28 (1) Conviction of motor vehicle homicide - 12 points;

29 (2) Third offense drunken driving in violation of any city or
30 village ordinance or of section 60-6,196, as disclosed by the records of
31 the director, regardless of whether the trial court found the same to be

1 a third offense - 12 points;

2 (3) Failure to stop and render aid as required under section 60-697
3 in the event of involvement in a motor vehicle accident resulting in the
4 death or personal injury of another - 6 points;

5 (4) Failure to stop and report as required under section 60-696 or
6 any city or village ordinance in the event of a motor vehicle accident
7 resulting in property damage - 6 points;

8 (5) Driving a motor vehicle while under the influence of alcoholic
9 liquor or any drug or when such person has a concentration of eight-
10 hundredths of one gram or more by weight of alcohol per one hundred
11 milliliters of his or her blood or per two hundred ten liters of his or
12 her breath in violation of any city or village ordinance or of section
13 60-6,196 - 6 points;

14 (6) Willful reckless driving in violation of any city or village
15 ordinance or of section 60-6,214 or 60-6,217 - 6 points;

16 (7) Careless driving in violation of any city or village ordinance
17 or of section 60-6,212 - 4 points;

18 (8) Negligent driving in violation of any city or village ordinance
19 - 3 points;

20 (9) Reckless driving in violation of any city or village ordinance
21 or of section 60-6,213 - 5 points;

22 (10) Speeding in violation of any city or village ordinance or any
23 of sections 60-6,185 to 60-6,190 and 60-6,313:

24 (a) Not more than five miles per hour over the speed limit - 1
25 point;

26 (b) More than five miles per hour but not more than ten miles per
27 hour over the speed limit - 2 points;

28 (c) More than ten miles per hour but not more than thirty-five miles
29 per hour over the speed limit - 3 points, except that one point shall be
30 assessed upon conviction of exceeding by not more than ten miles per
31 hour, two points shall be assessed upon conviction of exceeding by more

1 than ten miles per hour but not more than fifteen miles per hour, and
2 three points shall be assessed upon conviction of exceeding by more than
3 fifteen miles per hour but not more than thirty-five miles per hour the
4 speed limits provided for in subdivision (1)(e), (f), (g), or (h) of
5 section 60-6,186; and

6 (d) More than thirty-five miles per hour over the speed limit - 4
7 points;

8 (11) Failure to yield to a pedestrian not resulting in bodily injury
9 to a pedestrian - 2 points;

10 (12) Failure to yield to a pedestrian resulting in bodily injury to
11 a pedestrian - 4 points;

12 (13) Using a handheld wireless communication device in violation of
13 section 60-6,179.01 or texting while driving in violation of subsection
14 (1) or (3) of section 60-6,179.02 - 3 points;

15 (14) Using a handheld mobile telephone in violation of subsection
16 (2) or (4) of section 60-6,179.02 - 3 points;

17 (15) Unlawful obstruction or interference of the view of an operator
18 in violation of section 60-6,256 - 1 point;

19 (16) A violation of subsection (1) of section 60-6,175 - 3 points;
20 and

21 (17) All other traffic violations involving the operation of motor
22 vehicles by the operator for which reports to the Department of Motor
23 Vehicles are required under sections 60-497.01 and 60-497.02 - 1 point.

24 Subdivision (17) of this section does not include violations
25 involving an occupant protection system or a three-point safety belt
26 system pursuant to section 60-6,270; ~~τ~~ parking violations; ~~τ~~ violations
27 for operating a motor vehicle without a valid operator's license in the
28 operator's possession; ~~τ~~ muffler violations; ~~τ~~ overwidth, overheight, or
29 overlength violations; autocycle, motorcycle, or moped protective helmet
30 violations; ~~τ~~ or overloading of trucks.

31 All such points shall be assessed against the driving record of the

1 operator as of the date of the violation for which conviction was had.
2 Points may be reduced by the department under section 60-4,188.

3 In all cases, the forfeiture of bail not vacated shall be regarded
4 as equivalent to the conviction of the offense with which the operator
5 was charged.

6 The point system shall not apply to persons convicted of traffic
7 violations committed while operating a bicycle as defined in section
8 60-611 or an electric personal assistive mobility device as defined in
9 section 60-618.02.

10 Sec. 92. Section 60-501, Revised Statutes Supplement, 2017, is
11 amended to read:

12 60-501 For purposes of the Motor Vehicle Safety Responsibility Act,
13 unless the context otherwise requires:

14 (1) Department means Department of Motor Vehicles;

15 (2) Golf car vehicle means a vehicle that has at least four wheels,
16 has a maximum level ground speed of less than twenty miles per hour, has
17 a maximum payload capacity of one thousand two hundred pounds, has a
18 maximum gross vehicle weight of two thousand five hundred pounds, has a
19 maximum passenger capacity of not more than four persons, and is designed
20 and manufactured for operation on a golf course for sporting and
21 recreational purposes;

22 (3) Judgment means any judgment which shall have become final by the
23 expiration of the time within which an appeal might have been perfected
24 without being appealed, or by final affirmation on appeal, rendered by a
25 court of competent jurisdiction of any state or of the United States, (a)
26 upon a cause of action arising out of the ownership, maintenance, or use
27 of any motor vehicle for damages, including damages for care and loss of
28 services, because of bodily injury to or death of any person or for
29 damages because of injury to or destruction of property, including the
30 loss of use thereof, or (b) upon a cause of action on an agreement of
31 settlement for such damages;

1 (4) License means any license issued to any person under the laws of
2 this state pertaining to operation of a motor vehicle within this state;

3 (5) Low-speed vehicle means a (a) four-wheeled motor vehicle (i) (a)
4 whose speed attainable in one mile is more than twenty miles per hour and
5 not more than twenty-five miles per hour on a paved, level surface, (ii)
6 (b) whose gross vehicle weight rating is less than three thousand pounds,
7 and (iii) (c) that complies with 49 C.F.R. part 571, as such part existed
8 on January 1, 2018, or (b) three-wheeled motor vehicle (i) whose maximum
9 speed attainable is not more than twenty-five miles per hour on a paved,
10 level surface, (ii) whose gross vehicle weight rating is less than three
11 thousand pounds, (iii) which is equipped with a windshield and an
12 occupant protection system, and (iv) that complies with 49 C.F.R. part
13 571, as such part existed on January 1, 2018. A motorcycle with a sidecar
14 attached is not a low-speed vehicle 2017;

15 (6) Minitruck means a foreign-manufactured import vehicle or
16 domestic-manufactured vehicle which (a) is powered by an internal
17 combustion engine with a piston or rotor displacement of one thousand
18 five hundred cubic centimeters or less, (b) is sixty-seven inches or less
19 in width, (c) has a dry weight of four thousand two hundred pounds or
20 less, (d) travels on four or more tires, (e) has a top speed of
21 approximately fifty-five miles per hour, (f) is equipped with a bed or
22 compartment for hauling, (g) has an enclosed passenger cab, (h) is
23 equipped with headlights, taillights, turnsignals, windshield wipers, a
24 rearview mirror, and an occupant protection system, and (i) has a four-
25 speed, five-speed, or automatic transmission;

26 (7) Motor vehicle means any self-propelled vehicle which is designed
27 for use upon a highway, including trailers designed for use with such
28 vehicles, minitrucks, and low-speed vehicles. Motor vehicle does not
29 include (a) mopeds as defined in section 60-637, (b) traction engines,
30 (c) road rollers, (d) farm tractors, (e) tractor cranes, (f) power
31 shovels, (g) well drillers, (h) every vehicle which is propelled by

1 electric power obtained from overhead wires but not operated upon rails,
2 (i) electric personal assistive mobility devices as defined in section
3 60-618.02, (j) off-road designed vehicles, including, but not limited to,
4 golf car vehicles, go-carts, riding lawnmowers, garden tractors, all-
5 terrain vehicles and utility-type vehicles as defined in section
6 60-6,355, minibikes as defined in section 60-636, and snowmobiles as
7 defined in section 60-663, and (k) bicycles as defined in section 60-611;

8 (8) Nonresident means every person who is not a resident of this
9 state;

10 (9) Nonresident's operating privilege means the privilege conferred
11 upon a nonresident by the laws of this state pertaining to the operation
12 by him or her of a motor vehicle or the use of a motor vehicle owned by
13 him or her in this state;

14 (10) Operator means every person who is in actual physical control
15 of a motor vehicle;

16 (11) Owner means a person who holds the legal title of a motor
17 vehicle, or in the event (a) a motor vehicle is the subject of an
18 agreement for the conditional sale or lease thereof with the right of
19 purchase upon performance of the conditions stated in the agreement and
20 with an immediate right of possession vested in the conditional vendee or
21 lessee or (b) a mortgagor of a vehicle is entitled to possession, then
22 such conditional vendee or lessee or mortgagor shall be deemed the owner
23 for the purposes of the act;

24 (12) Person means every natural person, firm, partnership, limited
25 liability company, association, or corporation;

26 (13) Proof of financial responsibility means evidence of ability to
27 respond in damages for liability, on account of accidents occurring
28 subsequent to the effective date of such proof, arising out of the
29 ownership, maintenance, or use of a motor vehicle, (a) in the amount of
30 twenty-five thousand dollars because of bodily injury to or death of one
31 person in any one accident, (b) subject to such limit for one person, in

1 the amount of fifty thousand dollars because of bodily injury to or death
2 of two or more persons in any one accident, and (c) in the amount of
3 twenty-five thousand dollars because of injury to or destruction of
4 property of others in any one accident;

5 (14) Registration means registration certificate or certificates and
6 registration plates issued under the laws of this state pertaining to the
7 registration of motor vehicles;

8 (15) State means any state, territory, or possession of the United
9 States, the District of Columbia, or any province of the Dominion of
10 Canada; and

11 (16) The forfeiture of bail, not vacated, or of collateral deposited
12 to secure an appearance for trial shall be regarded as equivalent to
13 conviction of the offense charged.

14 Sec. 93. Section 60-601, Revised Statutes Cumulative Supplement,
15 2016, is amended to read:

16 60-601 Sections 60-601 to 60-6,383 and section 98 of this act shall
17 be known and may be cited as the Nebraska Rules of the Road.

18 Sec. 94. Section 60-610.01, Revised Statutes Cumulative Supplement,
19 2016, is amended to read:

20 60-610.01 Autocycle means any motor vehicle (1) having a seat that
21 does not require the operator to straddle or sit astride it, (2) designed
22 to travel on three wheels in contact with the ground, (3) ~~in which the~~
23 ~~operator and passenger ride either side by side or in tandem in a seating~~
24 ~~area that is completely enclosed with a removable or fixed top and is~~
25 ~~equipped with manufacturer-installed air bags, a manufacturer-installed~~
26 ~~roll cage, and for each occupant a manufacturer-installed three-point~~
27 ~~safety belt system, (4) having antilock brakes, (4) and (5) designed to~~
28 be controlled with a steering wheel and pedals, and (5) in which the
29 operator and passenger ride either side by side or in tandem in a seating
30 area that is equipped with a manufacturer-installed three-point safety
31 belt system for each occupant and that has a seating area that either (a)

1 is completely enclosed and is equipped with manufacturer-installed
2 airbags and a manufacturer-installed roll cage or (b) is not completely
3 enclosed and is equipped with a manufacturer-installed rollover
4 protection system.

5 Sec. 95. Section 60-628.01, Revised Statutes Supplement, 2017, is
6 amended to read:

7 60-628.01 Low-speed vehicle means a (1) four-wheeled motor vehicle
8 (a) (1) whose speed attainable in one mile is more than twenty miles per
9 hour and not more than twenty-five miles per hour on a paved, level
10 surface, (b) (2) whose gross vehicle weight rating is less than three
11 thousand pounds, and (c) (3) that complies with 49 C.F.R. part 571, as
12 such part existed on January 1, 2018, or (2) three-wheeled motor vehicle
13 (a) whose maximum speed attainable is not more than twenty-five miles per
14 hour on a paved, level surface, (b) whose gross vehicle weight rating is
15 less than three thousand pounds, (c) which is equipped with a windshield
16 and an occupant protection system, and (d) that complies with 49 C.F.R.
17 part 571, as such part existed on January 1, 2018. A motorcycle with a
18 sidecar attached is not a low-speed vehicle 2017.

19 Sec. 96. Section 60-639, Revised Statutes Cumulative Supplement,
20 2016, is amended to read:

21 60-639 Motorcycle means shall mean every motor vehicle having a seat
22 or saddle for the use of the rider and designed to travel on not more
23 than three wheels in contact with the ground, excluding ~~autocycles,~~
24 ~~tractors,~~ and electric personal assistive mobility devices. Motorcycle
25 includes an autocycle.

26 Sec. 97. Section 60-640, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 60-640 (1) Motor-driven cycle means shall mean every motorcycle,
29 including every motor scooter, with a motor which produces not to exceed
30 five brake horsepower as measured at the drive shaft, mopeds, and every
31 bicycle with motor attached except for a bicycle as described in

1 subdivision (2) of section 60-611. Motor-driven cycle shall not include
2 an electric personal assistive mobility device.

3 (2) For purposes of this section, motorcycle does not include an
4 autocycle.

5 Sec. 98. A driver in a vehicle on any roadway other than a
6 controlled-access highway who is approaching (1) a stopped authorized
7 emergency vehicle using flashing or rotating lights as provided in
8 section 60-6,231 or (2) a vehicle operated by a towing or vehicle
9 recovery service, a Nebraska State Patrol motorist assistance vehicle, a
10 publicly or privately owned utility maintenance vehicle, a highway
11 maintenance vehicle, or a vehicle operated by a solid waste or recycling
12 collection service, which is stopped and displaying strobe or flashing
13 red, yellow, or amber lights, shall, unless otherwise directed by a law
14 enforcement officer, proceed with due care and caution and:

15 (a) Reduce speed to a reasonable speed below the posted speed limit,
16 move into another lane that is at least one moving lane apart from the
17 stopped vehicle if possible under existing traffic and safety conditions,
18 and be prepared to stop; or

19 (b) If such a lane change is impossible, unsafe, or prohibited by
20 law, reduce speed to a reasonable speed below the posted speed limit and
21 be prepared to stop.

22 Sec. 99. Section 60-6,226, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:

24 60-6,226 (1) Any motor vehicle having four or more wheels which is
25 manufactured or assembled, whether from a kit or otherwise, after January
26 1, 1954, designed or used for the purpose of carrying passengers or
27 freight, any autocycle, or any trailer, in use on a highway, shall be
28 equipped with brake and turnsignal lights in good working order.

29 (2) Motorcycles other than autocycles, motor-driven cycles, motor
30 scooters, bicycles, electric personal assistive mobility devices,
31 vehicles used solely for agricultural purposes, vehicles not designed and

1 intended primarily for use on a highway, and, during daylight hours,
2 fertilizer trailers as defined in section 60-326 and implements of
3 husbandry designed primarily or exclusively for use in agricultural
4 operations shall not be required to have or maintain in working order
5 signal lights required by this section, but they may be so equipped. The
6 operator thereof shall comply with the requirements for utilizing hand
7 and arm signals or for utilizing such signal lights if the vehicle is so
8 equipped.

9 Sec. 100. Section 60-6,244, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 60-6,244 (1) Every motor vehicle when operated upon a highway shall
12 be equipped with brakes adequate to control the movement of and to stop
13 and to hold such vehicle, including two separate means of applying the
14 brakes, each of which means shall be effective to apply the brakes to at
15 least two wheels and so constructed that no part which is liable to
16 failure shall be common to the two, except that a motorcycle shall be
17 required to be equipped with only one brake. All such brakes shall be
18 maintained at all times in good working order.

19 (2) It shall be unlawful for any owner or operator of any motor
20 vehicle, other than a motorcycle, to operate such motor vehicle upon a
21 highway unless the brake equipment thereon qualifies with regard to
22 maximum stopping distances from a speed of twenty miles per hour on dry
23 asphalt or concrete pavement free from loose materials as follows:

24 (a) Two-wheel brakes, maximum stopping distance, forty feet;

25 (b) Four or more wheel brakes, vehicles up to seven thousand pounds
26 gross weight, maximum stopping distance, thirty feet;

27 (c) Four or more wheel brakes, vehicles seven thousand pounds or
28 more gross weight, maximum stopping distance, thirty-five feet;

29 (d) All hand, parking, or emergency brakes, vehicles up to seven
30 thousand pounds gross weight, maximum stopping distance, fifty-five feet;

31 and

1 (e) All hand, parking, or emergency brakes, vehicles seven thousand
2 pounds or more gross weight, maximum stopping distance, sixty-five feet.

3 (3) All braking distances specified in this section shall apply to
4 all vehicles whether unloaded or loaded to the maximum capacity permitted
5 by law.

6 (4) The retarding force of one side of the vehicle shall not exceed
7 the retarding force on the opposite side so as to prevent the vehicle
8 stopping in a straight line.

9 (5) For purposes of this section, motorcycle does not include an
10 autocycle.

11 Sec. 101. Section 60-6,254, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 60-6,254 (1) No person shall drive a motor vehicle, other than a
14 motorcycle, on a highway when the motor vehicle is so constructed or
15 loaded as to prevent the driver from obtaining a view of the highway to
16 the rear by looking backward from the driver's position unless such
17 vehicle is equipped with a right-side and a left-side outside mirror so
18 located as to reflect to the driver a view of the highway for a distance
19 of at least two hundred feet to the rear of such vehicle. Temporary
20 outside mirrors and attachments used when towing a vehicle shall be
21 removed from such motor vehicle or retracted within the outside
22 dimensions thereof when it is operated upon the highway without such
23 trailer.

24 (2) For purposes of this section, motorcycle does not include an
25 autocycle.

26 Sec. 102. Section 60-6,255, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 60-6,255 (1) Every motor vehicle registered pursuant to the Motor
29 Vehicle Registration Act, except motorcycles, shall be equipped with a
30 front windshield.

31 (2) It shall be unlawful for any person to drive any vehicle upon a

1 highway with any sign, poster, or other nontransparent material upon the
2 front windshield, side wing vents, or side or rear windows of such motor
3 vehicle other than a certificate or other paper required to be so
4 displayed by law. The front windshield, side wing vents, and side or rear
5 windows may have a visor or other shade device which is easily moved
6 aside or removable, is normally used by a motor vehicle operator during
7 daylight hours, and does not impair the driver's field of vision.

8 (3) Every windshield on a motor vehicle, other than a motorcycle,
9 shall be equipped with a device for cleaning rain, snow, or other
10 moisture from the windshield, which device shall be so constructed as to
11 be controlled or operated by the driver of the vehicle.

12 (4) For purposes of this section, motorcycle does not include an
13 autocycle.

14 Sec. 103. Section 60-6,263, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 60-6,263 (1) It shall be unlawful to operate on any highway in this
17 state any motor vehicle, other than a motorcycle, manufactured or
18 assembled, whether from a kit or otherwise, after January 1, 1935, which
19 is designed or used for the purpose of carrying passengers unless such
20 vehicle is equipped in all doors, windows, and windshields with safety
21 glass. Any windshield attached to a motorcycle shall be manufactured of
22 products which will successfully withstand discoloration due to exposure
23 to sunlight or abnormal temperatures over an extended period of time.

24 (2) For purposes of this section, motorcycle does not include an
25 autocycle.

26 (3) The owner or operator of any motor vehicle operated in violation
27 of this section shall be guilty of a Class III misdemeanor.

28 Sec. 104. Section 60-6,267, Revised Statutes Supplement, 2017, is
29 amended to read:

30 60-6,267 (1) Any person in Nebraska who drives any motor vehicle
31 which has or is required to have an occupant protection system or a

1 three-point safety belt system shall ensure that all children up to six
2 years of age being transported by such vehicle use a child passenger
3 restraint system of a type which meets Federal Motor Vehicle Safety
4 Standard 213 as developed by the National Highway Traffic Safety
5 Administration, as such standard existed on January 1, 2009, and which is
6 correctly installed in such vehicle.

7 (2) Any person in Nebraska who drives any motor vehicle which has or
8 is required to have an occupant protection system or a three-point safety
9 belt system shall ensure that all children six years of age and less than
10 eighteen years of age being transported by such vehicle use an occupant
11 protection system.

12 (3) Subsections (1) and (2) of this section apply to autocycles and
13 to every motor vehicle which is equipped with an occupant protection
14 system or is required to be equipped with restraint systems pursuant to
15 Federal Motor Vehicle Safety Standard 208, as such standard existed on
16 January 1, 2009, except taxicabs, mopeds, motorcycles, and any motor
17 vehicle designated by the manufacturer as a 1963 year model or earlier
18 which is not equipped with an occupant protection system.

19 (4) Whenever any licensed physician determines, through accepted
20 medical procedures, that use of a child passenger restraint system by a
21 particular child would be harmful by reason of the child's weight,
22 physical condition, or other medical reason, the provisions of subsection
23 (1) or (2) of this section shall be waived. The driver of any vehicle
24 transporting such a child shall carry on his or her person or in the
25 vehicle a signed written statement of the physician identifying the child
26 and stating the grounds for such waiver.

27 (5) The drivers of authorized emergency vehicles shall not be
28 subject to the requirements of subsection (1) or (2) of this section when
29 operating such authorized emergency vehicles pursuant to their
30 employment.

31 (6) A driver of a motor vehicle shall not be subject to the

1 requirements of subsection (1) or (2) of this section if the motor
2 vehicle is being operated in a parade or exhibition and the parade or
3 exhibition is being conducted in accordance with applicable state law and
4 local ordinances and resolutions.

5 (7) The Department of Transportation shall develop and implement an
6 ongoing statewide public information and education program regarding the
7 use of child passenger restraint systems and occupant protection systems
8 and the availability of distribution and discount programs for child
9 passenger restraint systems.

10 (8) All persons being transported by a motor vehicle operated by a
11 holder of a provisional operator's permit or a school permit shall use
12 such motor vehicle's occupant protection system or a three-point safety
13 belt system.

14 (9) For purposes of this section, motorcycle does not include an
15 autocycle.

16 Sec. 105. Section 60-6,279, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 60-6,279 (1) A person shall not operate or be a passenger in ~~on~~ an
19 autocycle described in subsection (2) of this section, on a motorcycle
20 other than an autocycle, or on a moped on any highway in this state
21 unless such person is wearing a protective helmet of the type and design
22 manufactured for use by operators of such vehicles and unless such helmet
23 is secured properly on his or her head with a chin strap while the
24 vehicle is in motion. All such protective helmets shall be designed to
25 reduce injuries to the user resulting from head impacts and shall be
26 designed to protect the user by remaining on the user's head, deflecting
27 blows, resisting penetration, and spreading the force of impact. Each
28 such helmet shall consist of lining, padding, and chin strap and shall
29 meet or exceed the standards established in the United States Department
30 of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49
31 C.F.R. 571.218, for motorcycle helmets.

1 (2) This section applies to an autocycle that has a seating area
2 that is not completely enclosed.

3 Sec. 106. Section 60-6,294, Revised Statutes Supplement, 2017, is
4 amended to read:

5 60-6,294 (1) Every vehicle, whether operated singly or in a
6 combination of vehicles, and every combination of vehicles shall comply
7 with subsections (2) and (3) of this section except as provided in
8 sections 60-6,294.01, 60-6,297, and 60-6,383. The limitations imposed by
9 this section shall be supplemental to all other provisions imposing
10 limitations upon the size and weight of vehicles.

11 (2) No wheel of a vehicle or trailer equipped with pneumatic or
12 solid rubber tires shall carry a gross load in excess of ten thousand
13 pounds on any highway nor shall any axle carry a gross load in excess of
14 twenty thousand pounds on any highway. An axle load shall be defined as
15 the total load transmitted to the highway by all wheels the centers of
16 which may be included between two parallel transverse vertical planes
17 forty inches apart extending across the full width of the vehicle.

18 (3) No group of two or more consecutive axles shall carry a load in
19 pounds in excess of the value given in the following table corresponding
20 to the distance in feet between the extreme axles of the group, measured
21 longitudinally to the nearest foot, except that the maximum load carried
22 on any group of two or more axles shall not exceed eighty thousand pounds
23 on the National System of Interstate and Defense Highways unless the
24 Director-State Engineer pursuant to section 60-6,295 authorizes a greater
25 weight.

26	Distance in feet							Maximum load in pounds carried
27	between the							on any group of two or more
28	extremes of							consecutive axles
29	any group of							
30	two or more							
31	consecutive	Two	Three	Four	Five	Six	Seven	

1	axles	Axles	Axles	Axles	Axles	Axles	Axles
2	4	34,000					
3	5	34,000					
4	6	34,000					
5	7	34,000					
6	8	34,000	42,000				
7	9	39,000	42,500				
8	10	40,000	43,500				
9	11		44,000				
10	12		45,000	50,000			
11	13		45,500	50,500			
12	14		46,500	51,500			
13	15		47,000	52,000			
14	16		48,000	52,500	58,000		
15	17		48,500	53,500	58,500		
16	18		49,500	54,000	59,000		
17	19		50,000	54,500	60,000		
18	20		51,000	55,500	60,500		
19	21		51,500	56,000	61,000		
20	22		52,500	56,500	61,500		
21	23		53,000	57,500	62,500		
22	24		54,000	58,000	63,000		
23	25		54,500	58,500	63,500	69,000	
24	26		55,500	59,500	64,000	69,500	
25	27		56,000	60,000	65,000	70,000	
26	28		57,000	60,500	65,500	71,000	
27	29		57,500	61,500	66,000	71,500	
28	30		58,500	62,000	66,500	72,000	
29	31		59,000	62,500	67,500	72,500	
30	32		60,000	63,500	68,000	73,000	

1	33	64,000	68,500	74,000	
2	34	64,500	69,000	74,500	
3	35	65,500	70,000	75,000	
4	36	66,000	70,500	75,500	
5	37	66,500	71,000	76,000	81,500
6	38	67,500	72,000	77,000	82,000
7	39	68,000	72,500	77,500	82,500
8	40	68,500	73,000	78,000	83,500
9	41	69,500	73,500	78,500	84,000
10	42	70,000	74,000	79,000	84,500
11	43	70,500	75,000	80,000	85,000
12	44	71,500	75,500	80,500	85,500
13	45	72,000	76,000	81,000	86,000
14	46	72,500	76,500	81,500	87,000
15	47	73,500	77,500	82,000	87,500
16	48	74,000	78,000	83,000	88,000
17	49	74,500	78,500	83,500	88,500
18	50	75,500	79,000	84,000	89,000
19	51	76,000	80,000	84,500	89,500
20	52	76,500	80,500	85,000	90,500
21	53	77,500	81,000	86,000	91,000
22	54	78,000	81,500	86,500	91,500
23	55	78,500	82,500	87,000	92,000
24	56	79,500	83,000	87,500	92,500
25	57	80,000	83,500	88,000	93,000
26	58		84,000	89,000	94,000
27	59		85,000	89,500	94,500
28	60		85,500	90,000	95,000

29 (4) The distance between axles shall be measured to the nearest
30 foot. When a fraction is exactly one-half foot, the next larger whole

1 number shall be used, except that:

2 (a) Any group of three axles shall be restricted to a maximum load
3 of thirty-four thousand pounds unless the distance between the extremes
4 of the first and third axles is at least ninety-six inches in fact; and

5 (b) The maximum gross load on any group of two axles, the distance
6 between the extremes of which is more than eight feet but less than eight
7 feet six inches, shall be thirty-eight thousand pounds.

8 (5) The limitations of subsections (2) through (4) of this section
9 shall apply as stated to all main, rural, and intercity highways but
10 shall not be construed as inhibiting heavier axle loads in metropolitan
11 areas, except on the National System of Interstate and Defense Highways,
12 if such loads are not prohibited by city ordinance.

13 (6) The weight limitations of wheel and axle loads as defined in
14 subsections (2) through (4) of this section shall be restricted to the
15 extent deemed necessary by the Department of Transportation for a
16 reasonable period when road subgrades or pavements are weak or are
17 materially weakened by climatic conditions.

18 (7) Two consecutive sets of tandem axles may carry a gross load of
19 thirty-four thousand pounds each when the overall distance between the
20 first and last axles of such consecutive sets of tandem axles is thirty-
21 six, thirty-seven, or thirty-eight feet except as provided in section
22 60-6,297. Such vehicles shall be subject to section 60-6,301.

23 (8) If any vehicle crosses a bridge with a total gross load in
24 excess of the posted capacity of such bridge and as a result of such
25 crossing any damage results to the bridge, the owner of such vehicle
26 shall be responsible for all of such damage.

27 (9) Vehicles equipped with a greater number of axles than provided
28 in the table in subsection (3) of this section shall be legal if they do
29 not exceed the maximum load upon any wheel or axle, the maximum load upon
30 any group of two or more consecutive axles, and the total gross weight,
31 or any of such weights as provided in subsections (2) and (3) of this

1 section.

2 (10) Subsections (1) through (9) of this section shall not apply to
3 a vehicle which has been issued a permit pursuant to section 60-6,299,
4 self-propelled specialized mobile equipment with a fixed load when the
5 requirements of subdivision (2)(i) of section 60-6,288 are met, or an
6 emergency vehicle when the requirements of subdivision (1)(a)(v) of
7 section 60-6,298 are met.

8 (11) Any two consecutive axles the centers of which are more than
9 forty inches and not more than ninety-six inches apart, measured to the
10 nearest inch between any two adjacent axles in the series, shall be
11 defined as tandem axles, and the gross weight transmitted to the road
12 surface through such series shall not exceed thirty-four thousand pounds.
13 No axle of the series shall exceed the maximum weight permitted under
14 this section for a single axle.

15 (12) Dummy axles shall be disregarded in determining the lawful
16 weight of a vehicle or vehicle combination for operation on the highway.
17 Dummy axle shall mean an axle attached to a vehicle or vehicle
18 combination in a manner so that it does not articulate or substantially
19 equalize the load and does not carry at least the lesser of eight
20 thousand pounds or eight percent of the gross weight of the vehicle or
21 vehicle combination.

22 (13) The maximum gross weight limit and the axle weight limit for
23 any vehicle or combination of vehicles equipped with idle reduction
24 technology may be increased by an amount necessary to compensate for the
25 additional weight of the idle reduction technology as provided in 23
26 U.S.C. 127(a)(12), as such section existed on October 1, 2012 ~~July 18,~~
27 ~~2008~~. The additional amount of weight allowed by this subsection shall
28 not exceed five ~~four~~ hundred fifty pounds and shall not be construed to
29 be in addition to the five-percent-in-excess-of-maximum-load provision of
30 subdivision (1) of section 60-6,301.

31 (14) The maximum gross weight for any vehicle or combination of

1 vehicles operated by an engine fueled primarily by natural gas may exceed
2 the gross weight limitations provided in subsection (3) of this section,
3 and as provided in 23 U.S.C. 127(s), as such section existed on January
4 1, 2018, in an amount that:

5 (a) Is equal to the difference, up to a maximum of two thousand
6 pounds, between the weight of the natural gas tank and fueling system
7 carried by such vehicle, and the weight of a comparable diesel tank and
8 fueling system; and

9 (b) Does not exceed eighty-two thousand pounds on the National
10 System of Interstate and Defense Highways.

11 Sec. 107. Section 60-6,298, Revised Statutes Supplement, 2017, is
12 amended to read:

13 60-6,298 (1)(a) The Department of Transportation or the Nebraska
14 State Patrol, with respect to highways under its jurisdiction including
15 the National System of Interstate and Defense Highways, and local
16 authorities, with respect to highways under their jurisdiction, may in
17 their discretion upon application and good cause being shown therefor
18 issue a special, continuing, or continuous permit in writing authorizing
19 the applicant or his or her designee:

20 (i) To operate or move a vehicle, a combination of vehicles, or
21 objects of a size or weight of vehicle or load exceeding the maximum
22 specified by law when such permit is necessary:

23 (A) To further the national defense or the general welfare;

24 (B) To permit movement of cost-saving equipment to be used in
25 highway or other public construction or in agricultural land treatment;
26 or

27 (C) Because of an emergency, an unusual circumstance, or a very
28 special situation;

29 (ii) To operate vehicles, for a distance up to one hundred twenty
30 miles, loaded up to fifteen percent greater than the maximum weight
31 specified by law, or up to ten percent greater than the maximum length

1 specified by law, or both, except that any combination with two or more
2 cargo-carrying units, not including the truck-tractor, also known as a
3 longer combination vehicle, may only operate for a distance up to seventy
4 miles loaded up to fifteen percent greater than the maximum weight
5 specified by law, or up to ten percent greater than the maximum length
6 specified by law, or both, when carrying grain or other seasonally
7 harvested products from the field where such grain or products are
8 harvested to storage, market, or stockpile in the field or from stockpile
9 to market or factory when failure to move such grain or products in
10 abundant quantities would cause an economic loss to the person or persons
11 whose grain or products are being transported or when failure to move
12 such grain or products in as large quantities as possible would not be in
13 the best interests of the national defense or general welfare. The
14 distance limitation may be waived for vehicles when carrying dry beans
15 from the field where harvested to storage or market when dry beans are
16 not normally stored, purchased, or used within the permittee's local area
17 and must be transported more than one hundred twenty miles to an
18 available marketing or storage destination. No permit shall authorize a
19 weight greater than twenty thousand pounds on any single axle;

20 (iii) To transport an implement of husbandry which does not exceed
21 twelve and one-half feet in width during daylight hours, except that the
22 permit shall not allow transport on holidays;

23 (iv) To operate one or more recreational vehicles, as defined in
24 section 71-4603, exceeding the maximum width specified by law if movement
25 of the recreational vehicles is prior to retail sale and the recreational
26 vehicles comply with subdivision (2)(k) of section 60-6,288; ~~or~~

27 (v) To operate an emergency vehicle for purposes of sale,
28 demonstration, exhibit, or delivery, if the applicant or his or her
29 designee is a manufacturer or sales agent of the emergency vehicle. No
30 permit shall be issued for an emergency vehicle which weighs over sixty
31 thousand pounds on the tandem axle; or ~~or~~

1 (vi) To transport during daylight hours divisible loads of livestock
2 forage in bale form which do not exceed twelve feet in width, except that
3 the permit shall not allow transport on holidays.

4 (b) No permit shall be issued under subdivision (a)(i) of this
5 subsection for a vehicle carrying a load unless such vehicle is loaded
6 with an object which exceeds the size or weight limitations, which cannot
7 be dismantled or reduced in size or weight without great difficulty, and
8 which of necessity must be moved over the highways to reach its intended
9 destination. No permit shall be required for the temporary movement on
10 highways other than dustless-surfaced state highways and for necessary
11 access to points on such highways during daylight hours of cost-saving
12 equipment to be used in highway or other public construction or in
13 agricultural land treatment when such temporary movement is necessary and
14 for a reasonable distance.

15 (2) The application for any such permit shall specifically describe
16 the vehicle, the load to be operated or moved, whenever possible the
17 particular highways for which permit to operate is requested, and whether
18 such permit is requested for a single trip or for continuous or
19 continuing operation. The permit shall include a signed affirmation under
20 oath that, for any load sixteen feet high or higher, the applicant has
21 contacted any and all electric utilities that have high voltage
22 conductors and infrastructure that cross over the roadway affected by the
23 move and made arrangements with such electric utilities for the safe
24 movement of the load under any high voltage conductors owned by such
25 electric utilities.

26 (3) The department or local authority is authorized to issue or
27 withhold such permit at its discretion or, if such permit is issued, to
28 limit the number of days during which the permit is valid, to limit the
29 number of trips, to establish seasonal or other time limitations within
30 which the vehicles described may be operated on the highways indicated,
31 or to issue a continuous or continuing permit for use on all highways,

1 including the National System of Interstate and Defense Highways. The
2 permits are subject to reasonable conditions as to periodic renewal of
3 such permit and as to operation or movement of such vehicles. The
4 department or local authority may otherwise limit or prescribe conditions
5 of operation of such vehicle or vehicles, when necessary to assure
6 against undue damage to the road foundations, surfaces, or structures or
7 undue danger to the public safety. The department or local authority may
8 require such undertaking or other security as may be deemed necessary to
9 compensate for any injury to any roadway or road structure.

10 (4) Every such permit shall be carried in the vehicle to which it
11 refers and shall be open to inspection by any peace officer, carrier
12 enforcement officer, or authorized agent of any authority granting such
13 permit. Each such permit shall state the maximum weight permissible on a
14 single axle or combination of axles and the total gross weight allowed.
15 No person shall violate any of the terms or conditions of such special
16 permit. In case of any violation, the permit shall be deemed
17 automatically revoked and the penalty of the original limitations shall
18 be applied unless:

19 (a) The violation consists solely of exceeding the size or weight
20 specified by the permit, in which case only the penalty of the original
21 size or weight limitation exceeded shall be applied; or

22 (b) The total gross load is within the maximum authorized by the
23 permit, no axle is more than ten percent in excess of the maximum load
24 for such axle or group of axles authorized by the permit, and such load
25 can be shifted to meet the weight limitations of wheel and axle loads
26 authorized by such permit. Such shift may be made without penalty if it
27 is made at the state or commercial scale designated in the permit. The
28 vehicle may travel from its point of origin to such designated scale
29 without penalty, and a scale ticket from such scale, showing the vehicle
30 to be properly loaded and within the gross and axle weights authorized by
31 the permit, shall be reasonable evidence of compliance with the terms of

1 the permit.

2 (5) The department or local authority issuing a permit as provided
3 in this section may adopt and promulgate rules and regulations with
4 respect to the issuance of permits provided for in this section.

5 (6) The department shall make available applications for permits
6 authorized pursuant to subdivisions (1)(a)(ii) and (1)(a)(iii) of this
7 section in the office of each county treasurer. The department may make
8 available applications for all other permits authorized by this section
9 to the office of the county treasurer and may make available applications
10 for all permits authorized by this section to any other location chosen
11 by the department.

12 (7) The department or local authority issuing a permit may require a
13 permit fee of not to exceed twenty-five dollars, except that:

14 (a) The fee for a continuous or continuing permit may not exceed
15 twenty-five dollars for a ninety-day period, fifty dollars for a one-
16 hundred-eighty-day period, or one hundred dollars for a one-year period;
17 and

18 (b) The fee for permits issued pursuant to subdivision (1)(a)(ii) of
19 this section shall be twenty-five dollars. Permits issued pursuant to
20 such subdivision shall be valid for thirty days and shall be renewable
21 four times for a total number of days not to exceed one hundred fifty
22 days per calendar year.

23 A vehicle or combination of vehicles for which an application for a
24 permit is requested pursuant to this section shall be registered under
25 section 60-3,147 or 60-3,198 for the maximum gross vehicle weight that is
26 permitted pursuant to section 60-6,294 before a permit shall be issued.

27 Sec. 108. Section 60-6,306, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 60-6,306 (1) Any person who operates a motorcycle shall have all of
30 the rights and shall be subject to all of the duties applicable to the
31 driver of any other vehicle under the Nebraska Rules of the Road except

1 for special motorcycle regulations in the rules and except for those
2 provisions of the rules which by their nature can have no application.

3 (2) For purposes of this section, motorcycle does not include an
4 autocycle.

5 Sec. 109. Section 60-6,307, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 60-6,307 (1) Any person who operates a motorcycle shall ride only
8 upon a permanent and regular seat attached to the motorcycle. A person
9 operating a motorcycle shall not carry any other person nor shall any
10 other person ride on a motorcycle unless such motorcycle is designed to
11 carry more than one person, in which event a passenger may ride upon the
12 permanent and regular seat, if designed for two persons, or upon another
13 seat firmly attached to the motorcycle to the rear or side of the
14 operator.

15 (2) A person shall ride upon a motorcycle only while sitting astride
16 the seat, facing forward.

17 (3) No person shall operate a motorcycle while carrying any package,
18 bundle, or other article which prevents him or her from keeping both
19 hands on the handlebars.

20 (4) No operator shall carry any person, nor shall any person ride,
21 in a position that interferes with the operation or control of the
22 motorcycle or the view of the operator.

23 (5) Any motorcycle which carries a passenger, other than in a
24 sidecar or enclosed cab, shall be equipped with footrests for such
25 passenger.

26 (6) No person shall operate any motorcycle with handlebars more than
27 fifteen inches above the mounting point of the handlebars.

28 (7) For purposes of this section, motorcycle does not include an
29 autocycle.

30 Sec. 110. Section 60-6,308, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 60-6,308 (1) A motorcycle shall be entitled to full use of a traffic
2 lane of any highway, and no vehicle shall be driven in such a manner as
3 to deprive any motorcycle of the full use of such lane, except that
4 motorcycles may be operated two abreast in a single lane.

5 (2) The operator of a motorcycle shall not overtake and pass in the
6 same lane occupied by a vehicle being overtaken.

7 (3) No person shall operate a motorcycle between lanes of traffic or
8 between adjacent lines or rows of vehicles.

9 (4) Motorcycles shall not be operated more than two abreast in a
10 single lane.

11 (5) Subsections (2) and (3) of this section shall not apply to peace
12 officers in the performance of their official duties.

13 (6) No person who rides upon a motorcycle shall attach himself,
14 herself, or the motorcycle to any other vehicle on a roadway.

15 (7) For purposes of this section, motorcycle does not include an
16 autocycle.

17 Sec. 111. Section 60-6,313, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 60-6,313 (1) A moped shall be entitled to full use of a traffic lane
20 of any highway with an authorized speed limit of forty-five miles per
21 hour or less, and no vehicle shall be operated in such a manner as to
22 deprive any moped of the full use of such lane, except that mopeds and
23 motorcycles may be operated two abreast in a single lane.

24 (2) No person shall operate a moped between lanes of traffic or
25 between adjacent lines or rows of vehicles.

26 (3) Mopeds shall not be operated more than two abreast in a single
27 lane.

28 (4) Any person who operates a moped on a roadway with an authorized
29 speed limit of more than forty-five miles per hour shall ride as near to
30 the right side of the roadway as practicable and shall not ride more than
31 single file.

1 (5) No person who rides upon a moped shall attach himself, herself,
2 or the moped to any other vehicle on a roadway.

3 (6) Mopeds shall not be operated on the National System of
4 Interstate and Defense Highways or on sidewalks.

5 (7) Notwithstanding the maximum speed limits in excess of twenty-
6 five miles per hour established in section 60-6,186, no person shall
7 operate any moped at a speed in excess of thirty miles per hour.

8 (8) For purposes of this section, motorcycle does not include an
9 autocycle.

10 Sec. 112. Section 60-1401, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 60-1401 Sections 60-1401 to 60-1440 and sections 114 and 115 of this
13 act shall be known and may be cited as the Motor Vehicle Industry
14 Regulation Act.

15 Any amendments to the act shall apply to franchises subject to the
16 act which are entered into, amended, altered, modified, renewed, or
17 extended after the date of the amendments to the act except as otherwise
18 specifically provided in the act.

19 All amendments to the act shall apply upon the issuance or renewal
20 of a dealer's or manufacturer's license.

21 Sec. 113. Section 60-1401.02, Revised Statutes Cumulative
22 Supplement, 2016, is amended to read:

23 60-1401.02 For purposes of the Motor Vehicle Industry Regulation
24 Act, the definitions found in sections 60-1401.03 to 60-1401.40 and
25 60-1401.42 and section 114 of this act apply.

26 Sec. 114. Stop-sale order means a notification issued by a
27 manufacturer, distributor, factory branch, or distributor branch to its
28 franchised new motor vehicle dealers stating that certain used motor
29 vehicles in inventory shall not be sold or leased, at either retail or
30 wholesale, due to a federal safety recall for a defect or a noncompliance
31 or due to a federal emissions recall.

1 Sec. 115. (1) A manufacturer, distributor, factory branch, or
2 distributor branch shall compensate its new motor vehicle dealers for all
3 labor and parts required by the manufacturer, distributor, factory
4 branch, or distributor branch to perform recall repairs on used motor
5 vehicles. Compensation for recall repairs shall be reasonable. If parts
6 or a remedy are not reasonably available to perform a recall service or
7 repair on a used motor vehicle held for sale by a new motor vehicle
8 dealer authorized to sell and service new motor vehicles of the same
9 line-make within thirty days after the initial notice of recall, and a
10 stop-sale or do-not-drive order has been issued on the motor vehicle, the
11 manufacturer, distributor, factory branch, or distributor branch shall
12 compensate the new motor vehicle dealer at a prorated rate of at least
13 one percent of the value of the used motor vehicle per month beginning on
14 the date that is thirty days after the date on which the stop-sale or do-
15 not-drive order was provided to the new motor vehicle dealer until the
16 earlier of either of the following:

17 (a) The date the recall or remedy parts are made available; or

18 (b) The date the new motor vehicle dealer sells, trades, or
19 otherwise disposes of the affected used motor vehicle.

20 (2) The value of a used motor vehicle shall be the average trade-in
21 value for used motor vehicles as indicated in an independent third-party
22 guide for the year, make, and model of the recalled used motor vehicle.

23 (3) This section applies only to used motor vehicles subject to
24 safety or emissions recalls pursuant to and recalled in accordance with
25 federal law and regulations adopted thereunder and if a stop-sale or do-
26 not-drive order has been issued and repair parts or remedy remain
27 unavailable for thirty days or longer.

28 (4) This section applies only to new motor vehicle dealers holding
29 an affected used motor vehicle for sale:

30 (a)(i) In inventory at the time a stop-sale or do-not-drive order
31 was issued; or

1 (ii) Which was taken in the used motor vehicle inventory of the new
2 motor vehicle dealer as a consumer trade-in incident to the purchase of a
3 new motor vehicle from the new motor vehicle dealer after the stop-sale
4 or do-not-drive order was issued; and

5 (b) That is of a line-make which the new motor vehicle dealer is
6 franchised to sell or on which the new motor vehicle dealer is authorized
7 to perform recall repairs.

8 (5) Subject to the audit provisions of subsection (5) of section
9 60-1438, it shall be a violation of this section for a manufacturer,
10 distributor, factory branch, or distributor branch to reduce the amount
11 of compensation otherwise owed to an individual new motor vehicle dealer,
12 whether through a chargeback, removal of the individual new motor vehicle
13 dealer from an incentive program, or reduction in amount owed under an
14 incentive program solely because the new motor vehicle dealer has
15 submitted a claim for reimbursement under this section. This subsection
16 does not apply to an action by a manufacturer, distributor, factory
17 branch, or distributor branch that is applied uniformly among all new
18 motor vehicle dealers of the same line-make in the state.

19 (6) Any reimbursement claim made by a new motor vehicle dealer
20 pursuant to this section for recall remedies or repairs, or for
21 compensation where no part or repair is reasonably available and the used
22 motor vehicle is subject to a stop-sale or do-not-drive order, shall be
23 subject to the same limitations and requirements as a warranty
24 reimbursement claim made under section 60-1438. In the alternative, a
25 manufacturer, distributor, factory branch, or distributor branch may
26 compensate its franchised new motor vehicle dealers under a national
27 recall compensation program if the compensation under the program is
28 equal to or greater than that provided under subsection (1) of this
29 section; or the new motor vehicle dealer and the manufacturer,
30 distributor, factory branch, or distributor branch otherwise agree.

31 (7) A manufacturer, distributor, factory branch, or distributor

1 branch may direct the manner and method in which a new motor vehicle
2 dealer demonstrates the inventory status of an affected used motor
3 vehicle in order to determine eligibility for compensation under this
4 section so long as the manner and method are not unduly burdensome and do
5 not require information that is unduly burdensome to provide.

6 (8) Nothing in this section shall require a manufacturer,
7 distributor, factory branch, or distributor branch to provide total
8 compensation to a new motor vehicle dealer which would exceed the total
9 average trade-in value of the affected used motor vehicle as originally
10 determined under subsection (2) of this section.

11 (9) Any remedy provided to a new motor vehicle dealer under this
12 section is exclusive and shall not be combined with any other state or
13 federal recall compensation remedy.

14 Sec. 116. Section 60-1401.28, Revised Statutes Cumulative
15 Supplement, 2016, is amended to read:

16 60-1401.28 Motorcycle means every motor vehicle, except a tractor,
17 having a seat or saddle for use of the rider and designed to travel on
18 not more than three wheels in contact with the ground and for which
19 evidence of title is required as a condition precedent to registration
20 under the laws of this state. Motorcycle includes ~~does not include~~ an
21 autocycle.

22 Sec. 117. Section 60-1401.42, Revised Statutes Cumulative
23 Supplement, 2016, is amended to read:

24 60-1401.42 Autocycle means any motor vehicle (1) having a seat that
25 does not require the operator to straddle or sit astride it, (2) designed
26 to travel on three wheels in contact with the ground, (3) ~~in which the~~
27 ~~operator and passenger ride either side by side or in tandem in a seating~~
28 ~~area that is completely enclosed with a removable or fixed top and is~~
29 ~~equipped with manufacturer installed air bags, a manufacturer installed~~
30 ~~roll cage, and for each occupant a manufacturer installed three-point~~
31 ~~safety belt system, (4) having antilock brakes, (4) and (5) designed to~~

1 be controlled with a steering wheel and pedals, and (5) in which the
2 operator and passenger ride either side by side or in tandem in a seating
3 area that is equipped with a manufacturer-installed three-point safety
4 belt system for each occupant and that has a seating area that either (a)
5 is completely enclosed and is equipped with manufacturer-installed
6 airbags and a manufacturer-installed roll cage or (b) is not completely
7 enclosed and is equipped with a manufacturer-installed rollover
8 protection system.

9 Sec. 118. (1) It is the intent of the Legislature that the
10 Department of Motor Vehicles maintain and further improve the Vehicle
11 Title and Registration System which is the statewide system for the
12 collection, storage, and transfer of data on vehicle titles and
13 registrations as described in section 60-1505.

14 (2) The department shall provide for technological updates to
15 electronic certificates of title. The Director of Motor Vehicles shall
16 designate an implementation date for the updates which date is on or
17 before January 1, 2021.

18 (3) The department shall provide for an electronic reporting system
19 for salvage and junked motorboats and vehicles. The director shall
20 designate an implementation date for the system which date is on or
21 before January 1, 2021.

22 (4) The department shall provide for the use of identification
23 numbers for trailers which do not have a certificate of title. The
24 director shall designate an implementation date for such use which date
25 is on or before January 1, 2021.

26 Sec. 119. Section 60-1507, Revised Statutes Supplement, 2017, is
27 amended to read:

28 60-1507 (1) ~~The Beginning January 1, 2019,~~ the Department of Motor
29 Vehicles shall develop an electronic dealer services system for
30 implementation as provided in subsection (7) of this section. The
31 Director of Motor Vehicles shall approve a licensed dealer as defined in

1 sections 60-119.02 and 60-335.01 for participation in the system. A
2 licensed dealer may voluntarily participate in the system and provide
3 titling and registration services. A licensed dealer who chooses to
4 participate may collect from a purchaser of a vehicle as defined in
5 section 60-136, who also chooses to participate, all appropriate
6 certificate of title fees, notation of lien fees, registration fees,
7 motor vehicle taxes and fees, and sales taxes. All such fees and taxes
8 collected shall be remitted to the appropriate county treasurer or the
9 department as provided in the Motor Vehicle Certificate of Title Act, the
10 Motor Vehicle Registration Act, and the Nebraska Revenue Act of 1967.

11 (2) In addition to the fees and taxes described in subsection (1) of
12 this section, a participating licensed dealer may charge and collect a
13 service fee not to exceed fifty dollars from a purchaser electing to use
14 the electronic dealer services system.

15 (3) The department shall provide an approved participating licensed
16 dealer with access to the electronic dealer services system by a method
17 determined by the director. An approved licensed dealer who chooses to
18 participate shall use the system to electronically submit title,
19 registration, and lien information to the Vehicle Title and Registration
20 System maintained by the department. License plates, registration
21 certificates, and certificates of title shall be delivered as provided
22 under the Motor Vehicle Certificate of Title Act and the Motor Vehicle
23 Registration Act.

24 (4) The director may remove a licensed dealer's authority to
25 participate in the electronic dealer services system for any violation of
26 the Motor Vehicle Certificate of Title Act, the Motor Vehicle Industry
27 Regulation Act, the Motor Vehicle Registration Act, or the Nebraska
28 Revenue Act of 1967, for failure to timely remit fees and taxes collected
29 under this section, or for any other conduct the director deems to have
30 or will have an adverse effect on the public or any governmental entity.

31 (5) An approved licensed dealer participating in the electronic

1 dealer services system shall not release, disclose, use, or share
2 personal or sensitive information contained in the records accessible
3 through the electronic dealer services system as prohibited under the
4 Uniform Motor Vehicle Records Disclosure Act, except that a licensed
5 dealer may release, disclose, use, or share such personal or sensitive
6 information when necessary to fulfill the requirements of the electronic
7 dealer services system as approved by the department. An approved
8 licensed dealer participating in the electronic dealer services system
9 shall be responsible for ensuring that such licensed dealer's employees
10 and agents comply with the Uniform Motor Vehicle Records Disclosure Act.

11 (6) The department may adopt and promulgate rules and regulations
12 governing the eligibility for approval and removal of licensed dealers to
13 participate in the electronic dealer services system, the procedures and
14 requirements necessary to implement and maintain such system, and the
15 procedures and requirements for approved licensed dealers participating
16 in such system.

17 (7) The department shall implement the electronic dealer services
18 system on a date to be determined by the director but not later than
19 January 1, 2021.

20 Sec. 120. Section 69-2441, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 69-2441 (1)(a) A permitholder may carry a concealed handgun anywhere
23 in Nebraska, except any: Police, sheriff, or Nebraska State Patrol
24 station or office; detention facility, prison, or jail; courtroom or
25 building which contains a courtroom; polling place during a bona fide
26 election; meeting of the governing body of a county, public school
27 district, municipality, or other political subdivision; meeting of the
28 Legislature or a committee of the Legislature; financial institution;
29 professional or semiprofessional athletic event; building, grounds,
30 vehicle, or sponsored activity or athletic event of any public, private,
31 denominational, or parochial elementary, vocational, or secondary school,

1 a private postsecondary career school as defined in section 85-1603, a
2 community college, or a public or private college, junior college, or
3 university; place of worship; hospital, emergency room, or trauma center;
4 political rally or fundraiser; establishment having a license issued
5 under the Nebraska Liquor Control Act that derives over one-half of its
6 total income from the sale of alcoholic liquor; place where the
7 possession or carrying of a firearm is prohibited by state or federal
8 law; a place or premises where the person, persons, entity, or entities
9 in control of the property or employer in control of the property has
10 prohibited permitholders from carrying concealed handguns into or onto
11 the place or premises; or into or onto any other place or premises where
12 handguns are prohibited by state law.

13 (b) A financial institution may authorize its security personnel to
14 carry concealed handguns in the financial institution while on duty so
15 long as each member of the security personnel, as authorized, is in
16 compliance with the Concealed Handgun Permit Act and possesses a permit
17 to carry a concealed handgun issued pursuant to the act.

18 (c) A place of worship may authorize its security personnel to carry
19 concealed handguns on its property so long as each member of the security
20 personnel, as authorized, is in compliance with the Concealed Handgun
21 Permit Act and possesses a permit to carry a concealed handgun issued
22 pursuant to the act and written notice is given to the congregation and,
23 if the property is leased, the carrying of concealed handguns on the
24 property does not violate the terms of any real property lease agreement
25 between the place of worship and the lessor.

26 (2) If a person, persons, entity, or entities in control of the
27 property or an employer in control of the property prohibits a
28 permitholder from carrying a concealed handgun into or onto the place or
29 premises and such place or premises are open to the public, a
30 permitholder does not violate this section unless the person, persons,
31 entity, or entities in control of the property or employer in control of

1 the property has posted conspicuous notice that carrying a concealed
2 handgun is prohibited in or on the place or premises or has made a
3 request, directly or through an authorized representative or management
4 personnel, that the permitholder remove the concealed handgun from the
5 place or premises.

6 (3) A permitholder carrying a concealed handgun in a vehicle or on
7 his or her person while riding in or on a vehicle into or onto any
8 parking area, which is open to the public, used by any location listed in
9 subdivision (1)(a) of this section, does not violate this section if,
10 prior to exiting the vehicle, the handgun is locked inside the glove box,
11 trunk, or other compartment of the vehicle, a storage box securely
12 attached to the vehicle, or, if the vehicle is a motorcycle, other than
13 an autocycle, a hardened compartment securely attached to the motorcycle.
14 This subsection does not apply to any parking area used by such location
15 when the carrying of a concealed handgun into or onto such parking area
16 is prohibited by federal law.

17 (4) An employer may prohibit employees or other persons who are
18 permitholders from carrying concealed handguns in vehicles owned by the
19 employer.

20 (5) A permitholder shall not carry a concealed handgun while he or
21 she is consuming alcohol or while the permitholder has remaining in his
22 or her blood, urine, or breath any previously consumed alcohol or any
23 controlled substance as defined in section 28-401. A permitholder does
24 not violate this subsection if the controlled substance in his or her
25 blood, urine, or breath was lawfully obtained and was taken in
26 therapeutically prescribed amounts.

27 Sec. 121. Section 75-363, Revised Statutes Supplement, 2017, is
28 amended to read:

29 75-363 (1) The parts, subparts, and sections of Title 49 of the Code
30 of Federal Regulations listed below, as modified in this section, or any
31 other parts, subparts, and sections referred to by such parts, subparts,

1 and sections, in existence and effective as of January 1, 2018 ~~2017~~, are
2 adopted as Nebraska law.

3 (2) Except as otherwise provided in this section, the regulations
4 shall be applicable to:

5 (a) All motor carriers, drivers, and vehicles to which the federal
6 regulations apply; and

7 (b) All motor carriers transporting persons or property in
8 intrastate commerce to include:

9 (i) All vehicles of such motor carriers with a gross vehicle weight
10 rating, gross combination weight rating, gross vehicle weight, or gross
11 combination weight over ten thousand pounds;

12 (ii) All vehicles of such motor carriers designed or used to
13 transport more than eight passengers, including the driver, for
14 compensation, or designed or used to transport more than fifteen
15 passengers, including the driver, and not used to transport passengers
16 for compensation;

17 (iii) All vehicles of such motor carriers transporting hazardous
18 materials required to be placarded pursuant to section 75-364; and

19 (iv) All drivers of such motor carriers if the drivers are operating
20 a commercial motor vehicle as defined in section 60-465 which requires a
21 commercial driver's license.

22 (3) The Legislature hereby adopts, as modified in this section, the
23 following parts of Title 49 of the Code of Federal Regulations:

24 (a) Part 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING;

25 (b) Part 385 - SAFETY FITNESS PROCEDURES;

26 (c) Part 386 - RULES OF PRACTICE FOR FMCSA PROCEEDINGS;

27 (d) Part 387 - MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR
28 CARRIERS;

29 (e) Part 390 - FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL;

30 (f) Part 391 - QUALIFICATIONS OF DRIVERS AND LONGER COMBINATION
31 VEHICLE (LCV) DRIVER INSTRUCTORS;

- 1 (g) Part 392 - DRIVING OF COMMERCIAL MOTOR VEHICLES;
- 2 (h) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION;
- 3 (i) Part 395 - HOURS OF SERVICE OF DRIVERS;
- 4 (j) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE;
- 5 (k) Part 397 - TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND
- 6 PARKING RULES; and
- 7 (l) Part 398 - TRANSPORTATION OF MIGRANT WORKERS.

8 (4) The provisions of subpart E - Physical Qualifications And
9 Examinations of 49 C.F.R. part 391 - QUALIFICATIONS OF DRIVERS AND LONGER
10 COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS shall not apply to any
11 driver subject to this section who: (a) Operates a commercial motor
12 vehicle exclusively in intrastate commerce; and (b) holds, or has held, a
13 commercial driver's license issued by this state prior to July 30, 1996.

14 (5) The regulations adopted in subsection (3) of this section shall
15 not apply to farm trucks registered pursuant to section 60-3,146 with a
16 gross weight of sixteen tons or less. The following parts and sections of
17 49 C.F.R. chapter III shall not apply to drivers of farm trucks
18 registered pursuant to section 60-3,146 and operated solely in intrastate
19 commerce:

- 20 (a) All of part 391;
- 21 (b) Section 395.8 of part 395; and
- 22 (c) Section 396.11 of part 396.

23 (6) The following parts and subparts of 49 C.F.R. chapter III shall
24 not apply to the operation of covered farm vehicles:

- 25 (a) Part 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING;
- 26 (b) Part 391, subpart E - Physical Qualifications and Examinations;
- 27 (c) Part 395 - HOURS OF SERVICE OF DRIVERS; and
- 28 (d) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE.

29 (7) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION
30 and Part 396 - INSPECTION, REPAIR, AND MAINTENANCE shall not apply to
31 fertilizer and agricultural chemical application and distribution

1 equipment transported in units with a capacity of three thousand five
2 hundred gallons or less.

3 (8) For purposes of this section, intrastate motor carriers shall
4 not include any motor carrier or driver excepted from 49 C.F.R. chapter
5 III by section 390.3(f) of part 390.

6 (9)(a) Part 395 - HOURS OF SERVICE OF DRIVERS shall apply to motor
7 carriers and drivers who engage in intrastate commerce as defined in
8 section 75-362, except that no motor carrier who engages in intrastate
9 commerce shall permit or require any driver used by it to drive nor shall
10 any driver drive:

11 (i) More than twelve hours following ten consecutive hours off duty;
12 or

13 (ii) For any period after having been on duty sixteen hours
14 following ten consecutive hours off duty.

15 (b) No motor carrier who engages in intrastate commerce shall permit
16 or require a driver of a commercial motor vehicle, regardless of the
17 number of motor carriers using the driver's services, to drive, nor shall
18 any driver of a commercial motor vehicle drive, for any period after:

19 (i) Having been on duty seventy hours in any seven consecutive days
20 if the employing motor carrier does not operate every day of the week; or

21 (ii) Having been on duty eighty hours in any period of eight
22 consecutive days if the employing motor carrier operates motor vehicles
23 every day of the week.

24 (10) Part 395 - HOURS OF SERVICE OF DRIVERS, as adopted in
25 subsections (3) and (9) of this section, shall not apply to drivers
26 transporting agricultural commodities or farm supplies for agricultural
27 purposes during planting and harvesting season when:

28 (a) The transportation of such agricultural commodities is from the
29 source of the commodities to a location within a one-hundred-fifty-air-
30 mile radius of the source of the commodities;

31 (b) The transportation of such farm supplies is from a wholesale or

1 retail distribution point of the farm supplies to a farm or other
2 location where the farm supplies are intended to be used which is within
3 a one-hundred-fifty-air-mile radius of the wholesale or retail
4 distribution point; or

5 (c) The transportation of such farm supplies is from a wholesale
6 distribution point of the farm supplies to a retail distribution point of
7 the farm supplies which is within a one-hundred-fifty-air-mile radius of
8 the wholesale distribution point.

9 (11) 49 C.F.R. 390.21 - Marking of self-propelled CMVs and
10 intermodal equipment shall not apply to farm trucks and farm truck-
11 tractors registered pursuant to section 60-3,146 and operated solely in
12 intrastate commerce.

13 (12) 49 C.F.R. 392.9a - Operating authority shall not apply to
14 Nebraska motor carriers operating commercial motor vehicles solely in
15 intrastate commerce.

16 (13) No motor carrier shall permit or require a driver of a
17 commercial motor vehicle to violate, and no driver of a commercial motor
18 vehicle shall violate, any out-of-service order.

19 Sec. 122. Section 75-364, Revised Statutes Supplement, 2017, is
20 amended to read:

21 75-364 The parts, subparts, and sections of Title 49 of the Code of
22 Federal Regulations listed below, or any other parts, subparts, and
23 sections referred to by such parts, subparts, and sections, in existence
24 and effective as of January 1, 2018 ~~2017~~, are adopted as part of Nebraska
25 law and shall be applicable to all motor carriers whether engaged in
26 interstate or intrastate commerce, drivers of such motor carriers, and
27 vehicles of such motor carriers:

28 (1) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart F -
29 Registration of Cargo Tank and Cargo Tank Motor Vehicle Manufacturers,
30 Assemblers, Repairers, Inspectors, Testers, and Design Certifying
31 Engineers;

1 (2) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart G -
2 Registration of Persons Who Offer or Transport Hazardous Materials;

3 (3) Part 171 - GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS;

4 (4) Part 172 - HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS,
5 HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION,
6 TRAINING REQUIREMENTS, AND SECURITY PLANS;

7 (5) Part 173 - SHIPPERS - GENERAL REQUIREMENTS FOR SHIPMENTS AND
8 PACKAGINGS;

9 (6) Part 177 - CARRIAGE BY PUBLIC HIGHWAY;

10 (7) Part 178 - SPECIFICATIONS FOR PACKAGINGS; and

11 (8) Part 180 - CONTINUING QUALIFICATION AND MAINTENANCE OF
12 PACKAGINGS.

13 Sec. 123. Section 75-366, Revised Statutes Supplement, 2017, is
14 amended to read:

15 75-366 For the purpose of enforcing Chapter 75, article 3, any
16 officer of the Nebraska State Patrol may, upon demand, inspect the
17 accounts, records, and equipment of any motor carrier or shipper. Any
18 officer of the Nebraska State Patrol shall have the authority to enforce
19 the federal motor carrier safety regulations, as such regulations existed
20 on January 1, 2018 ~~2017~~, and federal hazardous materials regulations, as
21 such regulations existed on January 1, 2018 ~~2017~~, and is authorized to
22 enter upon, inspect, and examine any and all lands, buildings, and
23 equipment of any motor carrier, any shipper, and any other person subject
24 to the federal Interstate Commerce Act, the federal Department of
25 Transportation Act, and other related federal laws and to inspect and
26 copy any and all accounts, books, records, memoranda, correspondence, and
27 other documents of a motor carrier, a shipper, and any other person
28 subject to Chapter 75, article 3, for the purposes of enforcing Chapter
29 75, article 3. To promote uniformity of enforcement, the carrier
30 enforcement division of the Nebraska State Patrol shall cooperate and
31 consult with the Public Service Commission and the Division of Motor

1 Carrier Services.

2 Sec. 124. Section 75-369.03, Revised Statutes Supplement, 2017, is
3 amended to read:

4 75-369.03 (1) The Superintendent of Law Enforcement and Public
5 Safety may issue an order imposing a civil penalty against a motor
6 carrier transporting persons or property in interstate commerce for a
7 violation of sections 75-392 to 75-399 or against a motor carrier
8 transporting persons or property in intrastate commerce for a violation
9 or violations of section 75-363 or 75-364 based upon an inspection
10 conducted pursuant to section 75-366 in an amount which shall not exceed
11 eight hundred dollars for any single violation in any proceeding or
12 series of related proceedings against any person or motor carrier as
13 defined in 49 C.F.R. ~~part~~ 390.5 as adopted in section 75-363.

14 (2) The superintendent shall issue an order imposing a civil penalty
15 in an amount not to exceed fifteen thousand seven hundred twenty-seven
16 ~~four hundred seventy-four~~ dollars against a motor carrier transporting
17 persons or property in interstate commerce for a violation of subdivision
18 (2)(e) of section 60-4,162 based upon a conviction of such a violation.

19 (3) The superintendent shall issue an order imposing a civil penalty
20 against a driver operating a commercial motor vehicle, as defined in
21 section 60-465, that requires a commercial driver's license or CLP-
22 commercial learner's permit, in violation of an out-of-service order. The
23 civil penalty shall be in an amount not less than three thousand thirty-
24 four ~~two thousand nine hundred eighty-five~~ dollars for a first violation
25 and not less than six thousand sixty-eight ~~five thousand nine hundred~~
26 ~~seventy~~ dollars for a second or subsequent violation.

27 (4) The superintendent shall issue an order imposing a civil penalty
28 against a motor carrier who knowingly allows, requires, permits, or
29 authorizes the operation of a commercial motor vehicle, as defined in
30 section 60-465, that requires a commercial driver's license or CLP-
31 commercial learner's permit, in violation of an out-of-service order. The

1 civil penalty shall be not less than five thousand four hundred seventy-
2 nine ~~three hundred ninety-one~~ dollars but not more than thirty thousand
3 three hundred thirty-seven ~~twenty-nine thousand eight hundred forty-nine~~
4 dollars per violation.

5 (5) Upon the discovery of any violation by a motor carrier
6 transporting persons or property in interstate commerce of section
7 75-307, 75-363, or 75-364 or sections 75-392 to 75-399 based upon an
8 inspection conducted pursuant to section 75-366, the superintendent shall
9 immediately refer such violation to the appropriate federal agency for
10 disposition, and upon the discovery of any violation by a motor carrier
11 transporting persons or property in intrastate commerce of section 75-307
12 based upon such inspection, the superintendent shall refer such violation
13 to the Public Service Commission for disposition.

14 Sec. 125. Section 75-392, Revised Statutes Supplement, 2017, is
15 amended to read:

16 75-392 For purposes of sections 75-392 to 75-399:

17 (1) Director means the Director of Motor Vehicles;

18 (2) Division means the Division of Motor Carrier Services of the
19 Department of Motor Vehicles; and

20 (3) Unified carrier registration plan and agreement means the plan
21 and agreement established and authorized pursuant to 49 U.S.C. 14504a, as
22 such section existed on January 1, 2018 ~~2017~~.

23 Sec. 126. Section 75-393, Revised Statutes Supplement, 2017, is
24 amended to read:

25 75-393 The director may participate in the unified carrier
26 registration plan and agreement pursuant to the Unified Carrier
27 Registration Act of 2005, 49 U.S.C. 13908, as the act existed on January
28 1, 2018 ~~2017~~, and may file on behalf of this state the plan required by
29 such plan and agreement for enforcement of the act in this state.

30 Sec. 127. The Revisor of Statutes shall assign section 118 of this
31 act to Chapter 60, article 15.

1 Sec. 128. Original sections 28-1204.04, 37-1280, 37-1285, 37-1293,
2 60-104, 60-119, 60-129, 60-133, 60-142.04, 60-142.05, 60-142.06, 60-174,
3 60-191, 60-309, 60-335, 60-348, 60-354, 60-378, 60-389, 60-3,185,
4 60-4,128, 60-4,130.04, 60-6,244, 60-6,254, 60-6,255, 60-6,263, 60-6,279,
5 60-6,306, 60-6,307, 60-6,308, 60-6,313, and 69-2441, Reissue Revised
6 Statutes of Nebraska, sections 60-104.01, 60-124, 60-146, 60-148,
7 60-168.01, 60-169, 60-171, 60-173, 60-175, 60-309.01, 60-316, 60-340,
8 60-3,100, 60-3,113.02, 60-3,113.03, 60-3,143, 60-3,147, 60-3,148,
9 60-3,187, 60-3,190, 60-3,221, 60-3,228, 60-462, 60-463.02, 60-480,
10 60-484, 60-4,122, 60-4,123, 60-4,123.01, 60-4,124, 60-4,127, 60-4,131,
11 60-4,131.01, 60-4,132, 60-4,182, 60-601, 60-610.01, 60-639, 60-640,
12 60-6,226, 60-1401, 60-1401.02, 60-1401.28, and 60-1401.42, Revised
13 Statutes Cumulative Supplement, 2016, sections 37-1285.01, 60-101,
14 60-102, 60-119.01, 60-149, 60-164, 60-164.01, 60-192, 60-301, 60-302,
15 60-336.01, 60-363, 60-386, 60-395, 60-3,104, 60-3,113.04, 60-3,193.01,
16 60-3,229, 60-462.01, 60-479.01, 60-4,147.02, 60-501, 60-628.01, 60-6,267,
17 60-6,294, 60-6,298, 60-1507, 75-363, 75-364, 75-366, 75-369.03, 75-392,
18 and 75-393, Revised Statutes Supplement, 2017, section 37-1283, Revised
19 Statutes Supplement, 2017, as amended by section 75, Legislative Bill
20 193, One Hundred Fifth Legislature, Second Session, 2018, and section
21 60-166, Revised Statutes Supplement, 2017, as amended by section 87,
22 Legislative Bill 193, One Hundred Fifth Legislature, Second Session,
23 2018, and section 2, Legislative Bill 275, One Hundred Fifth Legislature,
24 Second Session, 2018, are repealed.

25 Sec. 129. Since an emergency exists, this act takes effect when
26 passed and approved according to law.