

AMENDMENTS TO LB 756

Introduced by Transportation and Telecommunications.

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 37-1282, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 37-1282 (1) The provisions of article 9, Uniform
6 Commercial Code, shall not be construed to apply to or to permit
7 or require the deposit, filing, or other record whatsoever of a
8 security agreement, conveyance intended to operate as a mortgage,
9 trust receipt, conditional sales contract, or similar instrument or
10 any copy of the same covering a motorboat. Any mortgage, conveyance
11 intended to operate as a security agreement as provided by article
12 9, Uniform Commercial Code, trust receipt, conditional sales
13 contract, or other similar instrument covering a motorboat, if
14 such instrument is accompanied by delivery of such manufacturer's
15 or importer's certificate and followed by actual and continued
16 possession of same by the holder of the instrument or, in the
17 case of a certificate of title, if a notation of same has been
18 made by the county clerk, the designated county official, or the
19 Department of Motor Vehicles on the face of the certificate, shall
20 be valid as against the creditors of the debtor, whether armed with
21 process or not, and subsequent purchasers, secured parties, and
22 other lienholders or claimants, but otherwise shall not be valid
23 against them, except that during any period in which a motorboat is

1 inventory, as defined in section 9-102, Uniform Commercial Code,
2 held for sale by a person or corporation that is in the business
3 of selling motorboats, the filing provisions of article 9, Uniform
4 Commercial Code, as applied to inventory, shall apply to a security
5 interest in the motorboat created by such person or corporation as
6 debtor without the notation of lien on the instrument of title.
7 A buyer at retail from a dealer of any motorboat in the ordinary
8 course of business shall take the motorboat free of any security
9 interest.

10 (2) All liens, security agreements, and encumbrances
11 noted upon a certificate of title shall take priority according to
12 the order of time in which the same are noted on the certificate
13 by the county clerk, the designated county official, or the
14 department. Exposure for sale of any motorboat by the owner thereof
15 with the knowledge or with the knowledge and consent of the holder
16 of any lien, security agreement, or encumbrance on the motorboat
17 shall not render the same void or ineffective as against the
18 creditors of the owner or holder of subsequent liens, security
19 agreements, or encumbrances upon the motorboat.

20 (3) Upon presentation of a security agreement, trust
21 receipt, conditional sales contract, or similar instrument to the
22 county clerk or designated county official of the county where the
23 certificate of title was issued or, if issued by the department, to
24 the department together with the certificate of title and the fee
25 prescribed by section 37-1287, the holder of such instrument may
26 have a notation of the lien made on the face of the certificate of
27 title. The owner of a motorboat may present a valid out-of-state

1 certificate of title issued to such owner for such motorboat
2 with a notation of lien on such certificate of title and the
3 prescribed fee to the county clerk, designated county official,
4 or department and have the notation of lien made on the face of
5 the new certificate of title issued pursuant to section 37-1278
6 without presenting a copy of the lien instrument. The county clerk,
7 the designated county official, or the department shall enter the
8 notation and the date thereof over the signature of the person
9 making the notation and the seal of office and shall also note
10 the lien and the date thereof on the duplicate of the certificate
11 on file. The county clerk, the designated county official, or the
12 department shall also indicate by appropriate notation and on such
13 instrument itself the fact that the lien has been noted on the
14 certificate of title.

15 (4) The county clerk, the designated county official,
16 or the department, upon receipt of a lien instrument duly signed
17 by the owner in the manner prescribed by law governing such lien
18 instruments together with the fee prescribed for notation of lien,
19 shall notify the first lienholder to deliver to the county clerk,
20 the designated county official, or the department, within fifteen
21 days from the date of notice, the certificate of title to permit
22 notation of the junior lien and, after notation of the lien, the
23 county clerk, the designated county official, or the department
24 shall deliver the certificate of title to the first lienholder.
25 The holder of a certificate of title who refuses to deliver a
26 certificate of title to the county clerk, the designated county
27 official, or the department for the purpose of showing a junior

1 lien on the certificate of title within fifteen days from the date
2 when notified to do so shall be liable for damages to the junior
3 lienholder for the amount of damages the junior lienholder suffered
4 by reason of the holder of the certificate of title refusing to
5 permit the showing of the lien on the certificate of title.

6 (5) When the lien is discharged, the holder shall, within
7 fifteen days after payment is received, note a cancellation of the
8 lien on the face of the certificate of title over his, her, or its
9 signature and deliver the certificate of title to the county clerk,
10 the designated county official, or the department which shall note
11 the cancellation of the lien on the face of the certificate of
12 title and on the records of the office. If delivered to a county
13 clerk or designated county official, he or she shall on that day
14 notify the department which shall note the cancellation on its
15 records. The county clerk, the designated county official, or the
16 department shall then return the certificate of title to the owner
17 or as otherwise directed by the owner. The cancellation of the lien
18 shall be noted on the certificate of title without charge.

19 (6) Any exchange of information may be accomplished by
20 the computerized exchange of information or by any other exchange
21 of electrically, electronically, telephonically, or mechanically
22 processed information.

23 Sec. 2. Section 60-141, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 60-141 A dealer need not apply for certificates of title
26 for any vehicles in stock or acquired for stock purposes, but
27 upon transfer of such vehicle in stock or acquired for stock

1 purposes, the dealer shall give the transferee a reassignment of
2 the certificate of title on such vehicle or an assignment of
3 a manufacturer's or importer's certificate. If all reassignments
4 on the manufacturer's or importer's certificate have been used,
5 the dealer may attach a dealer assignment form prescribed by the
6 department prior to any subsequent transfer. If all reassignments
7 on the dealer assignment form or the certificate of title have
8 been used, the dealer shall obtain title in the dealer's name prior
9 to any subsequent transfer. No dealer shall execute a reassignment
10 on or transfer ownership by way of a manufacturer's statement of
11 origin unless the dealer is franchised by the manufacturer of the
12 vehicle.

13 Sec. 3. Section 60-164, Revised Statutes Supplement,
14 2007, is amended to read:

15 60-164 (1) Except as provided in section 60-165, the
16 provisions of article 9, Uniform Commercial Code, shall never be
17 construed to apply to or to permit or require the deposit, filing,
18 or other record whatsoever of a security agreement, conveyance
19 intended to operate as a mortgage, trust receipt, conditional sales
20 contract, or similar instrument or any copy of the same covering a
21 vehicle. Any mortgage, conveyance intended to operate as a security
22 agreement as provided by article 9, Uniform Commercial Code, trust
23 receipt, conditional sales contract, or other similar instrument
24 covering a vehicle, if such instrument is accompanied by delivery
25 of such manufacturer's or importer's certificate and followed by
26 actual and continued possession of the same by the holder of
27 such instrument or, in the case of a certificate of title, if a

1 notation of the same has been made by the county clerk, designated
2 county official, or department on the face thereof, shall be
3 valid as against the creditors of the debtor, whether armed with
4 process or not, and subsequent purchasers, secured parties, and
5 other lienholders or claimants but otherwise shall not be valid
6 against them, except that during any period in which a vehicle is
7 inventory, as defined in section 9-102, Uniform Commercial Code,
8 held for sale by a person or corporation that is required to be
9 licensed as provided in Chapter 60, article 14, and is in the
10 business of selling such vehicles, the filing provisions of article
11 9, Uniform Commercial Code, as applied to inventory, shall apply
12 to a security interest in such vehicle created by such person
13 or corporation as debtor without the notation of lien on the
14 instrument of title. A buyer of a vehicle at retail from a dealer
15 required to be licensed as provided in Chapter 60, article 14,
16 shall take such vehicle free of any security interest.

17 (2) Subject to subsection (1) of this section, all liens,
18 security agreements, and encumbrances noted upon a certificate of
19 title shall take priority according to the order of time in which
20 the same are noted thereon by the county clerk, designated county
21 official, or department. Exposure for sale of any vehicle by the
22 owner thereof with the knowledge or with the knowledge and consent
23 of the holder of any lien, security agreement, or encumbrance on
24 such vehicle shall not render the same void or ineffective as
25 against the creditors of such owner or holder of subsequent liens,
26 security agreements, or encumbrances upon such vehicle.

27 (3) The holder of a security agreement, trust

1 receipt, conditional sales contract, or similar instrument,
2 upon presentation of such instrument to the department, if the
3 certificate of title was issued by the department, or to any
4 county clerk or designated county official, together with the
5 certificate of title and the fee prescribed for notation of
6 lien, may have a notation of such lien made on the face of such
7 certificate of title. The owner of a vehicle may present a valid
8 out-of-state certificate of title issued to such owner for such
9 vehicle with a notation of lien on such certificate of title and
10 the prescribed fee to the county clerk, designated county official,
11 or department and have the notation of lien made on the face of
12 the new certificate of title issued pursuant to section 60-144
13 without presenting a copy of the lien instrument. The county clerk
14 or designated county official or the department shall enter the
15 notation and the date thereof over the signature of such officer
16 and the official seal. If noted by a county clerk or designated
17 county official, he or she shall on that day notify the department
18 which shall note the lien on its records. The county clerk or
19 designated county official or the department shall also indicate by
20 appropriate notation and on such instrument itself the fact that
21 such lien has been noted on the certificate of title.

22 (4) A transaction does not create a sale or a security
23 interest in a vehicle, other than an all-terrain vehicle or a
24 minibike, merely because it provides that the rental price is
25 permitted or required to be adjusted under the agreement either
26 upward or downward by reference to the amount realized upon sale or
27 other disposition of the vehicle.

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

19 (6) When a lien is discharged, the holder shall, within
20 fifteen days after payment is received, note a cancellation of the
21 lien on the certificate of title over his, her, or its signature
22 and deliver the certificate of title to the county clerk or
23 designated county official or the department, which shall note the
24 cancellation of the lien on the face of the certificate of title
25 and on the records of such office. If delivered to a county clerk
26 or designated county official, he or she shall on that day notify
27 the department which shall note the cancellation on its records.

1 The county clerk or designated county official or the department
2 shall then return the certificate of title to the owner or as
3 otherwise directed by the owner. The cancellation of lien shall be
4 noted on the certificate of title without charge. If the holder
5 of the title cannot locate a lienholder, a lien may be discharged
6 ten years after the date of filing by presenting proof that thirty
7 days have passed since the mailing of a written notice by certified
8 mail, return receipt requested, to the last-known address of the
9 lienholder.

10 Sec. 4. Section 60-168.02, Revised Statutes Supplement,
11 2007, is amended to read:

12 60-168.02 (1) When a motor vehicle, commercial trailer,
13 semitrailer, or cabin trailer is purchased by a motor vehicle
14 dealer or trailer dealer and the original assigned certificate of
15 title has been lost or mutilated, the dealer selling such motor
16 vehicle or trailer may apply for an original certificate of title
17 in the dealer's name. The following documentation and fees shall be
18 submitted by the dealer:

19 (a) An application for a certificate of title in the name
20 of such dealer;

21 (b) A photocopy from the dealer's records of the front
22 and back of the lost or mutilated original certificate of title
23 assigned to a dealer; ~~with a reassignment to a purchaser;~~

24 (c) A notarized affidavit from the purchaser of
25 such motor vehicle or trailer for which the original assigned
26 certificate of title was lost or mutilated stating that the
27 original assigned certificate of title was lost or mutilated; and

1 (d) The appropriate certificate of title fee.

2 (2) The application and affidavit shall be on forms
3 prescribed by the department. When the motor vehicle dealer or
4 trailer dealer receives the new certificate of title in such
5 dealer's name and assigns it to the purchaser, the dealer shall
6 record the original sale date and provide the purchaser with a
7 copy of the front and back of the original lost or mutilated
8 certificate of title as evidence as to why the purchase date of
9 the motor vehicle or trailer is prior to the issue date of the new
10 certificate of title.

11 Sec. 5. Section 60-301, Revised Statutes Supplement,
12 2007, is amended to read:

13 60-301 Sections 60-301 to 60-3,221 and sections 8 and 10
14 of this act shall be known and may be cited as the Motor Vehicle
15 Registration Act.

16 Sec. 6. Section 60-302, Revised Statutes Supplement,
17 2007, is amended to read:

18 60-302 For purposes of the Motor Vehicle Registration
19 Act, unless the context otherwise requires, the definitions found
20 in sections 60-303 to 60-360 and section 8 of this act shall be
21 used.

22 Sec. 7. Section 60-311, Revised Statutes Supplement,
23 2007, is amended to read:

24 60-311 Base jurisdiction means, for purposes of fleet
25 registration, the jurisdiction where the registrant has an
26 established place of business, where miles or kilometers are
27 accrued by the fleet, and where operational records of such

1 fleet are maintained or can be made available. ~~For such purpose,~~
2 ~~there is hereby adopted and incorporated by reference section~~
3 ~~1602 of Article XVI, International Registration Plan, adopted by~~
4 ~~the American Association of Motor Vehicle Administrators, as such~~
5 ~~section existed on October 1, 2006.~~

6 Sec. 8. International Registration Plan means the
7 International Registration Plan adopted by International
8 Registration Plan, Inc.

9 Sec. 9. Section 60-342, Revised Statutes Supplement,
10 2007, is amended to read:

11 60-342 Owner means a person, firm, or corporation which
12 holds a legal title of a motor vehicle or trailer. If (1) a
13 motor vehicle or trailer is the subject of an agreement for
14 the conditional sale thereof with the right of purchase upon
15 performance of the conditions stated in the agreement and with an
16 immediate right of possession vested in the conditional vendee,
17 (2) a motor vehicle or trailer is subject to a lease of thirty
18 days or more with an immediate right of possession vested in
19 the lessee, or (3) a mortgagor of a motor vehicle or trailer is
20 entitled to possession, then such conditional vendee, lessee, or
21 mortgagor shall be deemed the owner for purposes of the Motor
22 Vehicle Registration Act. ~~For such purpose, there are hereby~~
23 ~~adopted and incorporated by reference the provisions of Article~~
24 ~~XI, International Registration Plan, adopted by the American~~
25 ~~Association of Motor Vehicle Administrators, as such provisions~~
26 ~~existed on October 1, 2006.~~

27 Sec. 10. For purposes of the Motor Vehicle Registration

1 Act, the International Registration Plan is adopted and
2 incorporated by reference as the plan existed on July 1, 2008.

3 Sec. 11. Section 60-365, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 60-365 Any person purchasing a motor vehicle or trailer
6 in this state other than from a licensed dealer in motor vehicles
7 or trailers shall not operate or tow such motor vehicle or trailer
8 in this state without registration except as provided in this
9 section. Such purchaser may operate or tow such motor vehicle or
10 trailer without registration for a period not to exceed thirty
11 days. Upon demand of proper authorities, there shall be presented
12 by the person in charge of such motor vehicle or trailer, for
13 examination, a certificate showing the date of transfer ~~and~~ or the
14 certificate of title, ~~if required,~~ to such motor vehicle or trailer
15 with assignment thereof duly executed. When such motor vehicle or
16 trailer is purchased from a nonresident, the person in charge of
17 such motor vehicle or trailer shall present upon demand proper
18 evidence of ownership from the state where such motor vehicle or
19 trailer was purchased.

20 Sec. 12. Section 60-376, Revised Statutes Cumulative
21 Supplement, 2006, is amended to read:

22 60-376 Subject to all the provisions of law relating to
23 motor vehicles and trailers not inconsistent with this section, any
24 motor vehicle dealer or trailer dealer who is regularly engaged
25 within this state in the business of buying and selling motor
26 vehicles and trailers, who regularly maintains within this state an
27 established place of business, and who desires to effect delivery

1 of any motor vehicle or trailer bought or sold by him or her from
2 the point where purchased or sold to points within or outside this
3 state may, solely for the purpose of such delivery by himself or
4 herself, his or her agent, or a bona fide purchaser, operate such
5 motor vehicle or tow such trailer on the highways of this state
6 without charge or registration of such motor vehicle or trailer.
7 A sticker shall be displayed on the front and rear windows or
8 the rear side windows of such motor vehicle, except a motorcycle,
9 and displayed on the front and rear of each such trailer. On the
10 sticker shall be plainly printed in black letters the words In
11 Transit. One In Transit sticker shall be displayed on a motorcycle,
12 which sticker may be one-half the size required for other motor
13 vehicles. Such stickers shall include a registration number, which
14 registration number shall be different for each sticker or pair of
15 stickers issued, and the contents of such sticker and the numbering
16 system shall be as prescribed by the department. Each dealer
17 issuing such stickers shall keep a record of the registration
18 number of each sticker or pair of stickers on the invoice of
19 such sale. Such sticker shall allow such owner to operate the
20 motor vehicle or tow such trailer for a period of thirty days
21 in order to effect proper registration of the new or used motor
22 vehicle or trailer. When any person, firm, or corporation has
23 had a motor vehicle or trailer previously registered and license
24 plates assigned to such person, firm, or corporation, such owner
25 may operate the motor vehicle or tow such trailer for a period of
26 thirty days in order to effect transfer of plates to the new or
27 used motor vehicle or trailer. Upon demand of proper authorities,

1 there shall be presented by the person in charge of such motor
2 vehicle or trailer, for examination, a duly executed bill of sale
3 therefor, ~~a certificate of title,~~ or other satisfactory evidence of
4 the right of possession by such person of such motor vehicle or
5 trailer.

6 Sec. 13. Section 60-3,161, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 60-3,161 (1) The department shall keep a record of each
9 motor vehicle and trailer registered, alphabetically by name of the
10 owner, with cross reference in each instance to the registration
11 number assigned to such motor vehicle and trailer. The record may
12 be destroyed by any public officer having custody of it after ~~six~~
13 three years from the date of its issuance.

14 (2) The department shall issue a copy of the record of
15 a registered or titled motor vehicle or trailer to any person
16 after receiving from the person the name on the registration, the
17 license plate number, the vehicle identification number, or the
18 title number of a motor vehicle or trailer, if the person provides
19 to the department verification of identity and purpose pursuant to
20 section 60-2906 or 60-2907. A fee of one dollar shall be charged
21 for the copy. An extract of the entire file of motor vehicles and
22 trailers registered or titled in the state or updates to the entire
23 file may be provided to a person upon payment of a fee of eighteen
24 dollars per thousand records. Any fee received by the department
25 pursuant to this subsection shall be deposited into the Department
26 of Motor Vehicles Cash Fund.

27 (3) The record of each motor vehicle or trailer

1 registration or title maintained by the department pursuant to this
2 section may be made available electronically through the gateway
3 or electronic network established under section 84-1204 so long as
4 the Uniform Motor Vehicle Records Disclosure Act is not violated.
5 There shall be a fee of one dollar per record for individual
6 records. For batch requests for multiple motor vehicle or trailer
7 title and registration records selected on the basis of criteria of
8 the individual making the request, there shall be a fee of fifty
9 dollars for every request under two thousand records and a fee of
10 eighteen dollars per one thousand records for any number of records
11 over two thousand, plus a reasonable programming fee not to exceed
12 five hundred twenty dollars. All fees collected pursuant to this
13 subsection for electronic access to records through the gateway
14 shall be deposited in the Records Management Cash Fund and shall be
15 distributed as provided in any agreements between the State Records
16 Board and the department.

17 Sec. 14. Section 60-3,196, Revised Statutes Supplement,
18 2007, is amended to read:

19 60-3,196 Apportionable vehicles registered as provided in
20 section 60-3,198 and apportionable vehicles covered under ~~section~~
21 ~~404 of Article IV, the~~ International Registration Plan, ~~adopted~~
22 ~~by the American Association of Motor Vehicle Administrators, as~~
23 ~~such section existed on October 1, 2006, which is hereby adopted~~
24 ~~and incorporated by reference,~~ shall be deemed fully registered
25 in all jurisdictions where apportioned or granted reciprocity
26 for any type of movement or operation. The registrant must have
27 proper interjurisdiction or intrajurisdiction authority from the

1 appropriate regulatory agency of each jurisdiction of this state if
2 not exempt from regulation by the regulatory agency.

3 Sec. 15. Section 60-3,198, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 60-3,198 (1) Any owner engaged in operating a fleet of
6 apportionable vehicles in this state in interjurisdiction commerce
7 may, in lieu of registration of such apportionable vehicles under
8 the general provisions of the Motor Vehicle Registration Act,
9 register and license such fleet for operation in this state
10 by filing a statement and the application required by section
11 60-3,203 with the Division of Motor Carrier Services of the
12 department. The statement shall be in such form and contain such
13 information as the division requires, declaring the total mileage
14 operated by such vehicles in all jurisdictions and in this state
15 during the preceding year and describing and identifying each
16 such apportionable vehicle to be operated in this state during
17 the ensuing license year. Upon receipt of such statement and
18 application, the division shall determine the total fee payment,
19 which shall be equal to the amount of fees due pursuant to
20 section 60-3,203 and the amount obtained by applying the formula
21 provided in section 60-3,204 to a fee of thirty-two dollars per
22 ton based upon gross vehicle weight of the empty weights of a
23 truck or truck-tractor and the empty weights of any trailer or
24 combination thereof with which it is to be operated in combination
25 at any one time plus the weight of the maximum load to be
26 carried thereon at any one time, and shall notify the applicant
27 of the amount of payment required to be made. Mileage operated in

1 noncontracting reciprocity jurisdictions by apportionable vehicles
2 based in Nebraska shall be applied to the portion of the formula
3 for determining the Nebraska injurisdiction fleet distance.

4 Temporary authority which permits the operation of a
5 fleet or an addition to a fleet in this state while the application
6 is being processed may be issued upon application to the division
7 if necessary to complete processing of the application.

8 Upon completion of such processing and receipt of the
9 appropriate fees, the division shall issue to the applicant a
10 sufficient number of distinctive registration certificates which
11 provide a list of the jurisdictions in which the apportionable
12 vehicle has been apportioned, the weight for which registered,
13 and such other evidence of registration for display on the
14 apportionable vehicle as the division determines appropriate for
15 each of the apportionable vehicles of his or her fleet, identifying
16 it as a part of an interjurisdiction fleet proportionately
17 registered. All fees received as provided in this section shall be
18 remitted to the State Treasurer for credit to the Motor Carrier
19 Services Division Distributive Fund.

20 The apportionable vehicles so registered shall be exempt
21 from all further registration and license fees under the Motor
22 Vehicle Registration Act for movement or operation in the State of
23 Nebraska except as provided in section 60-3,203. The proportional
24 registration and licensing provision of this section shall apply
25 to apportionable vehicles added to such fleets and operated in
26 this state during the license year except with regard to permanent
27 license plates issued under section 60-3,203.

1 The right of applicants to proportional registration
2 under this section shall be subject to the terms and conditions
3 of any reciprocity agreement, contract, or consent made by the
4 division.

5 When a nonresident fleet owner has registered his or her
6 apportionable vehicles, his or her apportionable vehicles shall
7 be considered as fully registered for both interjurisdiction
8 and intrajurisdiction commerce when the jurisdiction of base
9 registration for such fleet accords the same consideration for
10 fleets with a base registration in Nebraska. Each apportionable
11 vehicle of a fleet registered by a resident of Nebraska ~~basis~~ shall
12 be considered as fully registered for both interjurisdiction and
13 intrajurisdiction commerce.

14 (2) Mileage proportions for interjurisdiction fleets
15 not operated in this state during the preceding year shall
16 be determined by the division upon the application of the
17 applicant on forms to be supplied by the division which shall
18 show the operations of the preceding year in other jurisdictions
19 and estimated operations in Nebraska or, if no operations were
20 conducted the previous year, a full statement of the proposed
21 method of operation.

22 (3) Any owner complying with and being granted
23 proportional registration shall preserve the records on which the
24 application is made for a period of three years following the
25 current registration year. Upon request of the division, the owner
26 shall make such records available to the division at its office for
27 audit as to accuracy of computation and payments or pay the costs

1 of an audit at the home office of the owner by a duly appointed
2 representative of the division if the office where the records
3 are maintained is not within the State of Nebraska. The division
4 may enter into agreements with agencies of other jurisdictions
5 administering motor vehicle registration laws for joint audits of
6 any such owner. All payments received to cover the costs of an
7 audit shall be remitted by the division to the State Treasurer
8 for credit to the Motor Carrier Division Cash Fund. No deficiency
9 shall be assessed and no claim for credit shall be allowed for
10 any license registration year for which records on which the
11 application was made are no longer required to be maintained.

12 (4) If the division claims that a greater amount of fee
13 is due under this section than was paid, the division shall notify
14 the owner of the additional amount claimed to be due. The owner may
15 accept such claim and pay the amount due, or he or she may dispute
16 the claim and submit to the division any information which he or
17 she may have in support of his or her position. If the dispute
18 cannot otherwise be resolved within the division, the owner may
19 petition for an appeal of the matter. The director shall appoint
20 a hearing officer who shall hear the dispute and issue a written
21 decision. Any appeal shall be in accordance with the Administrative
22 Procedure Act. Upon expiration of the time for perfecting an appeal
23 if no appeal is taken or upon final judicial determination if an
24 appeal is taken, the division shall deny the owner the right to
25 further registration for a fleet license until the amount finally
26 determined to be due, together with any costs assessed against the
27 owner, has been paid.

1 (5) Every applicant who licenses any apportionable
2 vehicles under this section and section 60-3,203 shall have his
3 or her registration certificates issued only after all fees under
4 such sections are paid and, if applicable, proof has been furnished
5 of payment, in the form prescribed by the director as directed by
6 the United States Secretary of the Treasury, of the federal heavy
7 vehicle use tax imposed by 26 U.S.C. 4481 of the Internal Revenue
8 Code as defined in section 49-801.01.

9 (6) In the event of the transfer of ownership of
10 any registered apportionable vehicle or in the case of loss of
11 possession because of fire or theft or because the apportionable
12 vehicle was wrecked, junked, or dismantled, its registration shall
13 expire, except that if the registered owner applies to the division
14 after such transfer or loss of possession and accompanies the
15 application with the fee of one dollar and fifty cents, he or
16 she may have assigned to another motor vehicle the registration
17 identification of the motor vehicle so transferred or lost. If the
18 assigned apportionable vehicle has a greater gross vehicle weight
19 than the transferred or lost apportionable vehicle, the owner of
20 the assigned apportionable vehicle shall additionally pay only the
21 registration fee for the increased gross vehicle weight for the
22 remaining months of the registration year based on the factors
23 determined by the division in the original fleet application.

24 (7) Whenever a Nebraska-based fleet owner files an
25 application with the division to delete a registered apportionable
26 vehicle from a fleet of registered apportionable vehicles because
27 of (a) the transfer of ownership or (b) the loss of possession due

1 to fire or theft or because the apportionable vehicle was wrecked,
2 junked, or dismantled, the registered owner may, by returning the
3 registration certificate or certificates and such other evidence
4 of registration used by the division or, if such certificate or
5 certificates or such other evidence of registration is unavailable,
6 then by making an affidavit to the division of such transfer or
7 loss, receive a refund of that portion of the unused registration
8 fee based upon the number of unexpired months remaining in the
9 registration year from the date of transfer or loss. No refund
10 shall be allowed for any fees paid under section 60-3,203. When
11 such apportionable vehicle is transferred or lost within the same
12 month as acquired, no refund shall be allowed for such month. Such
13 refund may be in the form of a credit against any registration
14 fees that have been incurred or are, at the time of the refund,
15 being incurred by the registered apportionable vehicle owner. The
16 Nebraska-based fleet owner shall make a claim for a refund under
17 this subsection within the registration period or shall be deemed
18 to have forfeited his or her right to the refund.

19 (8) Whenever a Nebraska-based fleet owner files an
20 application with the division to delete a registered apportionable
21 vehicle from a fleet of registered apportionable vehicles because
22 the apportionable vehicle is disabled and has been removed from
23 service, the registered owner may, by returning the registration
24 certificate or certificates and such other evidence of registration
25 used by the division or, in the case of the unavailability of such
26 certificate or certificates or such other evidence of registration,
27 then by making an affidavit to the division of such disablement

1 and removal from service, receive a credit for that portion
2 of the unused registration fee deposited in the Highway Trust
3 Fund based upon the number of unexpired months remaining in the
4 registration year. No credit shall be allowed for any fees paid
5 under section 60-3,203. When such apportionable vehicle is removed
6 from service within the same month in which it was registered,
7 no credit shall be allowed for such month. Such credit may be
8 applied against registration fees for new or replacement vehicles
9 incurred within one year after cancellation of registration of
10 the apportionable vehicle for which the credit was allowed. When
11 any such apportionable vehicle is reregistered within the same
12 registration year in which its registration has been canceled,
13 the fee shall be that portion of the registration fee provided
14 to be deposited in the Highway Trust Fund for the remainder of
15 the registration year. The Nebraska-based fleet owner shall make a
16 claim for a credit under this subsection within the registration
17 period or shall be deemed to have forfeited his or her right to the
18 credit.

19 (9) In case of addition to the registered fleet during
20 the registration year, the owner engaged in operating the fleet
21 shall pay the proportionate registration fee from the date of
22 the application the vehicle was placed into service or, if the
23 vehicle was previously registered outside of Nebraska, the date the
24 prior registration expired or the date Nebraska became the base
25 jurisdiction for the fleet, whichever is first, for the remaining
26 balance of the registration year. The fee for any permanent license
27 plate issued for such addition pursuant to section 60-3,203 shall

1 be the full fee required by such section, regardless of the number
2 of months remaining in the license year.

3 (10) In lieu of registration under subsections (1)
4 through (9) of this section, the title holder of record may
5 apply to the division for special registration, to be known as an
6 unladen-weight registration, for any commercial motor vehicle or
7 combination of vehicles. Such registration shall be valid only for
8 a period of thirty days and shall give no authority to operate the
9 vehicle except when empty. The fee for such registration shall be
10 twenty dollars for each vehicle, which fee shall be remitted to the
11 State Treasurer for credit to the Highway Trust Fund. The issuance
12 of such permits shall be governed by section 60-3,179.

13 (11) Any person may, in lieu of registration under
14 subsections (1) through (9) of this section or for other
15 jurisdictions as approved by the director, purchase a trip
16 permit for any nonresident truck, truck-tractor, bus, or truck
17 or truck-tractor combination. Such permit shall be valid for a
18 period of seventy-two hours. The fee for such permit shall be
19 twenty-five dollars for each truck, truck-tractor, bus, or truck
20 or truck-tractor combination. Such permit shall be available at
21 weighing stations operated by the carrier enforcement division and
22 at various vendor stations as determined appropriate by the carrier
23 enforcement division. The carrier enforcement division shall act as
24 an agent for the Division of Motor Carrier Services in collecting
25 such fees and shall remit all such fees collected to the State
26 Treasurer for credit to the Highway Cash Fund. Trip permits shall
27 be obtained at the first available location whether that is a

1 weighing station or a vendor station. The vendor stations shall be
2 entitled to collect and retain an additional fee of ten percent of
3 the fee collected pursuant to this subsection as reimbursement for
4 the clerical work of issuing the permits.

5 Sec. 16. Section 60-462.01, Revised Statutes Supplement,
6 2007, is amended to read:

7 60-462.01 For purposes of the Motor Vehicle Operator's
8 License Act, the following federal regulations are adopted as
9 Nebraska law as they existed on January 1, ~~2007~~ 2008:

10 (1) Beginning on an implementation date designated by
11 the director, the federal requirements for interstate shipment of
12 etiologic agents, 42 C.F.R. part 72; and

13 (2) The parts, subparts, and sections of Title 49 of the
14 Code of Federal Regulations, as referenced in the Motor Vehicle
15 Operator's License Act.

16 Sec. 17. Section 60-4,147.02, Revised Statutes
17 Supplement, 2007, is amended to read:

18 60-4,147.02 No endorsement authorizing the driver to
19 operate a commercial motor vehicle transporting hazardous materials
20 shall be issued, renewed, or transferred by the Department of Motor
21 Vehicles unless the endorsement is issued, renewed, or transferred
22 in conformance with the requirements of section 1012 of the federal
23 Uniting and Strengthening America by Providing Appropriate Tools
24 Required to Intercept and Obstruct Terrorism Act of 2001, USA
25 PATRIOT Act, 49 U.S.C. 5103a, including all amendments and federal
26 rules and regulations adopted and promulgated pursuant thereto as
27 of January 1, ~~2007~~ 2008, for the issuance of licenses to operate

1 commercial motor vehicles transporting hazardous materials.

2 Sec. 18. Section 60-601, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 60-601 Sections 60-601 to 60-6,377 and section 20 of this
5 act shall be known and may be cited as the Nebraska Rules of the
6 Road.

7 Sec. 19. Section 60-605, Revised Statutes Cumulative
8 Supplement, 2006, is amended to read:

9 60-605 For purposes of the Nebraska Rules of the Road,
10 the definitions found in sections 60-606 to 60-676 and section 20
11 of this act shall be used.

12 Sec. 20. Idle reduction technology means any device or
13 system of devices that is installed on a heavy-duty diesel-powered
14 on-highway truck or truck-tractor and is designed to provide to
15 such truck or truck-tractor those services, such as heat, air
16 conditioning, or electricity, that would otherwise require the
17 operation of the main drive engine while the truck or truck-tractor
18 is temporarily parked or remains stationary.

19 Sec. 21. Section 60-6,265, Revised Statutes Supplement,
20 2007, is amended to read:

21 60-6,265 For purposes of sections 60-6,266 to 60-6,273,
22 occupant protection system means a system utilizing a lap belt, a
23 shoulder belt, or any combination of belts installed in a motor
24 vehicle which (1) restrains drivers and passengers and (2) conforms
25 to Federal Motor Vehicle Safety Standards, 49 C.F.R. 571.207,
26 571.208, 571.209, and 571.210, as such standards existed on January
27 1, ~~2007,~~ 2008, or to the federal motor vehicle safety standards

1 for passenger restraint systems applicable for the motor vehicle's
2 model year.

3 Sec. 22. Section 60-6,267, Revised Statutes Supplement,
4 2007, is amended to read:

5 60-6,267 (1) Any person in Nebraska who drives any motor
6 vehicle which has or is required to have an occupant protection
7 system shall ensure that:

8 (a) All children up to six years of age being transported
9 by such vehicle use a child passenger restraint system of a type
10 which meets Federal Motor Vehicle Safety Standard 213 as developed
11 by the National Highway Traffic Safety Administration, as such
12 standard existed on January 1, ~~2007~~, 2008, and which is correctly
13 installed in such vehicle; and

14 (b) All children six years of age and less than eighteen
15 years of age being transported by such vehicle use an occupant
16 protection system.

17 This subsection shall apply to every motor vehicle which
18 is equipped with an occupant protection system or is required to be
19 equipped with restraint systems pursuant to Federal Motor Vehicle
20 Safety Standard 208, as such standard existed on January 1, ~~2007~~,
21 2008, except taxicabs, mopeds, motorcycles, and any motor vehicle
22 designated by the manufacturer as a 1963 year model or earlier
23 which is not equipped with an occupant protection system.

24 (2) Whenever any licensed physician determines, through
25 accepted medical procedures, that use of a child passenger
26 restraint system by a particular child would be harmful by reason
27 of the child's weight, physical condition, or other medical reason,

1 the provisions of subsection (1) of this section shall be waived.
2 The driver of any vehicle transporting such a child shall carry
3 on his or her person or in the vehicle a signed written statement
4 of the physician identifying the child and stating the grounds for
5 such waiver.

6 (3) The drivers of authorized emergency vehicles shall
7 not be subject to the requirements of subsection (1) of this
8 section when operating such authorized emergency vehicles pursuant
9 to their employment.

10 (4) A driver of a motor vehicle shall not be subject to
11 the requirements of subsection (1) of this section if the motor
12 vehicle is being operated in a parade or exhibition and the parade
13 or exhibition is being conducted in accordance with applicable
14 state law and local ordinances and resolutions.

15 (5) The Department of Motor Vehicles shall develop and
16 implement an ongoing statewide public information and education
17 program regarding the use of child passenger restraint systems and
18 occupant protection systems and the availability of distribution
19 and discount programs for child passenger restraint systems.

20 (6) All persons being transported by a motor vehicle
21 operated by a holder of a provisional operator's permit or a school
22 permit shall use such motor vehicle's occupant protection system.

23 Sec. 23. Section 60-6,288, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 60-6,288 (1) No vehicle which exceeds a total outside
26 width of one hundred two inches, including any load but excluding
27 designated safety devices, shall be permitted on any portion

1 of the National System of Interstate and Defense Highways. The
2 Director-State Engineer shall adopt and promulgate rules and
3 regulations, consistent with federal requirements, designating
4 safety devices which shall be excluded in determining vehicle
5 width.

6 (2) No vehicle which exceeds a total outside width of
7 one hundred two inches, including any load but excluding designated
8 safety devices, shall be permitted on any highway which is not a
9 portion of the National System of Interstate and Defense Highways,
10 except that such prohibition shall not apply to:

11 (a) Farm equipment in temporary movement, during daylight
12 hours or during hours of darkness when the clearance light
13 requirements of section 60-6,235 are fully complied with, in
14 the normal course of farm operations;

15 (b) Combines eighteen feet or less in width, while in
16 the normal course of farm operations and while being driven during
17 daylight hours or during hours of darkness when the clearance light
18 requirements of section 60-6,235 are fully complied with;

19 (c) Combines in excess of eighteen feet in width, while
20 in the normal course of farm operations, while being driven during
21 daylight hours for distances of twenty-five miles or less on
22 highways and while preceded by a well-lighted pilot vehicle or
23 flagperson, except that such combines may be driven on highways
24 while in the normal course of farm operations for distances of
25 twenty-five miles or less and while preceded by a well-lighted
26 pilot vehicle or flagperson during hours of darkness when the
27 clearance light requirements of section 60-6,235 are fully complied

1 with;

2 (d) Combines and vehicles used in transporting combines
3 or other implements of husbandry, and only when transporting
4 combines or other implements of husbandry, to be engaged in
5 harvesting or other agricultural work, while being transported
6 into or through the state during daylight hours, when the total
7 width including the width of the combine or other implement of
8 husbandry being transported does not exceed fifteen feet, except
9 that vehicles used in transporting combines or other implements
10 of husbandry may, when necessary to the harvesting operation or
11 other agricultural work, travel unloaded for distances not to
12 exceed twenty-five miles, while the combine or other implement of
13 husbandry to be transported is engaged in a harvesting operation or
14 other agricultural work;

15 (e) Farm equipment dealers hauling, driving, delivering,
16 or picking up farm equipment, including portable livestock
17 buildings not exceeding fourteen feet in width, or implements of
18 husbandry during daylight hours;

19 (f) Livestock forage vehicles loaded or unloaded that
20 comply with subsection (2) of section 60-6,305;

21 (g) During daylight hours only, vehicles en route to
22 pick up, delivering, or returning unloaded from delivery of baled
23 livestock forage which, including the load if any, may be twelve
24 feet in width;

25 (h) Mobile homes or prefabricated livestock buildings not
26 exceeding sixteen feet in width and with an outside tire width
27 dimension not exceeding one hundred twenty inches moving during

1 daylight hours;

2 (i) A ~~rubber-tired crane~~ Self-propelled specialized
3 mobile equipment with a fixed load when:

4 (i) The ~~crane~~ self-propelled specialized mobile equipment
5 will be transported on a state highway, excluding any portion of
6 the National System of Interstate and Defense Highways, on a city
7 street, or on a road within the corporate limits of a city;

8 (ii) The city in which the ~~crane~~ self-propelled
9 specialized mobile equipment is intended to be transported
10 has authorized a permit pursuant to section 60-6,298 for the
11 transportation of the ~~crane,~~ self-propelled specialized mobile
12 equipment, specifying the route to be used and the hours during
13 which the ~~crane~~ self-propelled specialized mobile equipment can
14 be transported, except that no permit shall be issued by a city
15 for travel on a state highway containing a bridge or structure
16 which is structurally inadequate to carry the ~~crane~~ self-propelled
17 specialized mobile equipment as determined by the Department of
18 Roads;

19 (iii) The ~~crane's~~ self-propelled specialized mobile
20 equipment's gross weight does not exceed ninety-four thousand
21 pounds, if a four-axle ~~crane,~~ self-propelled specialized mobile
22 equipment, or seventy-two thousand pounds, if a three-axle ~~crane,~~
23 self-propelled specialized mobile equipment; and

24 (iv) If a four-axle ~~crane,~~ self-propelled specialized
25 mobile equipment, the maximum weight on each set of tandem axles
26 does not exceed forty-seven thousand pounds, or if a three-axle
27 ~~crane,~~ self-propelled specialized mobile equipment, the maximum

1 weight on the front axle does not exceed twenty-five thousand
2 pounds and the total maximum weight on the rear tandem axles does
3 not exceed forty-seven thousand pounds;

4 (j) Vehicles which have been issued a permit pursuant to
5 section 60-6,299; or

6 (k) A motor home or travel trailer, as those terms are
7 defined in section 71-4603, which may exceed one hundred and two
8 inches if such excess width is attributable to an appurtenance that
9 extends no more than six inches beyond the body of the vehicle. For
10 purposes of this subdivision, the term appurtenance includes (i)
11 an awning and its support hardware and (ii) any appendage that is
12 intended to be an integral part of a motor home or travel trailer
13 and that is installed by the manufacturer or dealer. The term
14 appurtenance does not include any item that is temporarily affixed
15 or attached to the exterior of the motor home or travel trailer for
16 purposes of transporting the vehicular unit from one location to
17 another. Appurtenances shall not be considered in calculating the
18 gross trailer area as defined in section 71-4603.

19 (3) The Director-State Engineer, with respect to highways
20 under his or her jurisdiction, may designate certain highways upon
21 which vehicles of no more than ninety-six inches in width may be
22 permitted to travel. Highways so designated shall be limited to one
23 or more of the following:

24 (a) Highways with traffic lanes of ten feet or less;

25 (b) Highways upon which are located narrow bridges; and

26 (c) Highways which because of sight distance, surfacing,
27 unusual curves, topographic conditions, or other unusual

1 circumstances would not in the opinion of the Director-State
2 Engineer safely accommodate vehicles of more than ninety-six inches
3 in width.

4 Sec. 24. Section 60-6,289, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 60-6,289 (1) No vehicle unladen or with load shall exceed
7 a height of fourteen feet, six inches, except:

8 (a) Combines or vehicles used in transporting combines,
9 to be engaged in harvesting within or without the state, moving
10 into or through the state during daylight hours when the overall
11 height does not exceed fifteen feet, six inches;

12 (b) Livestock forage vehicles with or without load that
13 comply with subsection (2) of section 60-6,305;

14 (c) Farm equipment or implements of husbandry being
15 driven, picked up, or delivered during daylight hours by farm
16 equipment dealers shall not exceed fifteen feet, six inches;

17 (d) A ~~rubber-tired crane~~ Self-propelled specialized
18 mobile equipment with a fixed load when the requirements of
19 subdivision (2)(i) of section 60-6,288 are met; or

20 (e) Vehicles which have been issued a permit pursuant to
21 section 60-6,299.

22 (2) No person shall be required to raise, alter,
23 construct, or reconstruct any underpass, bridge, wire, or other
24 structure to permit the passage of any vehicle having a height,
25 unladen or with load, in excess of twelve feet, six inches. The
26 owners, lessees, and operators, jointly and severally, of vehicles
27 exceeding twelve feet, six inches, in height shall assume the risk

1 of loss to the vehicle or its load and shall be liable for any
2 damages that result to overhead obstructions from operation of a
3 vehicle exceeding twelve feet, six inches, in height.

4 Sec. 25. Section 60-6,290, Revised Statutes Cumulative
5 Supplement, 2006, is amended to read:

6 60-6,290 (1)(a) No vehicle shall exceed a length of
7 forty feet, extreme overall dimensions, inclusive of front and rear
8 bumpers including load, except that:

9 (i) A bus or a motor home, as defined in section 71-4603,
10 may exceed the forty-foot limitation but shall not exceed a length
11 of forty-five feet;

12 (ii) A truck-tractor may exceed the forty-foot
13 limitation;

14 (iii) A semitrailer operating in a truck-tractor single
15 semitrailer combination, which semitrailer was actually and
16 lawfully operating in the State of Nebraska on December 1, 1982,
17 may exceed the forty-foot limitation; and

18 (iv) A semitrailer operating in a truck-tractor single
19 semitrailer combination, which semitrailer was not actually and
20 lawfully operating in the State of Nebraska on December 1, 1982,
21 may exceed the forty-foot limitation but shall not exceed a length
22 of fifty-three feet including load.

23 (b) No combination of vehicles shall exceed a length of
24 sixty-five feet, extreme overall dimensions, inclusive of front and
25 rear bumpers and including load, except:

26 (i) One truck and one trailer, loaded or unloaded,
27 used in transporting implements of husbandry to be engaged in

1 harvesting, while being transported into or through the state
2 during daylight hours if the total length does not exceed
3 seventy-five feet including load;

4 (ii) A truck-tractor single semitrailer combination;

5 (iii) A truck-tractor semitrailer trailer combination,
6 but the semitrailer trailer portion of such combination shall not
7 exceed sixty-five feet inclusive of connective devices; and

8 (iv) A driveaway saddlemount vehicle transporter
9 combination and driveaway saddlemount with fullmount vehicle
10 transporter combination, but the total overall length shall not
11 exceed ninety-seven feet.

12 (c) A truck shall be construed to be one vehicle for the
13 purpose of determining length.

14 (d) A trailer shall be construed to be one vehicle for
15 the purpose of determining length.

16 (2) Subsection (1) of this section shall not apply to:

17 (a) Extra-long vehicles which have been issued a permit
18 pursuant to section 60-6,292;

19 (b) Vehicles which have been issued a permit pursuant to
20 section 60-6,299;

21 (c) The temporary moving of farm machinery during
22 daylight hours in the normal course of farm operations;

23 (d) The movement of unbaled livestock forage vehicles,
24 loaded or unloaded;

25 (e) The movement of public utility or other construction
26 and maintenance material and equipment at any time;

27 (f) Farm equipment dealers hauling, driving, delivering,

1 or picking up farm equipment or implements of husbandry within the
2 county in which the dealer maintains his or her place of business,
3 or in any adjoining county or counties, and return;

4 (g) The overhang of any motor vehicle being hauled upon
5 any lawful combination of vehicles, but such overhang shall not
6 exceed the distance from the rear axle of the hauled motor vehicle
7 to the closest bumper thereof;

8 (h) The overhang of a combine to be engaged in
9 harvesting, while being transported into or through the state
10 driven during daylight hours by a truck-tractor semitrailer
11 combination, but the length of the semitrailer, including overhang,
12 shall not exceed sixty-three feet and the maximum semitrailer
13 length shall not exceed fifty-three feet;

14 (i) Any ~~rubber-tired crane~~ self-propelled specialized
15 mobile equipment with a fixed load when the requirements of
16 subdivision (2)(i) of section 60-6,288 are met; or

17 (j) One truck-tractor two trailer combination or one
18 truck-tractor semitrailer trailer combination used in transporting
19 equipment utilized by custom harvesters under contract to
20 agricultural producers to harvest wheat, soybeans, or milo
21 during the months of April through November but the length of
22 the property-carrying units, excluding load, shall not exceed
23 eighty-one feet six inches.

24 (3) The length limitations of this section shall be
25 exclusive of safety and energy conservation devices such as
26 rearview mirrors, turnsignal lights, marker lights, steps and
27 handholds for entry and egress, flexible fender extensions,

1 mudflaps and splash and spray suppressant devices, load-induced
2 tire bulge, refrigeration units or air compressors, and other
3 devices necessary for safe and efficient operation of commercial
4 motor vehicles, except that no device excluded from the limitations
5 of this section shall have by its design or use the capability to
6 carry cargo.

7 Sec. 26. Section 60-6,294, Revised Statutes Cumulative
8 Supplement, 2006, is amended to read:

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

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

24 (3) No group of two or more consecutive axles shall carry
25 a load in pounds in excess of the value given in the following
26 table corresponding to the distance in feet between the extreme
27 axles of the group, measured longitudinally to the nearest foot,

1 except that the maximum load carried on any group of two or more
2 axles shall not exceed eighty thousand pounds on the National
3 System of Interstate and Defense Highways unless the Director-State
4 Engineer pursuant to section 60-6,295 authorizes a greater weight.

5 Distance in feet Maximum load in pounds carried
6 between the on any group of two or more
7 extremes of consecutive axles
8 any group of
9 two or more

10	consecutive	Two	Three	Four	Five	Six	Seven
11	axles	Axles	Axles	Axles	Axles	Axles	Axles
12	4	34,000					
13	5	34,000					
14	6	34,000					
15	7	34,000					
16	8	34,000	42,000				
17	9	39,000	42,500				
18	10	40,000	43,500				
19	11		44,000				
20	12		45,000	50,000			
21	13		45,500	50,500			
22	14		46,500	51,500			
23	15		47,000	52,000			
24	16		48,000	52,500	58,000		
25	17		48,500	53,500	58,500		
26	18		49,500	54,000	59,000		
27	19		50,000	54,500	60,000		

1	20	51,000	55,500	60,500		
2	21	51,500	56,000	61,000		
3	22	52,500	56,500	61,500		
4	23	53,000	57,500	62,500		
5	24	54,000	58,000	63,000		
6	25	54,500	58,500	63,500	69,000	
7	26	55,500	59,500	64,000	69,500	
8	27	56,000	60,000	65,000	70,000	
9	28	57,000	60,500	65,500	71,000	
10	29	57,500	61,500	66,000	71,500	
11	30	58,500	62,000	66,500	72,000	
12	31	59,000	62,500	67,500	72,500	
13	32	60,000	63,500	68,000	73,000	
14	33		64,000	68,500	74,000	
15	34		64,500	69,000	74,500	
16	35		65,500	70,000	75,000	
17	36		66,000	70,500	75,500	
18	37		66,500	71,000	76,000	81,500
19	38		67,500	72,000	77,000	82,000
20	39		68,000	72,500	77,500	82,500
21	40		68,500	73,000	78,000	83,500
22	41		69,500	73,500	78,500	84,000
23	42		70,000	74,000	79,000	84,500
24	43		70,500	75,000	80,000	85,000
25	44		71,500	75,500	80,500	85,500
26	45		72,000	76,000	81,000	86,000
27	46		72,500	76,500	81,500	87,000

1	47	73,500	77,500	82,000	87,500
2	48	74,000	78,000	83,000	88,000
3	49	74,500	78,500	83,500	88,500
4	50	75,500	79,000	84,000	89,000
5	51	76,000	80,000	84,500	89,500
6	52	76,500	80,500	85,000	90,500
7	53	77,500	81,000	86,000	91,000
8	54	78,000	81,500	86,500	91,500
9	55	78,500	82,500	87,000	92,000
10	56	79,500	83,000	87,500	92,500
11	57	80,000	83,500	88,000	93,000
12	58		84,000	89,000	94,000
13	59		85,000	89,500	94,500
14	60		85,500	90,000	95,000

15 (4) The distance between axles shall be measured to the
16 nearest foot. When a fraction is exactly one-half foot, the next
17 larger whole number shall be used, except that:

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

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

26 (5) The limitations of subsections (2) through (4) of
27 this section shall apply as stated to all main, rural, and

1 intercity highways but shall not be construed as inhibiting heavier
2 axle loads in metropolitan areas, except on the National System of
3 Interstate and Defense Highways, if such loads are not prohibited
4 by city ordinance.

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

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

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

20 (9) Vehicles equipped with a greater number of axles than
21 provided in the tables in subsection (3) of this section shall be
22 legal if they do not exceed the maximum load upon any wheel or
23 axle, the maximum load upon any group of two or more consecutive
24 axles, and the total gross weight, or any of such weights as
25 provided in subsections (2) and (3) of this section.

26 (10) Subsections (1) through (9) of this section shall
27 not apply to a vehicle which has been issued a permit pursuant to

1 section 60-6,299, a ~~rubber-tired crane~~ self-propelled specialized
2 mobile equipment with a fixed load when the requirements of
3 subdivision (2)(i) of section 60-6,288 are met, or an emergency
4 vehicle when the requirements of subdivision (1)(a)(v) of section
5 60-6,298 are met.

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

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

21 The maximum gross weight limit and the axle weight
22 limit for any vehicle or combination of vehicles equipped with
23 idle reduction technology may be increased by an amount necessary
24 to compensate for the additional weight of the idle reduction
25 technology as provided in 23 U.S.C. 127(a)(12), as such section
26 existed on the operative date of this section. The additional
27 amount of weight allowed by this subsection shall not exceed four

1 hundred pounds and shall not be construed to be in addition to the
2 five-percent-in-excess-of-maximum-load provision of subdivision (1)
3 of section 60-6,301.

4 Sec. 27. Section 75-363, Revised Statutes Supplement,
5 2007, is amended to read:

6 75-363 (1) The parts, subparts, and sections of Title
7 49 of the Code of Federal Regulations listed below, as modified
8 in this section, or any other parts, subparts, and sections
9 referred to by such parts, subparts, and sections, in existence and
10 effective as of January 1, ~~2007~~, 2008, are adopted as Nebraska law.

11 (2) Except as otherwise provided in this section, the
12 regulations shall be applicable to:

13 (a) All motor carriers, drivers, and vehicles to which
14 the federal regulations apply; and

15 (b) All motor carriers transporting persons or property
16 in intrastate commerce to include:

17 (i) All vehicles of such motor carriers with a gross
18 vehicle weight rating, gross combination weight rating, gross
19 vehicle weight, or gross combination weight over ten thousand
20 pounds;

21 (ii) All vehicles of such motor carriers designed or
22 used to transport more than eight passengers, including the driver,
23 for compensation, or designed or used to transport more than
24 fifteen passengers, including the driver, and not used to transport
25 passengers for compensation;

26 (iii) All vehicles of such motor carriers transporting
27 hazardous materials required to be placarded pursuant to section

1 75-364; and

2 (iv) All drivers of such motor carriers if the drivers
3 are operating a commercial motor vehicle as defined in section
4 60-465 which requires a commercial driver's license.

5 (3) The Legislature hereby adopts, as modified in this
6 section, the following parts of Title 49 of the Code of Federal
7 Regulations:

8 (a) Part 382 - Controlled Substances And Alcohol Use And
9 Testing;

10 (b) Part 385 - Safety Fitness Procedures;

11 (c) Part 387 - Minimum Levels of Financial Responsibility
12 for Motor Carriers;

13 (d) Part 390 - Federal Motor Carrier Safety Regulations;
14 General;

15 (e) Part 391 - Qualifications Of Drivers And Longer
16 Combination Vehicle (LCV) Driver Instructors;

17 (f) Part 392 - Driving Of Commercial Motor Vehicles;

18 (g) Part 393 - Parts And Accessories Necessary For Safe
19 Operation;

20 (h) Part 395 - Hours Of Service Of Drivers;

21 (i) Part 396 - Inspection, Repair, And Maintenance;

22 (j) Part 397 - Transportation Of Hazardous Materials;
23 Driving And Parking Rules; and

24 (k) Part 398 - Transportation Of Migrant Workers.

25 (4) The provisions of subpart E - Physical Qualifications
26 And Examinations of 49 C.F.R. part 391 - Qualifications Of Drivers
27 And Longer Combination Vehicle (LCV) Driver Instructors shall not

1 apply to any driver subject to this section who: (a) Operates a
2 commercial motor vehicle exclusively in intrastate commerce; and
3 (b) holds, or has held, a commercial driver's license issued by
4 this state prior to July 30, 1996.

5 (5) The regulations adopted in subsection (3) of this
6 section shall not apply to farm trucks registered pursuant to
7 section 60-3,146 with a gross weight of sixteen tons or less or to
8 fertilizer and agricultural chemical application and distribution
9 equipment transported in units with a capacity of three thousand
10 five hundred gallons or less if the equipment is not required to
11 be placarded pursuant to section 75-364. The following parts and
12 sections of 49 C.F.R. chapter III shall not apply to drivers of
13 farm trucks registered pursuant to section 60-3,146 and operated
14 solely in intrastate commerce:

15 (a) All of part 391;

16 (b) Section 395.8 of part 395; and

17 (c) Section 396.11 of part 396.

18 (6) For purposes of this section, intrastate motor
19 carriers shall not include any motor carrier or driver excepted
20 from 49 C.F.R. chapter III by section 390.3(f) of part 390 or
21 any nonprofit entity, operating solely in intrastate commerce,
22 organized for the purpose of furnishing electric service.

23 (7) Part 395 - Hours Of Service Of Drivers shall apply
24 to motor carriers and drivers who engage in intrastate commerce as
25 defined in section 75-362, except that no motor carrier who engages
26 in intrastate commerce shall permit or require any driver used by
27 it to drive nor shall any driver drive:

1 (a) More than twelve hours following eight consecutive
2 hours off duty; or

3 (b) For any period after having been on duty sixteen
4 hours following eight consecutive hours off duty.

5 No motor carrier who engages in intrastate commerce
6 shall permit or require a driver of a commercial motor vehicle,
7 regardless of the number of motor carriers using the driver's
8 services, to drive, nor shall any driver of a commercial motor
9 vehicle drive, for any period after:

10 (i) Having been on duty seventy hours in any seven
11 consecutive days if the employing motor carrier does not operate
12 every day of the week; or

13 (ii) Having been on duty eighty hours in any period of
14 eight consecutive days if the employing motor carrier operates
15 motor vehicles every day of the week.

16 (8) Part 395 - Hours Of Service Of Drivers, as adopted
17 in subsections (3) and (7) of this section, shall not apply to
18 drivers transporting agricultural commodities or farm supplies for
19 agricultural purposes when the transportation of such commodities
20 or supplies occurs within a one-hundred-air-mile radius of
21 the source of the commodities or the distribution point for
22 the supplies when such transportation occurs during the period
23 beginning on February 15 up to and including December 15 of each
24 calendar year.

25 (9) 49 C.F.R. 390.21 - Marking Of Commercial Motor
26 Vehicles shall not apply to farm trucks and farm truck-tractors
27 registered pursuant to section 60-3,146 and operated solely in

1 intrastate commerce.

2 (10) 49 C.F.R. 392.9a - Operating Authority shall
3 not apply to Nebraska motor carriers operating commercial motor
4 vehicles solely in intrastate commerce.

5 Sec. 28. Section 75-364, Revised Statutes Supplement,
6 2007, is amended to read:

7 75-364 (1) The parts, subparts, and sections of Title
8 49 of the Code of Federal Regulations listed below, or any other
9 parts, subparts, and sections referred to by such parts, subparts,
10 and sections, in existence and effective as of January 1, 2007,
11 2008, are adopted as part of Nebraska law and, except as provided
12 in subsections (2) and (3) of this section, shall be applicable
13 to all motor carriers whether engaged in interstate or intrastate
14 commerce, drivers of such motor carriers, and vehicles of such
15 motor carriers:

16 (a) Part 107 - Hazardous Materials Program Procedures,
17 subpart F - Registration Of Cargo Tank And Cargo Tank Motor
18 Vehicle Manufacturers, Assemblers, Repairers, Inspectors, Testers,
19 and Design Certifying Engineers;

20 (b) Part 107 - Hazardous Materials Program Procedures,
21 subpart G - Registration Of Persons Who Offer Or Transport
22 Hazardous Materials;

23 (c) Part 171 - General Information, Regulations, And
24 Definitions;

25 (d) Part 172 - Hazardous Materials Table, Special
26 Provisions, Hazardous Materials Communications, Emergency Response
27 Information, and Training Requirements;

1 (e) Part 173 - Shippers-General Requirements For
2 Shipments And Packagings;

3 (f) Part 177 - Carriage By Public Highway;

4 (g) Part 178 - Specifications For Packagings; and

5 (h) Part 180 - Continuing Qualification And Maintenance
6 Of Packagings.

7 (2) Agricultural operations exceptions:

8 (a) The transportation of an agricultural product other
9 than a Class 2 material (Compressed Gases) as defined in 49 C.F.R.
10 171.8, over roads, other than the National System of Interstate and
11 Defense Highways, between fields of the same farm, is excepted from
12 subsection (1) of this section when:

13 (i) The agricultural product is transported by a farmer
14 who is an intrastate private motor carrier; and

15 (ii) The movement of the agricultural product conforms to
16 all other laws in effect on or before July 1, 1998, and 49 C.F.R.
17 173.24, 173.24a, and 173.24b;

18 (b) The transportation of an agricultural product to or
19 from a farm, within one hundred fifty miles of the farm, is
20 excepted from the requirements in 49 C.F.R. part 172, subparts G
21 (emergency response information) and H (training), and from the
22 specific packaging requirements of subsection (1) of this section
23 when:

24 (i) The agricultural product is transported by a farmer
25 who is an intrastate private motor carrier;

26 (ii) The total amount of agricultural product being
27 transported on a single vehicle does not exceed:

1 (A) Sixteen thousand ninety-four pounds of ammonium
2 nitrate fertilizer properly classed as Division 5.1, PGIII, in
3 a bulk packaging; or

4 (B) Five hundred two gallons for liquids or gases, or
5 five thousand seventy pounds for solids, of any other agricultural
6 product;

7 (iii) The packaging conforms to the requirements of
8 state law and is specifically authorized for transportation of the
9 agricultural product by state law and such state law has been in
10 effect on or before July 1, 1998; and

11 (iv) Each person having any responsibility for
12 transporting the agricultural product or preparing the agricultural
13 product for shipment has been instructed in the applicable
14 requirements of the parts, subparts, and sections of Title 49 of
15 the Code of Federal Regulations adopted in this section; and

16 (c) Formulated liquid agricultural products in
17 specification packagings of fifty-eight-gallon capacity or less,
18 with closures manifolded to a closed mixing system and equipped
19 with positive dry disconnect devices, may be transported by a
20 private motor carrier between a final distribution point and an
21 ultimate point of application or for loading aboard an airplane for
22 aerial application.

23 (3) Exceptions for nonspecification packagings used in
24 intrastate transportation:

25 (a) Nonspecification cargo tanks for petroleum products:
26 Notwithstanding requirements for specification packagings in 49
27 C.F.R. part 173, subpart F, and 49 C.F.R. parts 178 and 180,

1 a nonspecification metal tank permanently secured to a transport
2 vehicle and protected against leakage or damage in the event
3 of a turnover, having a capacity of less than three thousand
4 five hundred gallons, may be used by an intrastate motor carrier
5 for transportation of a flammable liquid petroleum product in
6 accordance with subdivision (c) of this subsection;

7 (b) Permanently secured nonbulk tanks for petroleum
8 products: Notwithstanding requirements for specification packagings
9 in 49 C.F.R. part 173, subpart F, and 49 C.F.R. parts 178
10 and 180, a nonspecification metal tank permanently secured to a
11 transport vehicle and protected against leakage or damage in the
12 event of a turnover, having a capacity of less than one hundred
13 nineteen gallons, may be used by an intrastate motor carrier
14 for transportation of a flammable liquid petroleum product in
15 accordance with subdivision (c) of this subsection; and

16 (c) Additional requirements: A packaging used pursuant to
17 subdivision (a) or (b) of this subsection must:

18 (i) Be operated by an intrastate motor carrier and in use
19 as a packaging for hazardous material before July 1, 1998;

20 (ii) Be operated in conformance with the requirements of
21 the State of Nebraska;

22 (iii) Be specifically authorized by state law in effect
23 before July 1, 1998, for use as a packaging for the hazardous
24 material being transported and by 49 C.F.R. 173.24, 173.24a, and
25 173.24b;

26 (iv) Be offered for transportation and transported in
27 conformance with all other applicable requirements of the hazardous

1 material regulations;

2 (v) Not be used to transport a flammable cryogenic
3 liquid, hazardous substance, hazardous waste, or marine pollutant
4 as defined in 49 C.F.R. 171.8; and

5 (vi) On and after July 1, 2000, for a tank authorized
6 under subdivision (a) or (b) of this subsection, conform to
7 all requirements in 49 C.F.R. part 180, except for 49 C.F.R.
8 180.405(g), in the same manner as required for a United States
9 Department of Transportation specification MC306 cargo tank motor
10 vehicle.

11 (4) For purposes of this section:

12 (a) Agricultural product means a hazardous material,
13 other than a hazardous waste, whose end use directly supports
14 the production of an agricultural commodity, including, but not
15 limited to, a fertilizer, pesticide, soil amendment, or fuel. An
16 agricultural product is limited to a material in Class 3 (Flammable
17 Liquids), Class 8 (Corrosives), or Class 9 (Miscellaneous),
18 Division 2.1 (Flammable Gas), Division 2.2 (Nonflammable Gas),
19 Division 5.1 (Oxidizers), or Division 6.1 (Poisons), or an ORM-D
20 material (Consumer Commodity), as defined in 49 C.F.R. 171.8;

21 (b) Bulk package means a packaging, including a transport
22 vehicle or freight container, in which hazardous materials are
23 loaded with no other intermediate form of containment and which
24 has:

25 (i) A maximum capacity greater than one hundred nineteen
26 gallons as a receptacle for a liquid;

27 (ii) A maximum net mass greater than eight hundred

1 eighty-two pounds and a maximum capacity greater than one hundred
2 nineteen gallons as a receptacle for a solid; or

3 (iii) A water capacity greater than one thousand pounds
4 as a receptacle for a gas, pursuant to standards set forth in 49
5 C.F.R. 173.115;

6 (c) Farmer means a person engaged in the production or
7 raising of crops, poultry, or livestock; and

8 (d) Private motor carrier means a person or persons
9 engaged in the transportation of persons or product while in
10 commerce, but not for hire.

11 Sec. 29. Sections 1, 3, 11, 12, 13, 15, 18, 19, 20, 23,
12 24, 25, 26, 30, and 33 of this act become operative three calendar
13 months after adjournment of this legislative session. Sections 5,
14 6, 7, 8, 9, 10, 14, 16, 17, 21, 22, and 31 of this act become
15 operative on July 1, 2008. The other sections of this act become
16 operative on their effective date.

17 Sec. 30. Original sections 37-1282, 60-6,288, and
18 60-6,289, Reissue Revised Statutes of Nebraska, sections 60-365,
19 60-376, 60-3,161, 60-3,198, 60-601, 60-605, 60-6,290, and 60-6,294,
20 Revised Statutes Cumulative Supplement, 2006, and section 60-164,
21 Revised Statutes Supplement, 2007, are repealed.

22 Sec. 31. Original sections 60-301, 60-302, 60-311,
23 60-342, 60-3,196, 60-462.01, 60-4,147.02, 60-6,265, and 60-6,267,
24 Revised Statutes Supplement, 2007, are repealed.

25 Sec. 32. Original section 60-141, Revised Statutes
26 Cumulative Supplement, 2006, and sections 60-168.02, 75-363, and
27 75-364, Revised Statutes Supplement, 2007, are repealed.

1 Sec. 33. The following section is outright repealed:
2 Section 60-6,227, Reissue Revised Statutes of Nebraska.
3 Sec. 34. Since an emergency exists, this act takes effect
4 when passed and approved according to law.