

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 263**

FINAL READING

Introduced by Transportation and Telecommunications Committee: Friesen, 34, Chairperson; Bostelman, 23; Briese, 41; Geist, 25; Hilgers, 21; Hughes, 44; Murante, 49; Smith, 14.

Read first time January 11, 2017

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to government; to amend sections 13-910,  
2 37-1201, 37-1279, 37-1283, 37-1287, 60-168.02, 60-192, 60-394,  
3 60-3,126, 60-3,184, 60-483, 60-4,109, 60-4,168.01, 60-506.01,  
4 60-699, 60-6,168, 75-110, 75-303.01, 75-303.02, 75-303.03, 76-2316,  
5 76-2319, 76-2320, 81-8,219, and 83-123, Reissue Revised Statutes of  
6 Nebraska, and sections 60-101, 60-102, 60-119.01, 60-144, 60-149,  
7 60-154, 60-155, 60-161, 60-164, 60-166, 60-301, 60-302, 60-317,  
8 60-336.01, 60-363, 60-372, 60-385, 60-386, 60-393, 60-395, 60-396,  
9 60-3,104, 60-3,104.01, 60-3,113.04, 60-3,118, 60-3,120, 60-3,121,  
10 60-3,122, 60-3,122.02, 60-3,122.04, 60-3,123, 60-3,124, 60-3,125,  
11 60-3,128, 60-3,130.04, 60-3,135.01, 60-3,141, 60-3,151, 60-3,161,  
12 60-3,193.01, 60-3,224, 60-3,227, 60-3,229, 60-3,231, 60-462.01,  
13 60-479.01, 60-4,108, 60-4,147.02, 60-4,168, 60-501, 60-628.01,  
14 60-1505, 60-2904, 60-2907, 75-128, 75-306, 75-309, 75-311, 75-363,  
15 75-364, 75-366, 75-369.03, 75-392, 75-393, 76-2325, and 77-2703,  
16 Revised Statutes Cumulative Supplement, 2016; to change provisions  
17 relating to the State Boat Act, the Motor Vehicle Certificate of  
18 Title Act, the Motor Vehicle Registration Act, the Motor Vehicle  
19 Operator's License Act, the Motor Vehicle Safety Responsibility Act,  
20 the Nebraska Rules of the Road, the Uniform Motor Vehicle Records  
21 Disclosure Act, and the One-Call Notification System Act; to provide

1 for Native American Cultural Awareness and History Plates and to  
2 create a fund; to change provisions relating to the use of a fund  
3 and certain registration and title records kept by the Department of  
4 Motor Vehicles; to provide for an electronic dealer services system;  
5 to change provisions relating to the Public Service Commission,  
6 motor carriers, and the issuance of license plates; to harmonize  
7 provisions; to provide a duty for the Revisor of Statutes; to  
8 provide operative dates; to repeal the original sections; and to  
9 declare an emergency.

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

1 Section 1. Section 13-910, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 13-910 The Political Subdivisions Tort Claims Act and sections  
4 16-727, 16-728, 23-175, 39-809, and 79-610 shall not apply to:

5 (1) Any claim based upon an act or omission of an employee of a  
6 political subdivision, exercising due care, in the execution of a  
7 statute, ordinance, or officially adopted resolution, rule, or  
8 regulation, whether or not such statute, ordinance, resolution, rule, or  
9 regulation is valid;

10 (2) Any claim based upon the exercise or performance of or the  
11 failure to exercise or perform a discretionary function or duty on the  
12 part of the political subdivision or an employee of the political  
13 subdivision, whether or not the discretion is abused;

14 (3) Any claim based upon the failure to make an inspection or making  
15 an inadequate or negligent inspection of any property other than property  
16 owned by or leased to such political subdivision to determine whether the  
17 property complies with or violates any statute, ordinance, rule, or  
18 regulation or contains a hazard to public health or safety unless the  
19 political subdivision had reasonable notice of such hazard or the failure  
20 to inspect or inadequate or negligent inspection constitutes a reckless  
21 disregard for public health or safety;

22 (4) Any claim based upon the issuance, denial, suspension, or  
23 revocation of or failure or refusal to issue, deny, suspend, or revoke  
24 any permit, license, certificate, or order. Nothing in this subdivision  
25 shall be construed to limit a political subdivision's liability for any  
26 claim based upon the negligent execution by an employee of the political  
27 subdivision in the issuance of a certificate of title under the Motor  
28 Vehicle Certificate of Title Act and the State Boat Act except when such  
29 title is issued upon an application filed electronically by an approved  
30 licensed dealer participating in the electronic dealer services system  
31 pursuant to section 77 of this act;

1           (5) Any claim arising with respect to the assessment or collection  
2 of any tax or fee or the detention of any goods or merchandise by any law  
3 enforcement officer;

4           (6) Any claim caused by the imposition or establishment of a  
5 quarantine by the state or a political subdivision, whether such  
6 quarantine relates to persons or property;

7           (7) Any claim arising out of assault, battery, false arrest, false  
8 imprisonment, malicious prosecution, abuse of process, libel, slander,  
9 misrepresentation, deceit, or interference with contract rights;

10          (8) Any claim by an employee of the political subdivision which is  
11 covered by the Nebraska Workers' Compensation Act;

12          (9) Any claim arising out of the malfunction, destruction, or  
13 unauthorized removal of any traffic or road sign, signal, or warning  
14 device unless it is not corrected by the political subdivision  
15 responsible within a reasonable time after actual or constructive notice  
16 of such malfunction, destruction, or removal. Nothing in this subdivision  
17 shall give rise to liability arising from an act or omission of any  
18 political subdivision in placing or removing any traffic or road signs,  
19 signals, or warning devices when such placement or removal is the result  
20 of a discretionary act of the political subdivision;

21          (10) Any claim arising out of snow or ice conditions or other  
22 temporary conditions caused by nature on any highway as defined in  
23 section 60-624, bridge, public thoroughfare, or other public place due to  
24 weather conditions. Nothing in this subdivision shall be construed to  
25 limit a political subdivision's liability for any claim arising out of  
26 the operation of a motor vehicle by an employee of the political  
27 subdivision while acting within the course and scope of his or her  
28 employment by the political subdivision;

29          (11) Any claim arising out of the plan or design for the  
30 construction of or an improvement to any highway as defined in such  
31 section or bridge, either in original construction or any improvement

1 thereto, if the plan or design is approved in advance of the construction  
2 or improvement by the governing body of the political subdivision or some  
3 other body or employee exercising discretionary authority to give such  
4 approval;

5 (12) Any claim arising out of the alleged insufficiency or want of  
6 repair of any highway as defined in such section, bridge, or other public  
7 thoroughfare. Insufficiency or want of repair shall be construed to refer  
8 to the general or overall condition and shall not refer to a spot or  
9 localized defect. A political subdivision shall be deemed to waive its  
10 immunity for a claim due to a spot or localized defect only if (a) the  
11 political subdivision has had actual or constructive notice of the defect  
12 within a reasonable time to allow repair prior to the incident giving  
13 rise to the claim or (b) the claim arose during the time specified in a  
14 notice provided by the political subdivision pursuant to subsection (3)  
15 of section 39-1359 and the state or political subdivision had actual or  
16 constructive notice; or

17 (13)(a) Any claim relating to recreational activities for which no  
18 fee is charged (i) resulting from the inherent risk of the recreational  
19 activity, (ii) arising out of a spot or localized defect of the premises  
20 unless the spot or localized defect is not corrected by the political  
21 subdivision leasing, owning, or in control of the premises within a  
22 reasonable time after actual or constructive notice of the spot or  
23 localized defect, or (iii) arising out of the design of a skatepark or  
24 bicycle motocross park constructed for purposes of skateboarding, inline  
25 skating, bicycling, or scootering that was constructed or reconstructed,  
26 reasonably and in good faith, in accordance with generally recognized  
27 engineering or safety standards or design theories in existence at the  
28 time of the construction or reconstruction. For purposes of this  
29 subdivision, a political subdivision shall be charged with constructive  
30 notice only when the failure to discover the spot or localized defect of  
31 the premises is the result of gross negligence.

1 (b) For purposes of this subdivision:

2 (i) Recreational activities include, but are not limited to, whether  
3 as a participant or spectator: Hunting, fishing, swimming, boating,  
4 camping, picnicking, hiking, walking, running, horseback riding, use of  
5 trails, nature study, waterskiing, winter sports, use of playground  
6 equipment, biking, roller blading, skateboarding, golfing, athletic  
7 contests; visiting, viewing, or enjoying entertainment events, festivals,  
8 or historical, archaeological, scenic, or scientific sites; and similar  
9 leisure activities;

10 (ii) Inherent risk of recreational activities means those risks that  
11 are characteristic of, intrinsic to, or an integral part of the activity;

12 (iii) Gross negligence means the absence of even slight care in the  
13 performance of a duty involving an unreasonable risk of harm; and

14 (iv) Fee means a fee to participate in or be a spectator at a  
15 recreational activity. A fee shall include payment by the claimant to any  
16 person or organization other than the political subdivision only to the  
17 extent the political subdivision retains control over the premises or the  
18 activity. A fee shall not include payment of a fee or charge for parking  
19 or vehicle entry.

20 (c) This subdivision, and not subdivision (3) of this section, shall  
21 apply to any claim arising from the inspection or failure to make an  
22 inspection or negligent inspection of premises owned or leased by the  
23 political subdivision and used for recreational activities.

24 Sec. 2. Section 37-1201, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 37-1201 Sections 37-1201 to 37-12,110 and section 3 of this act  
27 shall be known and may be cited as the State Boat Act. It is the policy  
28 of this state to promote safety for persons and property in and connected  
29 with the use, operation, and equipment of vessels and to promote  
30 uniformity of laws relating thereto.

31 Sec. 3. Beginning January 1, 2019, if a motorboat certificate of

1 title is an electronic certificate of title record, upon application by  
2 an owner or a lienholder and payment of the fee prescribed in section  
3 37-1287, the following changes may be made to a certificate of title  
4 electronically and without printing a certificate of title:

5 (1) Changing the name of an owner to reflect a legal change of name;

6 (2) Removing the name of an owner with the consent of all owners and  
7 lienholders; or

8 (3) Adding an additional owner with the consent of all owners and  
9 lienholders.

10 Sec. 4. Section 37-1279, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 37-1279 (1) The county treasurer shall issue the certificate of  
13 title. The county treasurer shall sign and affix his or her seal to the  
14 original certificate of title and deliver the certificate to the  
15 applicant if there are no liens on the motorboat. If there are one or  
16 more liens on the motorboat, the certificate of title shall be handled as  
17 provided in section 37-1282. The county treasurer shall keep on hand a  
18 sufficient supply of blank forms which shall be furnished and distributed  
19 without charge to manufacturers, dealers, or other persons residing  
20 within the county, except that certificates of title shall only be issued  
21 by the county treasurer or the Department of Motor Vehicles. Each county  
22 shall issue and file certificates of title using the Vehicle Title and  
23 Registration System which shall be provided and maintained by the  
24 department ~~vehicle titling and registration computer system.~~

25 (2) Each county treasurer of the various counties shall provide his  
26 or her seal without charge to the applicant on any certificate of title,  
27 application for certificate of title, duplicate copy, assignment or  
28 reassignment, power of attorney, statement, or affidavit pertaining to  
29 the issuance of a certificate of title. The department shall prescribe a  
30 uniform method of numbering certificates of title.

31 (3) The county treasurer shall (a) file all certificates of title

1 according to rules and regulations of the department, (b) maintain in the  
2 office indices for such certificates of title, (c) be authorized to  
3 destroy all previous records five years after a subsequent transfer has  
4 been made on a motorboat, and (d) be authorized to destroy all  
5 certificates of title and all supporting records and documents which have  
6 been on file for a period of five years or more from the date of filing  
7 the certificate or a notation of lien, whichever occurs later.

8 Sec. 5. Section 37-1283, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 37-1283 (1) In the event of the transfer of ownership of a motorboat  
11 by operation of law as upon inheritance, devise, or bequest, order in  
12 bankruptcy, insolvency, replevin, or execution sale, (2) whenever a  
13 motorboat is sold to satisfy storage or repair charges, or (3) whenever  
14 repossession is had upon default in performance of the terms of a chattel  
15 mortgage, trust receipt, conditional sales contract, or other like  
16 agreement, and upon acceptance of an electronic certificate of title  
17 record after repossession, in addition to the title requirements in this  
18 section, the county treasurer of any county or the Department of Motor  
19 Vehicles, upon the surrender of the prior certificate of title or the  
20 manufacturer's or importer's certificate, or when that is not possible,  
21 upon presentation of satisfactory proof of ownership and right of  
22 possession to the motorboat, and upon payment of the fee prescribed in  
23 section 37-1287 and the presentation of an application for certificate of  
24 title, may issue to the applicant a certificate of title thereto. If the  
25 prior certificate of title issued for the motorboat provided for joint  
26 ownership with right of survivorship, a new certificate of title shall be  
27 issued to a subsequent purchaser upon the assignment of the prior  
28 certificate of title by the surviving owner and presentation of  
29 satisfactory proof of death of the deceased owner. Only an affidavit by  
30 the person or agent of the person to whom possession of the motorboat has  
31 so passed, setting forth facts entitling him or her to such possession



1 and ownership, together with a copy of the journal entry, court order, or  
2 instrument upon which such claim of possession and ownership is founded  
3 shall be considered satisfactory proof of ownership and right of  
4 possession, except that if the applicant cannot produce such proof of  
5 ownership, he or she may submit to the department such evidence as he or  
6 she may have and the department may thereupon, if it finds the evidence  
7 sufficient, issue the certificate of title or authorize any county  
8 treasurer to issue a certificate of title, as the case may be. If from  
9 the records of the county treasurer or the department there appear to be  
10 any liens on the motorboat, the certificate of title shall comply with  
11 section 37-1282 regarding the liens unless the application is accompanied  
12 by proper evidence of their satisfaction or extinction.

13 Sec. 6. Section 37-1287, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 37-1287 (1) The county treasurers or the Department of Motor  
16 Vehicles shall charge a fee of six dollars for each certificate of title  
17 and a fee of three dollars for each notation of any lien on a certificate  
18 of title. The county treasurers shall retain for the county four dollars  
19 of the six dollars charged for each certificate of title and two dollars  
20 for each notation of lien. The remaining amount of the fee charged for  
21 the certificate of title and notation of lien under this subsection shall  
22 be remitted to the State Treasurer for credit to the General Fund.

23 (2) The county treasurers or the department shall charge a fee of  
24 ten dollars for each replacement or duplicate copy of a certificate of  
25 title, and the duplicate copy issued shall show only those unreleased  
26 liens of record. Such fees shall be remitted by the county or the  
27 department to the State Treasurer for credit to the General Fund.

28 (3) In addition to the fees prescribed in subsections (1) and (2) of  
29 this section, the county treasurers or the department shall charge a fee  
30 of four dollars for each certificate of title, each replacement or  
31 duplicate copy of a certificate of title, and each notation of lien on a

1 certificate of title. The county treasurers or the department shall remit  
2 the fee charged under this subsection to the State Treasurer for credit  
3 to the Department of Motor Vehicles Cash Fund.

4 (4) The county treasurers shall remit fees due the State Treasurer  
5 under this section monthly and not later than the ~~twentieth~~ fifteenth day  
6 of the month following collection. The county treasurers shall credit  
7 fees not due to the State Treasurer to their respective county general  
8 fund.

9 Sec. 7. Section 60-101, Revised Statutes Cumulative Supplement,  
10 2016, is amended to read:

11 60-101 Sections 60-101 to 60-197 and sections 9, 10, 11, and 19 of  
12 this act shall be known and may be cited as the Motor Vehicle Certificate  
13 of Title Act.

14 Sec. 8. Section 60-102, Revised Statutes Cumulative Supplement,  
15 2016, is amended to read:

16 60-102 For purposes of the Motor Vehicle Certificate of Title Act,  
17 unless the context otherwise requires, the definitions found in sections  
18 60-103 to 60-136.01 and section 9 of this act shall be used.

19 Sec. 9. Licensed dealer means a motor vehicle dealer, motorcycle  
20 dealer, or trailer dealer licensed under the Motor Vehicle Industry  
21 Regulation Act.

22 Sec. 10. If the owner does not have a certificate of title for a  
23 vehicle manufactured more than thirty years prior to application for a  
24 certificate of title which has not had any major component part replaced,  
25 the department shall search its records and any records readily  
26 accessible to the department for evidence of issuance of a certificate of  
27 title for such vehicle at the request of the owner. If no certificate of  
28 title has been issued, the owner may apply for a certificate of title  
29 indicating that the year, make, and model of the vehicle is that  
30 originally designated by the manufacturer by presenting a notarized bill  
31 of sale, an affidavit in support of the application for title, and a

1 statement that an inspection has been conducted on the vehicle.

2       Sec. 11. For each certificate of title issued by the department  
3 under section 10 of this act, the fee shall be twenty-five dollars, which  
4 shall be remitted to the State Treasurer for credit to the Department of  
5 Motor Vehicles Cash Fund.

6       Sec. 12. Section 60-119.01, Revised Statutes Cumulative Supplement,  
7 2016, is amended to read:

8       60-119.01 Low-speed vehicle means a four-wheeled motor vehicle (1)  
9 whose speed attainable in one mile is more than twenty miles per hour and  
10 not more than twenty-five miles per hour on a paved, level surface, (2)  
11 whose gross vehicle weight rating is less than three thousand pounds, and  
12 (3) that complies with 49 C.F.R. part 571, as such part existed on  
13 January 1, 2017 ~~2016~~.

14       Sec. 13. Section 60-144, Revised Statutes Cumulative Supplement,  
15 2016, is amended to read:

16       60-144 (1)(a)(i) Except as provided in subdivisions (b), (c), and  
17 (d) of this subsection, the county treasurer shall be responsible for  
18 issuing and filing certificates of title for vehicles, and each county  
19 shall issue and file such certificates of title using the Vehicle Title  
20 and Registration System which shall be provided and maintained ~~vehicle~~  
21 ~~titling and registration computer system prescribed~~ by the department.  
22 Application for a certificate of title shall be made upon a form  
23 prescribed by the department. All applications shall be accompanied by  
24 the appropriate fee or fees.

25       (ii) This subdivision applies beginning on an implementation date  
26 designated by the director. The director shall designate an  
27 implementation date which is on or before January 1, 2020. In addition to  
28 the information required under subdivision (1)(a)(i) of this section, the  
29 application for a certificate of title shall contain (A) the full legal  
30 name as defined in section 60-468.01 of each owner and (B)(I) the motor  
31 vehicle operator's license number or state identification card number of

1 each owner, if applicable, and one or more of the identification elements  
2 as listed in section 60-484 of each owner, if applicable, and (II) if any  
3 owner is a business entity, a nonprofit organization, an estate, a trust,  
4 or a church-controlled organization, its tax identification number.

5 (b) The department shall issue and file certificates of title for  
6 Nebraska-based fleet vehicles. Application for a certificate of title  
7 shall be made upon a form prescribed by the department. All applications  
8 shall be accompanied by the appropriate fee or fees.

9 (c) The department shall issue and file certificates of title for  
10 state-owned vehicles. Application for a certificate of title shall be  
11 made upon a form prescribed by the department. All applications shall be  
12 accompanied by the appropriate fee or fees.

13 (d) The department shall issue certificates of title pursuant to  
14 section 60-142.06. Application for a certificate of title shall be made  
15 upon a form prescribed by the department. All applications shall be  
16 accompanied by the appropriate fee or fees.

17 (e) The department shall issue certificates of title pursuant to  
18 section 10 of this act. Application for a certificate of title shall be  
19 made upon a form prescribed by the department. All applications shall be  
20 accompanied by the appropriate fee or fees.

21 (2) If the owner of an all-terrain vehicle, a utility-type vehicle,  
22 or a minibike resides in Nebraska, the application shall be filed with  
23 the county treasurer of the county in which the owner resides.

24 (3)(a) Except as otherwise provided in subdivision (b) of this  
25 subsection until January 1, 2019, if a vehicle, other than an all-terrain  
26 vehicle, a utility-type vehicle, or a minibike, has situs in Nebraska,  
27 the application shall be filed with the county treasurer of the county in  
28 which the vehicle has situs. Beginning January 1, 2019, if a vehicle has  
29 situs in Nebraska, the application for a certificate of title may be  
30 filed with the county treasurer of any county.

31 (b) If a motor vehicle dealer licensed under the Motor Vehicle

1 Industry Regulation Act applies for a certificate of title for a vehicle,  
2 the application may be filed with the county treasurer of any county.

3 (c) An approved licensed dealer participating in the electronic  
4 dealer services system pursuant to section 77 of this act may apply for a  
5 certificate of title for a vehicle to the county treasurer of any county  
6 or the department in a manner provided by the electronic dealer services  
7 system.

8 (4) If the owner of a vehicle is a nonresident, the application  
9 shall be filed in the county in which the transaction is consummated.

10 (5) The application shall be filed within thirty days after the  
11 delivery of the vehicle.

12 (6) All applicants registering a vehicle pursuant to section  
13 60-3,198 shall file the application for a certificate of title with the  
14 Division of Motor Carrier Services of the department. The division shall  
15 deliver the certificate to the applicant if there are no liens on the  
16 vehicle. If there are one or more liens on the vehicle, the certificate  
17 of title shall be handled as provided in section 60-164. All certificates  
18 of title issued by the division shall be issued in the manner prescribed  
19 for the county treasurer in section 60-152.

20 Sec. 14. Section 60-149, Revised Statutes Cumulative Supplement,  
21 2016, is amended to read:

22 60-149 (1)(a) If a certificate of title has previously been issued  
23 for a vehicle in this state, the application for a new certificate of  
24 title shall be accompanied by the certificate of title duly assigned  
25 except as otherwise provided in the Motor Vehicle Certificate of Title  
26 Act.

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

1 (i) A manufacturer's or importer's certificate except as otherwise  
2 provided in subdivision (vii) of this subdivision;

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

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

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

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

12 (vi) Documentation prescribed in section 60-142.01, 60-142.02,  
13 60-142.04, or 60-142.05 or section 10 of this act; or

14 (vii) A manufacturer's or importer's certificate and an affidavit by  
15 the owner affirming ownership in the case of a minitruck.

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

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

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

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

31 (ii) A certificate of title from another state;

1 (iii) A court order issued by a court of record;

2 (iv) Evidence of ownership as provided for in section 30-24,125,  
3 52-601.01 to 52-605, 60-1901 to 60-1911, or 60-2401 to 60-2411; or

4 (v) Assessment records for the manufactured home or mobile home from  
5 the county assessor and an affidavit by the owner affirming ownership.

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

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

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

22 Sec. 15. Section 60-154, Revised Statutes Cumulative Supplement,  
23 2016, is amended to read:

24 60-154 (1)(a) For each original certificate of title issued by a  
25 county for a motor vehicle or trailer, the fee shall be ten dollars.  
26 Three dollars and twenty-five cents shall be retained by the county. Four  
27 dollars shall be remitted to the State Treasurer for credit to the  
28 Department of Motor Vehicles Cash Fund. Two dollars shall be remitted to  
29 the State Treasurer for credit to the General Fund. Seventy-five cents  
30 shall be remitted to the State Treasurer for credit as follows: Twenty  
31 cents to the Motor Vehicle Fraud Cash Fund; forty-five cents to the

1 Nebraska State Patrol Cash Fund; and ten cents to the Nebraska Motor  
2 Vehicle Industry Licensing Fund.

3 (b) For each original certificate of title issued by a county for an  
4 all-terrain vehicle, a utility-type vehicle, or a minibike, the fee shall  
5 be ten dollars. Three dollars and twenty-five cents shall be retained by  
6 the county. Four dollars shall be remitted to the State Treasurer for  
7 credit to the Department of Motor Vehicles Cash Fund. Two dollars shall  
8 be remitted to the State Treasurer for credit to the General Fund.  
9 Seventy-five cents shall be remitted to the State Treasurer for credit as  
10 follows: Twenty cents to the Motor Vehicle Fraud Cash Fund; and fifty-  
11 five cents to the Nebraska State Patrol Cash Fund.

12 (2) For each original certificate of title issued by the department  
13 for a vehicle except as provided in section 60-159.01, the fee shall be  
14 ten dollars. Four dollars shall be remitted to the State Treasurer for  
15 credit to the Department of Motor Vehicles Cash Fund. Six dollars shall  
16 be remitted to the State Treasurer for credit to the Motor Carrier  
17 Division Cash Fund.

18 (3) An approved licensed dealer participating in the electronic  
19 dealer services system pursuant to section 77 of this act may collect the  
20 fees prescribed by this section and shall remit any such fees to the  
21 appropriate county treasurer or the department.

22 Sec. 16. Section 60-155, Revised Statutes Cumulative Supplement,  
23 2016, is amended to read:

24 60-155 (1) For each notation of a lien by a county, the fee shall be  
25 seven dollars. Two dollars shall be retained by the county. Four dollars  
26 shall be remitted to the State Treasurer for credit to the Department of  
27 Motor Vehicles Cash Fund. One dollar shall be remitted to the State  
28 Treasurer for credit to the General Fund.

29 (2) For each notation of a lien by the department, the fee shall be  
30 seven dollars. Four dollars shall be remitted to the State Treasurer for  
31 credit to the Department of Motor Vehicles Cash Fund. Three dollars shall



1 be remitted to the State Treasurer for credit to the Motor Carrier  
2 Division Cash Fund.

3 (3) An approved licensed dealer participating in the electronic  
4 dealer services system pursuant to section 77 of this act may collect the  
5 fees prescribed by this section and shall remit any such fees to the  
6 appropriate county treasurer or the department.

7 Sec. 17. Section 60-161, Revised Statutes Cumulative Supplement,  
8 2016, is amended to read:

9 60-161 The county treasurer shall remit all funds due the State  
10 Treasurer under sections 60-154 to 60-160 monthly and not later than the  
11 ~~twentieth~~ ~~fifteenth~~ day of the month following collection. The county  
12 treasurer shall credit the fees not due the State Treasurer to the county  
13 general fund.

14 Sec. 18. Section 60-164, Revised Statutes Cumulative Supplement,  
15 2016, is amended to read:

16 60-164 (1) The department shall implement an electronic title and  
17 lien system for vehicles. ~~The no later than January 1, 2011. The director~~  
18 ~~shall designate the date for the implementation of the system. Beginning~~  
19 ~~on the implementation date,~~ the holder of a security interest, trust  
20 receipt, conditional sales contract, or similar instrument regarding a  
21 vehicle, or beginning January 1, 2019, a licensed dealer, may file a lien  
22 electronically as prescribed by the department. ~~Upon Beginning on the~~  
23 ~~implementation date,~~ upon receipt of an application for a certificate of  
24 title for a vehicle, any lien filed electronically shall become part of  
25 the electronic certificate of title record created by the county  
26 treasurer or department maintained on the electronic title and lien  
27 system. ~~If Beginning on the implementation date,~~ if an application for a  
28 certificate of title indicates that there is a lien or encumbrance on a  
29 vehicle or if a lien or notice of lien has been filed electronically, the  
30 department shall retain an electronic certificate of title record and  
31 shall note and cancel such liens electronically on the system. The

1 department shall provide access to the electronic certificate of title  
2 records for licensed ~~motor~~ ~~vehicle~~ dealers and lienholders who  
3 participate in 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 Beginning on the implementation date of the electronic~~  
25 ~~title and lien system, upon~~ receipt of a subsequent lien instrument duly  
26 signed by the owner in the manner prescribed by law governing such lien  
27 instruments or a notice of lien filed electronically, together with an  
28 application for notation of the subsequent lien, the fee prescribed in  
29 section 60-154, and, if a printed certificate of title exists, the  
30 presentation of the certificate of title, the county treasurer or  
31 department shall make notation of such other lien. If the certificate of

1 title is not an electronic certificate of title record, the county  
2 treasurer or department, upon receipt of a lien instrument duly signed by  
3 the owner in the manner prescribed by law governing such lien instruments  
4 together with the fee prescribed for notation of lien, shall notify the  
5 first lienholder to deliver to the county treasurer or department, within  
6 fifteen days after the date of notice, the certificate of title to permit  
7 notation of such other lien. After such notation of lien, the lien shall  
8 become part of the electronic certificate of title record created by the  
9 county treasurer or department which is maintained on the electronic  
10 title and lien system. The holder of a certificate of title who refuses  
11 to deliver a certificate of title to the county treasurer or department  
12 for the purpose of noting such other lien on such certificate of title  
13 within fifteen days after the date when notified to do so shall be liable  
14 for damages to such other lienholder for the amount of damages such other  
15 lienholder suffered by reason of the holder of the certificate of title  
16 refusing to permit the noting of such lien on the certificate of title.

17 (8) When a lien is discharged, the holder shall, within fifteen days  
18 after payment is received, note a cancellation of the lien on the  
19 certificate of title over his, her, or its signature and deliver the  
20 certificate of title to the county treasurer or the department, which  
21 shall note the cancellation of the lien on the face of the certificate of  
22 title and on the records of such office. If delivered to a county  
23 treasurer, he or she shall on that day notify the department which shall  
24 note the cancellation on its records. The county treasurer or the  
25 department shall then return the certificate of title to the owner or as  
26 otherwise directed by the owner. The cancellation of lien shall be noted  
27 on the certificate of title without charge. For an electronic certificate  
28 of title record, the lienholder shall, within fifteen days after payment  
29 is received when such lien is discharged, notify the department  
30 electronically or provide written notice of such lien release, in a  
31 manner prescribed by the department, to the county treasurer or

1 department. The department shall note the cancellation of lien and, if no  
2 other liens exist, issue the certificate of title to the owner or as  
3 otherwise directed by the owner or lienholder. If the holder of the title  
4 cannot locate a lienholder, a lien may be discharged ten years after the  
5 date of filing by presenting proof that thirty days have passed since the  
6 mailing of a written notice by certified mail, return receipt requested,  
7 to the last-known address of the lienholder.

8       Sec. 19. Beginning January 1, 2019, if a certificate of title is an  
9 electronic certificate of title record, upon application by an owner or a  
10 lienholder and payment of the fee prescribed in section 60-154, the  
11 following changes may be made to a certificate of title electronically  
12 and without printing a certificate of title:

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

18       Sec. 20. Section 60-166, Revised Statutes Cumulative Supplement,  
19 2016, is amended to read:

20       60-166 (1) In the event of (a) the transfer of ownership of a  
21 vehicle by operation of law as upon inheritance, devise, or bequest,  
22 order in bankruptcy, insolvency, replevin, or execution sale or as  
23 provided in sections 30-24,125, 52-601.01 to 52-605, 60-1901 to 60-1911,  
24 and 60-2401 to 60-2411, (b) the engine of a vehicle being replaced by  
25 another engine, (c) a vehicle being sold to satisfy storage or repair  
26 charges, or (d) repossession being had upon default in performance of the  
27 terms of a chattel mortgage, trust receipt, conditional sales contract,  
28 or other like agreement, and upon acceptance of an electronic certificate  
29 of title record after repossession, in addition to the title requirements  
30 in this section, the county treasurer of any county or the department,  
31 upon the surrender of the prior certificate of title or the

1 manufacturer's or importer's certificate, or when that is not possible,  
2 upon presentation of satisfactory proof of ownership and right of  
3 possession to such vehicle, and upon payment of the appropriate fee and  
4 the presentation of an application for certificate of title, may issue to  
5 the applicant a certificate of title thereto. If the prior certificate of  
6 title issued for such vehicle provided for joint ownership with right of  
7 survivorship, a new certificate of title shall be issued to a subsequent  
8 purchaser upon the assignment of the prior certificate of title by the  
9 surviving owner and presentation of satisfactory proof of death of the  
10 deceased owner. Only an affidavit by the person or agent of the person to  
11 whom possession of such vehicle has so passed, setting forth facts  
12 entitling him or her to such possession and ownership, together with a  
13 copy of the journal entry, court order, or instrument upon which such  
14 claim of possession and ownership is founded, shall be considered  
15 satisfactory proof of ownership and right of possession, except that if  
16 the applicant cannot produce such proof of ownership, he or she may  
17 submit to the department such evidence as he or she may have, and the  
18 department may thereupon, if it finds the evidence sufficient, issue the  
19 certificate of title or authorize any county treasurer to issue a  
20 certificate of title, as the case may be.

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

26 Sec. 21. Section 60-168.02, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 60-168.02 (1) When a motor vehicle, ~~commercial~~ trailer, or  
29 semitrailer, ~~or cabin trailer~~ is purchased by a motor vehicle dealer or  
30 trailer dealer and the original assigned certificate of title has been  
31 lost or mutilated, the dealer selling such motor vehicle or trailer may

1 apply for an original certificate of title in the dealer's name. The  
2 following documentation and fees shall be submitted by the dealer:

3 (a) An application for a certificate of title in the name of such  
4 dealer;

5 (b) A photocopy from the dealer's records of the front and back of  
6 the lost or mutilated original certificate of title assigned to a dealer;

7 (c) A notarized affidavit from the purchaser of such motor vehicle  
8 or trailer for which the original assigned certificate of title was lost  
9 or mutilated stating that the original assigned certificate of title was  
10 lost or mutilated; and

11 (d) The appropriate certificate of title fee.

12 (2) The application and affidavit shall be on forms prescribed by  
13 the department. When the motor vehicle dealer or trailer dealer receives  
14 the new certificate of title in such dealer's name and assigns it to the  
15 purchaser, the dealer shall record the original sale date and provide the  
16 purchaser with a copy of the front and back of the original lost or  
17 mutilated certificate of title as evidence as to why the purchase date of  
18 the motor vehicle or trailer is prior to the issue date of the new  
19 certificate of title.

20 Sec. 22. Section 60-192, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 60-192 The transferor of any motor vehicle of an age of less than  
23 ten years, which was equipped with an odometer by the manufacturer, shall  
24 provide to the transferee a statement, signed by the transferor, setting  
25 forth: (1) The mileage on the odometer at the time of transfer; and (2)  
26 (a) a statement that, to the transferor's best knowledge, such mileage is  
27 that actually driven by the motor vehicle, (b) a statement that the  
28 transferor has knowledge that the mileage shown on the odometer is in  
29 excess of the designated mechanical odometer limit, or (c) a statement  
30 that the odometer reading does not reflect the actual mileage and should  
31 not be relied upon because the transferor has knowledge that the odometer



1 reading differs from the actual mileage and that the difference is  
2 greater than that caused by odometer calibration error. If a discrepancy  
3 exists between the odometer reading and the actual mileage, a warning  
4 notice to alert the transferee shall be included with the statement. The  
5 transferor shall retain a true copy of such statement for a period of  
6 five years from the date of the transaction. If motor vehicle ownership  
7 has been transferred by operation of law pursuant to repossession under  
8 subdivision (1)(d) of section 60-166, the mileage shall be listed as the  
9 odometer reading at the time of the most recent transfer of ownership  
10 prior to the repossession of the motor vehicle. The adjustment shall not  
11 be deemed a violation of section 60-190.

12 Sec. 23. Section 60-301, Revised Statutes Cumulative Supplement,  
13 2016, is amended to read:

14 60-301 Sections 60-301 to 60-3,231 and sections 26, 60, and 61 of  
15 this act shall be known and may be cited as the Motor Vehicle  
16 Registration Act.

17 Sec. 24. Section 60-302, Revised Statutes Cumulative Supplement,  
18 2016, is amended to read:

19 60-302 For purposes of the Motor Vehicle Registration Act, unless  
20 the context otherwise requires, the definitions found in sections  
21 60-302.01 to 60-360 and section 26 of this act shall be used.

22 Sec. 25. Section 60-317, Revised Statutes Cumulative Supplement,  
23 2016, is amended to read:

24 60-317 Commercial trailer means any trailer or semitrailer which has  
25 a gross weight, including load thereon, of more than nine thousand pounds  
26 and which is designed, used, or maintained for the transportation of  
27 persons or property for hire, compensation, or profit or designed, used,  
28 or maintained primarily for the transportation of property. Commercial  
29 trailer does not include cabin trailers, farm trailers, fertilizer  
30 trailers, or utility trailers, or public power district trailers.

31 Sec. 26. Licensed dealer means a motor vehicle dealer, motorcycle

1 dealer, or trailer dealer licensed under the Motor Vehicle Industry  
2 Regulation Act.

3       Sec. 27. Section 60-336.01, Revised Statutes Cumulative Supplement,  
4 2016, is amended to read:

5       60-336.01 Low-speed vehicle means a four-wheeled motor vehicle (1)  
6 whose speed attainable in one mile is more than twenty miles per hour and  
7 not more than twenty-five miles per hour on a paved, level surface, (2)  
8 whose gross vehicle weight rating is less than three thousand pounds, and  
9 (3) that complies with 49 C.F.R. part 571, as such part existed on  
10 January 1, 2017 ~~2016~~.

11       Sec. 28. Section 60-363, Revised Statutes Cumulative Supplement,  
12 2016, is amended to read:

13       60-363 (1) No person shall operate or park a motor vehicle on the  
14 highways unless such motor vehicle at all times carries in or upon it,  
15 subject to inspection by any peace officer, the registration certificate  
16 issued for it.

17       (2) No person shall tow or park a trailer on the highways unless the  
18 registration certificate issued for the trailer or a copy thereof is  
19 carried in or upon the trailer or in or upon the motor vehicle that is  
20 towing or parking the trailer, subject to inspection by any peace  
21 officer, except as provided in subsection (4) of this section and except  
22 fertilizer trailers as defined in section 60-326. The registration  
23 certificate for a fertilizer trailer shall be kept at the principal place  
24 of business of the owner of the fertilizer trailer.

25       (3) In the case of a motorcycle, the registration certificate shall  
26 be carried either in plain sight, affixed to the motorcycle, or in the  
27 tool bag or some convenient receptacle attached to the motorcycle.

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

1           Sec. 29. Section 60-372, Revised Statutes Cumulative Supplement,  
2 2016, is amended to read:

3           60-372 (1) Each county shall issue and file registration  
4 certificates using the Vehicle Title and Registration System which shall  
5 be provided and maintained ~~vehicle titling and registration computer~~  
6 ~~system prescribed~~ by the department.

7           (2) The county treasurer may appoint an agent to issue registration  
8 certificates and to accept the payment of taxes and fees as provided in  
9 the Motor Vehicle Registration Act, upon approval of the county board.  
10 The agent shall furnish a bond in such amount and upon such conditions as  
11 determined by the county board.

12           Sec. 30. Section 60-385, Revised Statutes Cumulative Supplement,  
13 2016, is amended to read:

14           60-385 Every owner of a motor vehicle or trailer required to be  
15 registered shall make application for registration to the county  
16 treasurer of the county in which the motor vehicle or trailer has situs.  
17 The application shall be by any means designated by the department. An  
18 approved licensed dealer participating in the electronic dealer services  
19 system pursuant to section 77 of this act may submit such application  
20 electronically to the appropriate county treasurer or the department. A  
21 salvage branded certificate of title and a nontransferable certificate of  
22 title provided for in section 60-170 shall not be valid for registration  
23 purposes.

24           Sec. 31. Section 60-386, Revised Statutes Cumulative Supplement,  
25 2016, is amended to read:

26           60-386 (1) Each new application shall contain, in addition to other  
27 information as may be required by the department, the name and  
28 residential and mailing address of the applicant and a description of the  
29 motor vehicle or trailer, including the color, the manufacturer, the  
30 identification number, the United States Department of Transportation  
31 number if required by 49 C.F.R. 390.5 and 390.19, as such regulations

1 existed on January 1, ~~2017~~ 2016, and the weight of the motor vehicle or  
2 trailer required by the Motor Vehicle Registration Act. With the  
3 application the applicant shall pay the proper registration fee and shall  
4 state whether the motor vehicle is propelled by alternative fuel and, if  
5 alternative fuel, the type of fuel. The application shall also contain a  
6 notification that bulk fuel purchasers may be subject to federal excise  
7 tax liability. The department shall include such notification in the  
8 notices required by section 60-3,186.

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

20 Sec. 32. Section 60-393, Revised Statutes Cumulative Supplement,  
21 2016, is amended to read:

22 60-393 Any owner who has two or more motor vehicles or trailers  
23 required to be registered under the Motor Vehicle Registration Act may  
24 register all such motor vehicles or trailers on a calendar-year basis or  
25 on an annual basis for the same registration period beginning in a month  
26 chosen by the owner. When electing to establish the same registration  
27 period for all such motor vehicles or trailers, the owner shall pay the  
28 registration fee, the motor vehicle tax imposed in section 60-3,185, the  
29 motor vehicle fee imposed in section 60-3,190, and the alternative fuel  
30 fee imposed in section 60-3,191 on each motor vehicle for the number of  
31 months necessary to extend its current registration period to the

1 registration period under which all such motor vehicles or trailers will  
2 be registered. Credit shall be given for registration paid on each motor  
3 vehicle or trailer when the motor vehicle or trailer has a later  
4 expiration date than that chosen by the owner except as otherwise  
5 provided in sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,  
6 60-3,224, and 60-3,227 and section 61 of this act. Thereafter all such  
7 motor vehicles or trailers shall be registered on an annual basis  
8 starting in the month chosen by the owner.

9 Sec. 33. Section 60-394, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 60-394 (1) Registration which is in the name of one spouse may be  
12 transferred to the other spouse for a fee of one dollar and fifty cents.

13 (2) So long as one registered name on a registration of a  
14 noncommercial motor vehicle or trailer remains the same, other names may  
15 be deleted therefrom or new names added thereto for a fee of one dollar  
16 and fifty cents.

17 (3) At any time prior to annual renewal beginning January 1, 2019,  
18 an owner may voluntarily update his or her address on the registration  
19 certificate upon payment of a fee of one dollar and fifty cents.

20 Sec. 34. Section 60-395, Revised Statutes Cumulative Supplement,  
21 2016, is amended to read:

22 60-395 (1) Except as otherwise provided in subsection (2) of this  
23 section and sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,  
24 60-3,224, and 60-3,227 and section 61 of this act, the registration shall  
25 expire and the registered owner or lessee may, by returning the  
26 registration certificate, the license plates, and, when appropriate, the  
27 validation decals and by either making application on a form prescribed  
28 by the department to the county treasurer of the occurrence of an event  
29 described in subdivisions (a) through (e) of this subsection or, in the  
30 case of a change in situs, displaying to the county treasurer the  
31 registration certificate of such other state as evidence of a change in

1 situs, receive a refund of that part of the unused fees and taxes on  
2 motor vehicles or trailers based on the number of unexpired months  
3 remaining in the registration period from the date of any of the  
4 following events:

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

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

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

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

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

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

19 (2) If the date of the event falls within the same calendar month in  
20 which the motor vehicle or trailer is acquired, no refund shall be  
21 allowed for such month.

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

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

1 (5) For purposes of this section, the date of the event shall be:  
2 (a) In the case of a transfer or loss, the date of the transfer or loss;  
3 (b) in the case of a change in the situs, the date of registration in  
4 another state; (c) in the case of a trade-in or surrender under a lease,  
5 the date of trade-in or surrender; (d) in the case of a legislative act,  
6 the effective date of the act; and (e) in the case of a court decision,  
7 the date the decision is rendered.

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

11 (7) If a motor vehicle or trailer was reported stolen under section  
12 60-178, a refund under this section shall not be reduced for a lost plate  
13 charge and a credit under this section may be reduced for a lost plate  
14 charge but the applicant shall not be required to pay the plate fee for  
15 new plates.

16 (8) The county treasurer shall refund the motor vehicle fee and  
17 registration fee from the fees which have not been transferred to the  
18 State Treasurer. The county treasurer shall make payment to the claimant  
19 from the undistributed motor vehicle taxes of the taxing unit where the  
20 tax money was originally distributed. No refund of less than two dollars  
21 shall be paid.

22 Sec. 35. Section 60-396, Revised Statutes Cumulative Supplement,  
23 2016, is amended to read:

24 60-396 Whenever the registered owner files an application with the  
25 county treasurer showing that a motor vehicle or trailer is disabled and  
26 has been removed from service, the registered owner may, by returning the  
27 registration certificate, the license plates, and, when appropriate, the  
28 validation decals or, in the case of the unavailability of such  
29 registration certificate or certificates, license plates, or validation  
30 decals, then by making an affidavit to the county treasurer of such  
31 disablement and removal from service, receive a credit for a portion of

1 the registration fee from the fee deposited with the State Treasurer at  
2 the time of registration based upon the number of unexpired months  
3 remaining in the registration year except as otherwise provided in  
4 sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128, 60-3,224, and  
5 60-3,227 and section 61 of this act. The owner shall also receive a  
6 credit for the unused portion of the motor vehicle tax and fee based upon  
7 the number of unexpired months remaining in the registration year. When  
8 the owner registers a replacement motor vehicle or trailer at the time of  
9 filing such affidavit, the credit may be immediately applied against the  
10 registration fee and the motor vehicle tax and fee for the replacement  
11 motor vehicle or trailer. When no such replacement motor vehicle or  
12 trailer is so registered, the county treasurer shall forward the  
13 application and affidavit, if any, to the State Treasurer who shall  
14 determine the amount, if any, of the allowable credit for the  
15 registration fee and issue a credit certificate to the owner. For the  
16 motor vehicle tax and fee, the county treasurer shall determine the  
17 amount, if any, of the allowable credit and issue a credit certificate to  
18 the owner. When such motor vehicle or trailer is removed from service  
19 within the same month in which it was registered, no credits shall be  
20 allowed for such month. The credits may be applied against taxes and fees  
21 for new or replacement motor vehicles or trailers incurred within one  
22 year after cancellation of registration of the motor vehicle or trailer  
23 for which the credits were allowed. When any such motor vehicle or  
24 trailer is reregistered within the same registration year in which its  
25 registration has been canceled, the taxes and fees shall be that portion  
26 of the registration fee and the motor vehicle tax and fee for the  
27 remainder of the registration year.

28 Sec. 36. Section 60-3,104, Revised Statutes Cumulative Supplement,  
29 2016, is amended to read:

30 60-3,104 The department shall issue the following types of license  
31 plates:



- 1 (1) Amateur radio station license plates issued pursuant to section  
2 60-3,126;
- 3 (2) Apportionable vehicle license plates issued pursuant to section  
4 60-3,203;
- 5 (3) Autocycle license plates issued pursuant to section 60-3,100;
- 6 (4) Boat dealer license plates issued pursuant to section 60-379;
- 7 (5) Breast Cancer Awareness Plates issued pursuant to sections  
8 60-3,230 and 60-3,231;
- 9 (6) Bus license plates issued pursuant to section 60-3,144;
- 10 (7) Commercial motor vehicle license plates issued pursuant to  
11 section 60-3,147;
- 12 (8) Dealer or manufacturer license plates issued pursuant to  
13 sections 60-3,114 and 60-3,115;
- 14 (9) Disabled veteran license plates issued pursuant to section  
15 60-3,124;
- 16 (10) Farm trailer license plates issued pursuant to section  
17 60-3,151;
- 18 (11) Farm truck license plates issued pursuant to section 60-3,146;
- 19 (12) Farm trucks with a gross weight of over sixteen tons license  
20 plates issued pursuant to section 60-3,146;
- 21 (13) Fertilizer trailer license plates issued pursuant to section  
22 60-3,151;
- 23 (14) Gold Star Family license plates issued pursuant to sections  
24 60-3,122.01 and 60-3,122.02;
- 25 (15) Handicapped or disabled person license plates issued pursuant  
26 to section 60-3,113;
- 27 (16) Historical vehicle license plates issued pursuant to sections  
28 60-3,130 to 60-3,134;
- 29 (17) Local truck license plates issued pursuant to section 60-3,145;
- 30 (18) Military Honor Plates issued pursuant to sections 60-3,122.03  
31 and 60-3,122.04;

1 (19) Minitruck license plates issued pursuant to section 60-3,100;

2 (20) Motor vehicle license plates for motor vehicles owned or  
3 operated by the state, counties, municipalities, or school districts  
4 issued pursuant to section 60-3,105;

5 (21) Motor vehicles exempt pursuant to section 60-3,107;

6 (22) Motorcycle license plates issued pursuant to section 60-3,100;

7 (23) Mountain Lion Conservation Plates issued pursuant to sections  
8 60-3,226 and 60-3,227;

9 (24) Native American Cultural Awareness and History Plates issued  
10 pursuant to sections 60 and 61 of this act;

11 (25) ~~(24)~~ Nebraska Cornhusker Spirit Plates issued pursuant to  
12 sections 60-3,127 to 60-3,129;

13 (26) ~~(25)~~ Nebraska 150 Sesquicentennial Plates issued pursuant to  
14 sections 60-3,223 to 60-3,225;

15 (27) ~~(26)~~ Nonresident owner thirty-day license plates issued  
16 pursuant to section 60-382;

17 (28) ~~(27)~~ Passenger car having a seating capacity of ten persons or  
18 less and not used for hire issued pursuant to section 60-3,143 other than  
19 autocycles;

20 (29) ~~(28)~~ Passenger car having a seating capacity of ten persons or  
21 less and used for hire issued pursuant to section 60-3,143 other than  
22 autocycles;

23 (30) ~~(29)~~ Pearl Harbor license plates issued pursuant to section  
24 60-3,122;

25 (31) ~~(30)~~ Personal-use dealer license plates issued pursuant to  
26 section 60-3,116;

27 (32) ~~(31)~~ Personalized message license plates for motor vehicles and  
28 ~~cabin~~ trailers, except commercial motor vehicles registered for over ten  
29 tons gross weight, issued pursuant to sections 60-3,118 to 60-3,121;

30 (33) ~~(32)~~ Prisoner-of-war license plates issued pursuant to section  
31 60-3,123;

1        ~~(34)~~ ~~(33)~~ Public power district license plates issued pursuant to  
2 section 60-3,228;

3        ~~(35)~~ ~~(34)~~ Purple Heart license plates issued pursuant to section  
4 60-3,125;

5        ~~(36)~~ ~~(35)~~ Recreational vehicle license plates issued pursuant to  
6 section 60-3,151;

7        ~~(37)~~ ~~(36)~~ Repossession license plates issued pursuant to section  
8 60-375;

9        ~~(38)~~ ~~(37)~~ Special interest motor vehicle license plates issued  
10 pursuant to section 60-3,135.01;

11       ~~(39)~~ ~~(38)~~ Specialty license plates issued pursuant to sections  
12 60-3,104.01 and 60-3,104.02;

13       ~~(40)~~ ~~(39)~~ Trailer license plates issued for trailers owned or  
14 operated by the state, counties, municipalities, or school districts  
15 issued pursuant to section 60-3,106;

16       ~~(41)~~ ~~(40)~~ Trailer license plates issued pursuant to section  
17 60-3,100;

18       ~~(42)~~ ~~(41)~~ Trailer license plates issued for trailers owned or  
19 operated by a public power district pursuant to section 60-3,228;

20       ~~(43)~~ ~~(42)~~ Trailers exempt pursuant to section 60-3,108;

21       ~~(44)~~ ~~(43)~~ Transporter license plates issued pursuant to section  
22 60-378;

23       ~~(45)~~ ~~(44)~~ Trucks or combinations of trucks, truck-tractors, or  
24 trailers which are not for hire and engaged in soil and water  
25 conservation work and used for the purpose of transporting pipe and  
26 equipment exclusively used by such contractors for soil and water  
27 conservation construction license plates issued pursuant to section  
28 60-3,149;

29       ~~(46)~~ ~~(45)~~ Utility trailer license plates issued pursuant to section  
30 60-3,151; and

31       ~~(47)~~ ~~(46)~~ Well-boring apparatus and well-servicing equipment license

1 plates issued pursuant to section 60-3,109.

2 Sec. 37. Section 60-3,104.01, Revised Statutes Cumulative  
3 Supplement, 2016, is amended to read:

4 60-3,104.01 (1) A person may apply for specialty license plates in  
5 lieu of regular license plates on an application prescribed and provided  
6 by the department pursuant to section 60-3,104.02 for any motor vehicle,  
7 trailer, or semitrailer, ~~or cabin trailer~~, except for motor vehicles or  
8 trailers registered under section 60-3,198. An applicant receiving a  
9 specialty license plate for a farm truck with a gross weight of over  
10 sixteen tons or for a commercial motor vehicle registered for a gross  
11 weight of five tons or over shall affix the appropriate tonnage decal to  
12 the plate. The department shall make forms available for such  
13 applications. Each application for initial issuance or renewal of  
14 specialty license plates shall be accompanied by a fee of seventy  
15 dollars. Fees collected pursuant to this subsection shall be remitted to  
16 the State Treasurer. The State Treasurer shall credit fifteen percent of  
17 the fee for initial issuance and renewal of specialty license plates to  
18 the Department of Motor Vehicles Cash Fund and eighty-five percent of the  
19 fee to the Highway Trust Fund.

20 (2) Until January 1, 2019, when ~~When~~ the department receives an  
21 application for specialty license plates, it shall deliver the plates to  
22 the county treasurer of the county in which the motor vehicle, trailer,  
23 or semitrailer, ~~or cabin trailer~~ is registered. Beginning January 1,  
24 2019, when the department receives an application for specialty license  
25 plates, the department may deliver the plates and registration  
26 certificate to the applicant by United States mail or to the county  
27 treasurer of the county in which the motor vehicle, trailer, or  
28 semitrailer is registered and the delivery of the plates and registration  
29 certificate shall be made through a secure process and system. The county  
30 treasurer or the department shall issue specialty license plates in lieu  
31 of regular license plates when the applicant complies with the other

1 provisions of law for registration of the motor vehicle, trailer, or  
2 semitrailer, ~~or cabin trailer~~. If specialty license plates are lost,  
3 stolen, or mutilated, the licensee shall be issued replacement license  
4 plates pursuant to section 60-3,157.

5 (3)(a) The owner of a motor vehicle, trailer, or semitrailer, ~~or~~  
6 ~~cabin trailer~~ bearing specialty license plates may make application to  
7 the county treasurer to have such specialty license plates transferred to  
8 a motor vehicle, trailer, or semitrailer, ~~or cabin trailer~~ other than the  
9 motor vehicle, trailer, or semitrailer, ~~or cabin trailer~~ for which such  
10 plates were originally purchased if such motor vehicle, trailer, or  
11 semitrailer, ~~or cabin trailer~~ is owned by the owner of the specialty  
12 license plates.

13 (b) The owner may have the unused portion of the specialty license  
14 plate fee credited to the other motor vehicle, trailer, or semitrailer, ~~15 or cabin trailer~~ which will bear the specialty license plates at the rate  
16 of eight and one-third percent per month for each full month left in the  
17 registration period.

18 (c) Application for such transfer shall be accompanied by a fee of  
19 three dollars. Fees collected pursuant to this subsection shall be  
20 remitted to the State Treasurer for credit to the Department of Motor  
21 Vehicles Cash Fund.

22 Sec. 38. Section 60-3,113.04, Revised Statutes Cumulative  
23 Supplement, 2016, is amended to read:

24 60-3,113.04 (1) A handicapped or disabled parking permit shall be of  
25 a design, size, configuration, color, and construction and contain such  
26 information as specified in the regulations adopted by the United States  
27 Department of Transportation in 23 C.F.R. part 1235, UNIFORM SYSTEM FOR  
28 PARKING FOR PERSONS WITH DISABILITIES, as such regulations existed on  
29 January 1, 2017 ~~2016~~.

30 (2) No handicapped or disabled parking permit shall be issued to any  
31 person or for any motor vehicle if any permit has been issued to such

1 person or for such motor vehicle and such permit has been suspended  
2 pursuant to section 18-1741.02. At the expiration of such suspension, a  
3 permit may be renewed in the manner provided for renewal in sections  
4 60-3,113.02, 60-3,113.03, and 60-3,113.05.

5 (3) A duplicate handicapped or disabled parking permit may be  
6 provided up to two times during any single permit period if a permit is  
7 destroyed, lost, or stolen. Such duplicate permit shall be issued as  
8 provided in section 60-3,113.02 or 60-3,113.03, whichever is applicable,  
9 except that a new certification by a physician, a physician assistant, or  
10 an advanced practice registered nurse need not be provided. A duplicate  
11 permit shall be valid for the remainder of the period for which the  
12 original permit was issued. If a person has been issued two duplicate  
13 permits under this subsection and needs another permit, such person shall  
14 reapply for a new permit under section 60-3,113.02 or 60-3,113.03,  
15 whichever is applicable.

16 Sec. 39. Section 60-3,118, Revised Statutes Cumulative Supplement,  
17 2016, is amended to read:

18 60-3,118 (1) In lieu of the license plates provided for by section  
19 60-3,100, the department shall issue personalized message license plates  
20 for motor vehicles, trailers, or semitrailers, ~~or cabin trailers,~~ except  
21 for motor vehicles and trailers registered under section 60-3,198, to all  
22 applicants who meet the requirements of sections 60-3,119 to 60-3,121.  
23 Personalized message license plates shall be the same size and of the  
24 same basic design as regular license plates issued pursuant to section  
25 60-3,100. The characters used shall consist only of letters and numerals  
26 of the same size and design and shall comply with the requirements of  
27 subdivision (1)(a) of section 60-3,100. A maximum of seven characters may  
28 be used, except that for an autocycle or a motorcycle, a maximum of six  
29 characters may be used.

30 (2) The following conditions apply to all personalized message  
31 license plates:

1 (a) County prefixes shall not be allowed except in counties using  
2 the alphanumeric system for motor vehicle registration. The numerals in  
3 the county prefix shall be the numerals assigned to the county, pursuant  
4 to subsection (2) of section 60-370, in which the motor vehicle or ~~cabin~~  
5 trailer is registered. Renewal of a personalized message license plate  
6 containing a county prefix shall be conditioned upon the motor vehicle or  
7 ~~cabin~~ trailer being registered in such county. The numerals in the county  
8 prefix, including the hyphen or any other unique design for an existing  
9 license plate style, count against the maximum number of characters  
10 allowed under this section;

11 (b) The characters in the order used shall not conflict with or  
12 duplicate any number used or to be used on the regular license plates or  
13 any number or license plate already approved pursuant to sections  
14 60-3,118 to 60-3,121;

15 (c) The characters in the order used shall not express, connote, or  
16 imply any obscene or objectionable words or abbreviations; and

17 (d) An applicant receiving a personalized message license plate for  
18 a farm truck with a gross weight of over sixteen tons or a commercial  
19 truck or truck-tractor with a gross weight of five tons or over shall  
20 affix the appropriate tonnage decal to such license plate.

21 (3) The department shall have sole authority to determine if the  
22 conditions prescribed in subsection (2) of this section have been met.

23 Sec. 40. Section 60-3,120, Revised Statutes Cumulative Supplement,  
24 2016, is amended to read:

25 60-3,120 Until January 1, 2019, when ~~when~~ the department approves  
26 an application for personalized message license plates, it shall notify  
27 the applicant and deliver the license plates to the county treasurer of  
28 the county in which the motor vehicle or ~~cabin~~ trailer is to be  
29 registered. Beginning January 1, 2019, when the department approves an  
30 application for personalized message license plates, the department shall  
31 notify the applicant and deliver the license plates and registration

1 certificate to the applicant by United States mail or to the county  
2 treasurer of the county in which the motor vehicle or trailer is to be  
3 registered and the delivery of the plates and registration certificate  
4 shall be made through a secure process and system. The county treasurer  
5 or the department shall deliver such plates to the applicant, in lieu of  
6 regular license plates, when the applicant complies with the other  
7 provisions of law for registration of the motor vehicle or ~~cabin~~ trailer.

8       Sec. 41. Section 60-3,121, Revised Statutes Cumulative Supplement,  
9 2016, is amended to read:

10       60-3,121 (1) The owner of a motor vehicle or ~~cabin~~ trailer bearing  
11 personalized message license plates may make application to the county  
12 treasurer to have such license plates transferred to a motor vehicle or  
13 ~~cabin~~ trailer other than the motor vehicle or ~~cabin~~ trailer for which  
14 such license plates were originally purchased if such motor vehicle or  
15 ~~cabin~~ trailer is owned by the owner of the license plates.

16       (2) The owner may have the unused portion of the message plate fee  
17 credited to the other motor vehicle or ~~cabin~~ trailer which will bear the  
18 license plate at the rate of eight and one-third percent per month for  
19 each full month left in the registration period.

20       (3) Application for such transfer shall be accompanied by a fee of  
21 three dollars. The fees shall be remitted to the State Treasurer for  
22 credit to the Department of Motor Vehicles Cash Fund.

23       Sec. 42. Section 60-3,122, Revised Statutes Cumulative Supplement,  
24 2016, is amended to read:

25       60-3,122 (1) Any person may, in addition to the application required  
26 by section 60-385, apply to the department for license plates designed by  
27 the department to indicate that he or she is a survivor of the Japanese  
28 attack on Pearl Harbor if he or she:

29       (a) Was a member of the United States Armed Forces on December 7,  
30 1941;

31       (b) Was on station on December 7, 1941, during the hours of 7:55



1 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or  
2 offshore at a distance not to exceed three miles;

3 (c) Was discharged or otherwise separated with a characterization of  
4 honorable from the United States Armed Forces; and

5 (d) Holds a current membership in a Nebraska Chapter of the Pearl  
6 Harbor Survivors Association.

7 (2) The license plates shall be issued upon the applicant paying the  
8 regular license fee and furnishing proof satisfactory to the department  
9 that the applicant fulfills the requirements provided by subsection (1)  
10 of this section. Any number of motor vehicles, trailers, or semitrailers,  
11 ~~or cabin trailers~~ owned by the applicant may be so licensed at any one  
12 time. Motor vehicles and trailers registered under section 60-3,198 shall  
13 not be so licensed.

14 (3) If the license plates issued pursuant to this section are lost,  
15 stolen, or mutilated, the recipient of the plates shall be issued  
16 replacement license plates upon request and without charge.

17 Sec. 43. Section 60-3,122.02, Revised Statutes Cumulative  
18 Supplement, 2016, is amended to read:

19 60-3,122.02 (1) A person may apply to the department for Gold Star  
20 Family plates in lieu of regular license plates on an application  
21 prescribed and provided by the department for any motor vehicle, trailer,  
22 or semitrailer, ~~or cabin trailer~~, except for a motor vehicle or trailer  
23 registered under section 60-3,198. An applicant receiving a Gold Star  
24 Family plate for a farm truck with a gross weight of over sixteen tons  
25 shall affix the appropriate tonnage decal to the plate. The department  
26 shall make forms available for such applications through the county  
27 treasurers. The license plates shall be issued upon payment of the  
28 license fee described in subsection (2) of this section and furnishing  
29 proof satisfactory to the department that the applicant is a surviving  
30 spouse, whether remarried or not, or an ancestor, including a stepparent,  
31 a descendant, including a stepchild, a foster parent or a person in loco

1 parentis, or a sibling of a person who died while in good standing on  
2 active duty in the military service of the United States.

3 (2)(a) Each application for initial issuance of consecutively  
4 numbered Gold Star Family plates shall be accompanied by a fee of five  
5 dollars. An application for renewal of such plates shall be accompanied  
6 by a fee of five dollars. County treasurers collecting fees for renewals  
7 pursuant to this subdivision shall remit them to the State Treasurer. The  
8 State Treasurer shall credit five dollars of the fee for initial issuance  
9 and renewal of such plates to the Nebraska Veteran Cemetery System  
10 Operation Fund.

11 (b) Each application for initial issuance of personalized message  
12 Gold Star Family plates shall be accompanied by a fee of forty dollars.  
13 An application for renewal of such plates shall be accompanied by a fee  
14 of forty dollars. County treasurers collecting fees for renewals pursuant  
15 to this subdivision shall remit them to the State Treasurer. The State  
16 Treasurer shall credit twenty-five percent of the fee for initial  
17 issuance and renewal of such plates to the Department of Motor Vehicles  
18 Cash Fund and seventy-five percent of the fee to the Nebraska Veteran  
19 Cemetery System Operation Fund.

20 (3) Until January 1, 2019, when ~~When~~ the department receives an  
21 application for Gold Star Family plates, the department shall deliver the  
22 plates to the county treasurer of the county in which the motor vehicle  
23 or ~~cabin~~ trailer is registered. Beginning January 1, 2019, when the  
24 department receives an application for Gold Star Family plates, the  
25 department may deliver the plates and registration certificate to the  
26 applicant by United States mail or to the county treasurer of the county  
27 in which the motor vehicle or trailer is registered and the delivery of  
28 the plates and registration certificate shall be made through a secure  
29 process and system. The county treasurer or the department shall issue  
30 Gold Star Family plates in lieu of regular license plates when the  
31 applicant complies with the other provisions of the Motor Vehicle

1 Registration Act for registration of the motor vehicle or ~~cabin~~ trailer.  
2 If Gold Star Family plates are lost, stolen, or mutilated, the licensee  
3 shall be issued replacement license plates upon request and without  
4 charge.

5 (4) The owner of a motor vehicle or ~~cabin~~ trailer bearing Gold Star  
6 Family plates may apply to the county treasurer to have such plates  
7 transferred to a motor vehicle other than the vehicle for which such  
8 plates were originally purchased if such vehicle is owned by the owner of  
9 the plates. The owner may have the unused portion of the fee for the  
10 plates credited to the other vehicle which will bear the plates at the  
11 rate of eight and one-third percent per month for each full month left in  
12 the registration period. Application for such transfer shall be  
13 accompanied by a fee of three dollars. Fees collected pursuant to this  
14 subsection shall be remitted to the State Treasurer for credit to the  
15 Department of Motor Vehicles Cash Fund.

16 (5) If the cost of manufacturing Gold Star Family plates at any time  
17 exceeds the amount charged for license plates pursuant to section  
18 60-3,102, any money to be credited to the Nebraska Veteran Cemetery  
19 System Operation Fund shall instead be credited first to the Highway  
20 Trust Fund in an amount equal to the difference between the manufacturing  
21 costs of Gold Star Family plates and the amount charged pursuant to  
22 section 60-3,102 with respect to such plates and the remainder shall be  
23 credited to the Nebraska Veteran Cemetery System Operation Fund.

24 Sec. 44. Section 60-3,122.04, Revised Statutes Cumulative  
25 Supplement, 2016, is amended to read:

26 60-3,122.04 (1) ~~An Beginning January 2, 2016,~~ an eligible person may  
27 apply to the department for Military Honor Plates in lieu of regular  
28 license plates on an application prescribed and provided by the  
29 department for any motor vehicle, trailer, or semitrailer, ~~or cabin~~  
30 ~~trailer~~, except for a motor vehicle or trailer registered under section  
31 60-3,198. An applicant receiving a Military Honor Plate for a farm truck

1 with a gross weight of over sixteen tons shall affix the appropriate  
2 tonnage decal to the plate. The department shall make forms available for  
3 such applications through the county treasurers. The license plates shall  
4 be issued upon payment of the license fee described in subsection (2) of  
5 this section and verification by the department of an applicant's  
6 eligibility using the registry established by the Department of Veterans'  
7 Affairs pursuant to section 80-414. To be eligible an applicant shall be  
8 (a) active duty armed forces personnel serving in any of the armed forces  
9 listed in subsection (1) of section 60-3,122.03 or (b) a veteran of any  
10 of such armed forces who was discharged or otherwise separated with a  
11 characterization of honorable or general (under honorable conditions).  
12 Any person using Military Honor Plates shall surrender the plates to the  
13 county treasurer if such person is no longer eligible for the plates.  
14 Regular plates shall be issued to any such person upon surrender of the  
15 Military Honor Plates for a three-dollar transfer fee and forfeiture of  
16 any of the remaining annual fee. The three-dollar transfer fee shall be  
17 remitted to the State Treasurer for credit to the Department of Motor  
18 Vehicles Cash Fund.

19 (2)(a) In addition to all other fees required for registration under  
20 the Motor Vehicle Registration Act, each application for initial issuance  
21 or renewal of alphanumeric Military Honor Plates shall be accompanied by  
22 a fee of five dollars. County treasurers collecting fees pursuant to this  
23 subdivision shall remit them to the State Treasurer. The State Treasurer  
24 shall credit five dollars of the fee to the Nebraska Veteran Cemetery  
25 System Operation Fund.

26 (b) In addition to all other fees required for registration under  
27 the Motor Vehicle Registration Act, each application for initial issuance  
28 or renewal of personalized message Military Honor Plates shall be  
29 accompanied by a fee of forty dollars. County treasurers collecting fees  
30 pursuant to this subdivision shall remit them to the State Treasurer. The  
31 State Treasurer shall credit twenty-five percent of the fee for initial

1 issuance and renewal of such plates to the Department of Motor Vehicles  
2 Cash Fund and seventy-five percent of the fee to the Nebraska Veteran  
3 Cemetery System Operation Fund.

4 (3) Until January 1, 2019, when ~~when~~ the Department of Motor  
5 Vehicles receives an application for Military Honor Plates, the  
6 department shall deliver the plates to the county treasurer of the county  
7 in which the motor vehicle or ~~cab~~ trailer is registered. Beginning  
8 January 1, 2019, when the department receives an application for Military  
9 Honor Plates, the department may deliver the plates and registration  
10 certificate to the applicant by United States mail or to the county  
11 treasurer of the county in which the motor vehicle or trailer is  
12 registered and the delivery of the plates and registration certificate  
13 shall be made through a secure process and system. The county treasurer  
14 or the department shall issue Military Honor Plates in lieu of regular  
15 license plates when the applicant complies with the other provisions of  
16 the Motor Vehicle Registration Act for registration of the motor vehicle  
17 or ~~cab~~ trailer. If Military Honor Plates are lost, stolen, or  
18 mutilated, the licensee shall be issued replacement license plates upon  
19 request pursuant to section 60-3,157.

20 (4) The owner of a motor vehicle or ~~cab~~ trailer bearing Military  
21 Honor Plates may apply to the county treasurer to have such plates  
22 transferred to a motor vehicle or trailer other than the motor vehicle or  
23 trailer for which such plates were originally purchased if such motor  
24 vehicle or trailer is owned by the owner of the plates. The owner may  
25 have the unused portion of the fee for the plates credited to the other  
26 motor vehicle or trailer which will bear the plates at the rate of eight  
27 and one-third percent per month for each full month left in the  
28 registration period. Application for such transfer shall be accompanied  
29 by a fee of three dollars. Fees collected pursuant to this subsection  
30 shall be remitted to the State Treasurer for credit to the Department of  
31 Motor Vehicles Cash Fund.

1 (5) If the cost of manufacturing Military Honor Plates at any time  
2 exceeds the amount charged for license plates pursuant to section  
3 60-3,102, any money to be credited to the Nebraska Veteran Cemetery  
4 System Operation Fund shall instead be credited first to the Highway  
5 Trust Fund in an amount equal to the difference between the manufacturing  
6 costs of Military Honor Plates and the amount charged pursuant to section  
7 60-3,102 with respect to such plates and the remainder shall be credited  
8 to the Nebraska Veteran Cemetery System Operation Fund.

9 (6) If the director discovers evidence of fraud in an application  
10 for Military Honor Plates or that the holder is no longer eligible to  
11 have Military Honor Plates, the director may summarily cancel the plates  
12 and registration and send notice of the cancellation to the holder of the  
13 license plates.

14 Sec. 45. Section 60-3,123, Revised Statutes Cumulative Supplement,  
15 2016, is amended to read:

16 60-3,123 (1) Any person who was captured and incarcerated by an  
17 enemy of the United States during a period of conflict with such enemy  
18 and who was discharged or otherwise separated with a characterization of  
19 honorable from or is currently serving in the United States Armed Forces  
20 may, in addition to the application required in section 60-385, apply to  
21 the department for license plates designed to indicate that he or she is  
22 a former prisoner of war.

23 (2) The license plates shall be issued upon the applicant paying the  
24 regular license fee and furnishing proof satisfactory to the department  
25 that the applicant was formerly a prisoner of war. Any number of motor  
26 vehicles, trailers, or semitrailers, ~~or cabin trailers~~ owned by the  
27 applicant may be so licensed at any one time. Motor vehicles and trailers  
28 registered under section 60-3,198 shall not be so licensed.

29 (3) If the license plates issued under this section are lost,  
30 stolen, or mutilated, the recipient of the license plates shall be issued  
31 replacement license plates upon request and without charge.

1           Sec. 46. Section 60-3,124, Revised Statutes Cumulative Supplement,  
2 2016, is amended to read:

3           60-3,124 (1) Any person who is a veteran of the United States Armed  
4 Forces, who was discharged or otherwise separated with a characterization  
5 of honorable or general (under honorable conditions), and who is  
6 classified by the United States Department of Veterans Affairs as one  
7 hundred percent service-connected disabled may, in addition to the  
8 application required in section 60-385, apply to the Department of Motor  
9 Vehicles for license plates designed by the department to indicate that  
10 the applicant is a disabled veteran. The inscription on the license  
11 plates shall be D.A.V. immediately below the license plate number to  
12 indicate that the holder of the license plates is a disabled veteran.

13           (2) The plates shall be issued upon the applicant paying the regular  
14 license fee and furnishing proof satisfactory to the department that the  
15 applicant is a disabled veteran. Any number of motor vehicles, trailers,  
16 ~~or semitrailers, or cabin trailers~~ owned by the applicant may be so  
17 licensed at any one time. Motor vehicles and trailers registered under  
18 section 60-3,198 shall not be so licensed.

19           (3) If the license plates issued under this section are lost,  
20 stolen, or mutilated, the recipient of the plates shall be issued  
21 replacement license plates as provided in section 60-3,157.

22           Sec. 47. Section 60-3,125, Revised Statutes Cumulative Supplement,  
23 2016, is amended to read:

24           60-3,125 (1) Any person may, in addition to the application required  
25 by section 60-385, apply to the department for license plates designed by  
26 the department to indicate that the applicant has received from the  
27 federal government an award of a Purple Heart. The inscription of the  
28 plates shall be designed so as to include a facsimile of the award and  
29 beneath any numerical designation upon the plates pursuant to section  
30 60-370 the words Purple Heart separately on one line and the words Combat  
31 Wounded on the line below.

1 (2) The license plates shall be issued upon payment of the regular  
2 license fee and furnishing proof satisfactory to the department that the  
3 applicant was awarded the Purple Heart. Any number of motor vehicles,  
4 trailers, or ~~semitrailers, or cabin trailers~~ owned by the applicant may  
5 be so licensed at any one time. Motor vehicles and trailers registered  
6 under section 60-3,198 shall not be so licensed.

7 (3) If license plates issued pursuant to this section are lost,  
8 stolen, or mutilated, the recipient of the plates shall be issued  
9 replacement license plates upon request and without charge.

10 Sec. 48. Section 60-3,126, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 60-3,126 (1) Any person who holds an unrevoked and unexpired amateur  
13 radio station license issued by the Federal Communications Commission and  
14 is the owner of a motor vehicle, trailer, or ~~semitrailer, or cabin~~  
15 ~~trailer,~~ except for motor vehicles and trailers registered under section  
16 60-3,198, may, in addition to the application required by section 60-385,  
17 apply to the department for license plates upon which shall be inscribed  
18 the official amateur radio call letters of such applicant.

19 (2) Such license plates shall be issued, in lieu of the usual  
20 numbers and letters, to such an applicant upon payment of the regular  
21 license fee and the payment of an additional fee of five dollars and  
22 furnishing proof that the applicant holds such an unrevoked and unexpired  
23 amateur radio station license. The additional fee shall be remitted to  
24 the State Treasurer for credit to the Highway Trust Fund. Only one such  
25 motor vehicle or trailer owned by an applicant shall be so registered at  
26 any one time.

27 (3) An applicant applying for renewal of amateur radio station  
28 license plates shall again furnish proof that he or she holds an  
29 unrevoked and unexpired amateur radio station license issued by the  
30 Federal Communications Commission.

31 (4) The department shall prescribe the size and design of the



1 license plates and furnish such plates to the persons applying for and  
2 entitled to the same upon the payment of the required fee.

3 Sec. 49. Section 60-3,128, Revised Statutes Cumulative Supplement,  
4 2016, is amended to read:

5 60-3,128 (1) A person may apply to the department for Nebraska  
6 Cornhusker Spirit Plates in lieu of regular license plates on an  
7 application prescribed and provided by the department for any motor  
8 vehicle, trailer, or semitrailer, ~~or cabin trailer~~, except for motor  
9 vehicles or trailers registered under section 60-3,198. An applicant  
10 receiving a spirit plate for a farm truck with a gross weight of over  
11 sixteen tons or for a commercial motor vehicle registered for a gross  
12 weight of five tons or over shall affix the appropriate tonnage decal to  
13 the spirit plate. The department shall make forms available for such  
14 applications through the county treasurers. Each application for initial  
15 issuance or renewal of spirit plates shall be accompanied by a fee of  
16 seventy dollars. Fees collected pursuant to this subsection shall be  
17 remitted to the State Treasurer. The State Treasurer shall credit forty-  
18 three percent of the fees for initial issuance and renewal of spirit  
19 plates to the Department of Motor Vehicles Cash Fund. The State Treasurer  
20 shall credit fifty-seven percent of the fees to the Spirit Plate Proceeds  
21 Fund until the fund has been credited five million dollars from such fees  
22 and thereafter to the Highway Trust Fund.

23 (2) Until January 1, 2019, when ~~When~~ the department receives an  
24 application for spirit plates, it shall deliver the plates to the county  
25 treasurer of the county in which the motor vehicle or ~~cabin~~ trailer is  
26 registered. Beginning January 1, 2019, when the department receives an  
27 application for spirit plates, the department may deliver the plates and  
28 registration certificate to the applicant by United States mail or to the  
29 county treasurer of the county in which the motor vehicle or trailer is  
30 registered and the delivery of the plates and registration certificate  
31 shall be made through a secure process and system. The county treasurer

1 or the department shall issue spirit plates in lieu of regular license  
2 plates when the applicant complies with the other provisions of law for  
3 registration of the motor vehicle or ~~cabin~~ trailer. If spirit plates are  
4 lost, stolen, or mutilated, the licensee shall be issued replacement  
5 license plates pursuant to section 60-3,157.

6 (3)(a) The owner of a motor vehicle or ~~cabin~~ trailer bearing spirit  
7 plates may make application to the county treasurer to have such spirit  
8 plates transferred to a motor vehicle or ~~cabin~~ trailer other than the  
9 motor vehicle or ~~cabin~~ trailer for which such plates were originally  
10 purchased if such motor vehicle or ~~cabin~~ trailer is owned by the owner of  
11 the spirit plates.

12 (b) The owner may have the unused portion of the spirit plate fee  
13 credited to the other motor vehicle or ~~cabin~~ trailer which will bear the  
14 spirit plate at the rate of eight and one-third percent per month for  
15 each full month left in the registration period.

16 (c) Application for such transfer shall be accompanied by a fee of  
17 three dollars. Fees collected pursuant to this subsection shall be  
18 remitted to the State Treasurer for credit to the Department of Motor  
19 Vehicles Cash Fund.

20 Sec. 50. Section 60-3,130.04, Revised Statutes Cumulative  
21 Supplement, 2016, is amended to read:

22 60-3,130.04 (1) An owner of a historical vehicle eligible for  
23 registration under section 60-3,130 may use a license plate or plates  
24 designed by this state in the year corresponding to the model year when  
25 the vehicle was manufactured in lieu of the plates designed pursuant to  
26 section 60-3,130.03 subject to the approval of the department. The  
27 department shall inspect the plate or plates and may approve the plate or  
28 plates if it is determined that the model-year license plate or plates  
29 are legible and serviceable and that the license plate numbers do not  
30 conflict with or duplicate other numbers assigned and in use. An  
31 original-issued license plate or plates that have been restored to

1 original condition may be used when approved by the department.

2 (2) The department may consult with a recognized car club in  
3 determining whether the year of the license plate or plates to be used  
4 corresponds to the model year when the vehicle was manufactured.

5 (3) If only one license plate is used on the vehicle, the license  
6 plate shall be placed on the rear of the vehicle. The owner of a  
7 historical vehicle may use only one plate on the vehicle even for years  
8 in which two license plates were issued for vehicles in general.

9 (4) License plates used pursuant to this section corresponding to  
10 the year of manufacture of the vehicle shall not be personalized message  
11 license plates, Pearl Harbor license plates, prisoner-of-war license  
12 plates, disabled veteran license plates, Purple Heart license plates,  
13 amateur radio station license plates, Nebraska Cornhusker Spirit Plates,  
14 handicapped or disabled person license plates, specialty license plates,  
15 special interest motor vehicle license plates, Military Honor Plates,  
16 Nebraska 150 Sesquicentennial Plates, Breast Cancer Awareness Plates, ~~or~~  
17 Mountain Lion Conservation Plates, or Native American Cultural Awareness  
18 and History Plates.

19 Sec. 51. Section 60-3,135.01, Revised Statutes Cumulative  
20 Supplement, 2016, is amended to read:

21 60-3,135.01 (1) The department shall either modify an existing plate  
22 design or design license plates to identify special interest motor  
23 vehicles, to be known as special interest motor vehicle license plates.  
24 The department, in designing such special interest motor vehicle license  
25 plates, shall include the words special interest and limit the  
26 manufacturing cost of each plate to an amount less than or equal to the  
27 amount charged for license plates pursuant to section 60-3,102. The  
28 department shall choose the design of the plate. The department shall  
29 make applications available for this type of plate when it is designed.

30 (2) One type of special interest motor vehicle license plate shall  
31 be alphanumeric plates. The department shall:

1 (a) Assign a designation up to seven characters; and

2 (b) Not use a county designation.

3 (3) One type of special interest motor vehicle license plate shall  
4 be personalized message plates. Such plates shall be issued subject to  
5 the same conditions specified for personalized message license plates in  
6 section 60-3,118.

7 (4) A person may apply to the department for a special interest  
8 motor vehicle license plate in lieu of regular license plates on an  
9 application prescribed and provided by the department for any special  
10 interest motor vehicle, except that no motor vehicle registered under  
11 section 60-3,198, autocycle, motorcycle, or trailer shall be eligible for  
12 special interest motor vehicle license plates. The department shall make  
13 forms available for such applications through the county treasurers.

14 (5) The form shall contain a description of the special interest  
15 motor vehicle owned and sought to be registered, including the make, body  
16 type, model, serial number, and year of manufacture.

17 (6)(a) In addition to all other fees required to register a motor  
18 vehicle, each application for initial issuance or renewal of a special  
19 interest motor vehicle license plate shall be accompanied by a special  
20 interest motor vehicle license plate fee of fifty dollars. Twenty-five  
21 dollars of the special interest motor vehicle license plate fee shall be  
22 remitted to the State Treasurer for credit to the Department of Motor  
23 Vehicles Cash Fund, and twenty-five dollars of the special interest motor  
24 vehicle license plate fee shall be remitted to the State Treasurer for  
25 credit to the Highway Trust Fund.

26 (b) If a special interest motor vehicle license plate is lost,  
27 stolen, or mutilated, the owner shall be issued a replacement license  
28 plate pursuant to section 60-3,157.

29 (7) Until January 1, 2019, when ~~When~~ the department receives an  
30 application for a special interest motor vehicle license plate, the  
31 department shall deliver the plate to the county treasurer of the county

1 in which the special interest motor vehicle is registered. Beginning  
2 January 1, 2019, when the department receives an application for a  
3 special interest motor vehicle license plate, the department may deliver  
4 the plate and registration certificate to the applicant by United States  
5 mail or to the county treasurer of the county in which the special  
6 interest motor vehicle is registered and the delivery of the plate and  
7 registration certificate shall be made through a secure process and  
8 system. The county treasurer or the department shall issue the special  
9 interest motor vehicle license plate in lieu of regular license plates  
10 when the applicant complies with the other provisions of the Motor  
11 Vehicle Registration Act for registration of the special interest motor  
12 vehicle.

13 (8) If the cost of manufacturing special interest motor vehicle  
14 license plates at any time exceeds the amount charged for license plates  
15 pursuant to section 60-3,102, any money to be credited to the Department  
16 of Motor Vehicles Cash Fund under this section shall instead be credited  
17 first to the Highway Trust Fund in an amount equal to the difference  
18 between the manufacturing costs of special interest motor vehicle license  
19 plates and the amount charged pursuant to section 60-3,102 with respect  
20 to such license plates and the remainder shall be credited to the  
21 Department of Motor Vehicles Cash Fund.

22 (9) The special interest motor vehicle license plate shall be  
23 affixed to the rear of the special interest motor vehicle.

24 (10) A special interest motor vehicle shall not be used for the same  
25 purposes and under the same conditions as other motor vehicles of the  
26 same type and shall not be used for business or occupation or regularly  
27 for transportation to and from work. A special interest motor vehicle may  
28 be driven on the public streets and roads only for occasional  
29 transportation, public displays, parades, and related pleasure or hobby  
30 activities.

31 (11) It shall be unlawful to own or operate a motor vehicle with

1 special interest motor vehicle license plates in violation of this  
2 section. Upon conviction of a violation of any provision of this section,  
3 a person shall be guilty of a Class V misdemeanor.

4 (12) For purposes of this section, special interest motor vehicle  
5 means a motor vehicle of any age which is being collected, preserved,  
6 restored, or maintained by the owner as a leisure pursuit and not used  
7 for general transportation of persons or cargo.

8 Sec. 52. Section 60-3,141, Revised Statutes Cumulative Supplement,  
9 2016, is amended to read:

10 60-3,141 (1) The various county treasurers shall act as agents for  
11 the department in the collection of all motor vehicle taxes, motor  
12 vehicle fees, and registration fees. An approved licensed dealer  
13 participating in the electronic dealer services system pursuant to  
14 section 77 of this act may collect all such taxes and fees as agent for  
15 the appropriate county treasurer and the department in a manner provided  
16 by such system.

17 (2) While acting as agents pursuant to subsection (1) of this  
18 section, the county treasurers or any approved licensed dealers  
19 participating in the electronic dealer services system shall in addition  
20 to the taxes and registration fees collect one dollar and fifty cents for  
21 each registration of a motor vehicle or trailer of a resident of the  
22 State of Nebraska and four dollars and fifty cents for each registration  
23 of a motor vehicle or trailer of a nonresident. The county treasurer  
24 shall credit such additional fees collected by the county treasurer or  
25 any approved licensed dealer participating in the electronic dealer  
26 services system ~~for the county~~ to the county general fund in a manner  
27 provided by such system.

28 (3) The county treasurers shall transmit all motor vehicle fees and  
29 registration fees collected pursuant to this section to the State  
30 Treasurer on or before the twentieth ~~twenty-fifth~~ day of each month and  
31 at such other times as the State Treasurer requires for credit to the

1 Motor Vehicle Fee Fund and the Highway Trust Fund, respectively, except  
2 as provided in section 60-3,156. Any county treasurer who fails to  
3 transfer to the State Treasurer the amount due the state at the times  
4 required in this section shall pay interest at the rate specified in  
5 section 45-104.02, as such rate may be adjusted from time to time, from  
6 the time the motor vehicle fees and registration fees become due until  
7 paid.

8 (4) If a registrant requests delivery of license plates,  
9 registration certificates, or validation decals by mail, the county  
10 treasurer may charge a postage and handling fee in an amount not more  
11 than necessary to recover the cost of postage and handling for the  
12 specific items mailed to the registrant.

13 Sec. 53. Section 60-3,151, Revised Statutes Cumulative Supplement,  
14 2016, is amended to read:

15 60-3,151 (1) For the registration of any commercial trailer or  
16 semitrailer, the fee shall be one dollar.

17 (2) The fee for utility trailers shall be one dollar for each one  
18 thousand pounds gross vehicle weight or fraction thereof, up to and  
19 including nine thousand pounds. ~~Utility Except as provided in section~~  
20 ~~60-3,228, utility~~ trailer license plates shall display, in addition to  
21 the registration number, the letter X. Trailers other than farm trailers  
22 ~~or trailers registered under section 60-3,228~~ of more than nine thousand  
23 pounds must be registered as commercial trailers.

24 (3) The fee for cabin trailers having gross vehicle weight of one  
25 thousand pounds or less shall be nine dollars and more than one thousand  
26 pounds, but less than two thousand pounds, shall be twelve dollars. Cabin  
27 trailers having a gross vehicle weight of two thousand pounds or more  
28 shall be registered for a fee of fifteen dollars.

29 (4) Recreational vehicles having a gross vehicle weight of eight  
30 thousand pounds or less shall be registered for a fee of eighteen  
31 dollars, those having a gross vehicle weight of more than eight thousand

1 pounds but less than twelve thousand pounds shall be registered for  
2 thirty dollars, and those having a gross vehicle weight of twelve  
3 thousand pounds or over shall be registered for forty-two dollars. When  
4 living quarters are added to a registered truck, a recreational vehicle  
5 registration may be obtained without surrender of the truck registration,  
6 in which event both the truck and recreational vehicle license plates  
7 shall be displayed on the vehicle. Recreational vehicle license plates  
8 shall be the same size and of the same basic design as regular license  
9 plates issued pursuant to section 60-3,100.

10 (5) Farm trailers shall be licensed for a fee of one dollar, except  
11 that when a farm trailer is used with a registered farm truck, such farm  
12 trailer may, at the option of the owner, be registered as a separate unit  
13 for a fee of three dollars per ton gross vehicle weight and, if so  
14 registered, shall not be considered a truck and trailer combination for  
15 purposes of sections 60-3,145 and 60-3,146. Farm trailer license plates  
16 shall display, in addition to the registration number, the letter X.

17 (6) Fertilizer trailers shall be registered for a fee of one dollar.  
18 Fertilizer trailer license plates shall display, in addition to the  
19 registration number, the letter X.

20 (7) Trailers used to haul poles and cable reels owned and operated  
21 exclusively by public utility companies ~~or trailers used by public power~~  
22 ~~districts and registered pursuant to section 60-3,228~~ shall be licensed  
23 at a fee based on two dollars for each one-thousand-pound load to be  
24 hauled or any fraction thereof, and such load shall not exceed sixteen  
25 thousand pounds.

26 Sec. 54. Section 60-3,184, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 60-3,184 For purposes of sections 60-3,184 to 60-3,190:

29 (1) Automobile means passenger cars, trucks, utility vehicles, and  
30 vans up to and including seven tons;

31 (2) Motor vehicle means every motor vehicle, and trailer, and



1 semitrailer subject to the payment of registration fees or permit fees  
2 under the laws of this state ~~and every cabin trailer registered for~~  
3 ~~operation upon the highways of this state;~~

4 (3) Motor vehicle fee means the fee imposed upon motor vehicles  
5 under section 60-3,190;

6 (4) Motor vehicle tax means the tax imposed upon motor vehicles  
7 under section 60-3,185; and

8 (5) Registration period means the period from the date of  
9 registration pursuant to section 60-392 to the first day of the month  
10 following one year after such date.

11 Sec. 55. Section 60-3,193.01, Revised Statutes Cumulative  
12 Supplement, 2016, is amended to read:

13 60-3,193.01 For purposes of the Motor Vehicle Registration Act, the  
14 International Registration Plan is adopted and incorporated by reference  
15 as the plan existed on January 1, 2017 ~~2016~~.

16 Sec. 56. Section 60-3,224, Revised Statutes Cumulative Supplement,  
17 2016, is amended to read:

18 60-3,224 (1) Beginning October 1, 2015, and ending December 31,  
19 2022, a person may apply to the department for Nebraska 150  
20 Sesquicentennial Plates in lieu of regular license plates on an  
21 application prescribed and provided by the department for any motor  
22 vehicle, trailer, or semitrailer, ~~or cabin trailer~~, except for a motor  
23 vehicle or trailer registered under section 60-3,198. An applicant  
24 receiving a plate under this section for a farm truck with a gross weight  
25 of over sixteen tons shall affix the appropriate tonnage decal to the  
26 plate. The department shall make forms available for such applications  
27 through the county treasurers.

28 (2) Each application for initial issuance or renewal of Nebraska 150  
29 Sesquicentennial Plates shall be accompanied by a fee of seventy dollars.  
30 Fees collected pursuant to this section shall be remitted to the State  
31 Treasurer. The State Treasurer shall credit fifteen percent of the fee

1 for initial issuance and renewal of plates under subsection (3) of  
2 section 60-3,223 to the Department of Motor Vehicles Cash Fund and  
3 eighty-five percent of such fee to the Nebraska 150 Sesquicentennial  
4 Plate Proceeds Fund. The State Treasurer shall credit forty-three percent  
5 of the fee for initial issuance and renewal of plates under subsection  
6 (4) of section 60-3,223 to the Department of Motor Vehicles Cash Fund and  
7 fifty-seven percent of such fee to the Nebraska 150 Sesquicentennial  
8 Plate Proceeds Fund.

9 (3) Until January 1, 2019, when ~~when~~ the department receives an  
10 application for Nebraska 150 Sesquicentennial Plates, the department  
11 shall deliver the plates to the county treasurer of the county in which  
12 the motor vehicle or ~~cabin~~ trailer is registered. Beginning January 1,  
13 2019, when the department receives an application for Nebraska 150  
14 Sesquicentennial Plates, the department may deliver the plates and  
15 registration certificate to the applicant by United States mail or to the  
16 county treasurer of the county in which the motor vehicle or trailer is  
17 registered and the delivery of the plates and registration certificate  
18 shall be made through a secure process and system. The county treasurer  
19 or the department shall issue plates under this section in lieu of  
20 regular license plates when the applicant complies with the other  
21 provisions of the Motor Vehicle Registration Act for registration of the  
22 motor vehicle or ~~cabin~~ trailer. If plates are lost, stolen, or mutilated,  
23 the licensee shall be issued replacement license plates pursuant to  
24 section 60-3,157.

25 (4) The owner of a motor vehicle or ~~cabin~~ trailer bearing Nebraska  
26 150 Sesquicentennial Plates may apply to the county treasurer to have  
27 such plates transferred to a motor vehicle or ~~cabin~~ trailer other than  
28 the motor vehicle or trailer for which such plates were originally  
29 purchased if such motor vehicle or trailer is owned by the owner of the  
30 plates. The owner may have the unused portion of the fee for the plates  
31 credited to the other motor vehicle or trailer which will bear the plates

1 at the rate of eight and one-third percent per month for each full month  
2 left in the registration period. Application for such transfer shall be  
3 accompanied by a fee of three dollars. The State Treasurer shall credit  
4 fees collected pursuant to this subsection to the Department of Motor  
5 Vehicles Cash Fund.

6 (5) Nebraska 150 Sesquicentennial Plates shall not be issued or  
7 renewed beginning on January 1, 2023.

8 Sec. 57. Section 60-3,227, Revised Statutes Cumulative Supplement,  
9 2016, is amended to read:

10 60-3,227 (1) Beginning October 1, 2016, a person may apply to the  
11 department for Mountain Lion Conservation Plates in lieu of regular  
12 license plates on an application prescribed and provided by the  
13 department for any motor vehicle, ~~or cabin trailer, or semitrailer,~~  
14 except for a motor vehicle, ~~or cabin trailer, or semitrailer~~ registered  
15 under section 60-3,198. An applicant receiving a Mountain Lion  
16 Conservation Plate for a farm truck with a gross weight of over sixteen  
17 tons shall affix the appropriate tonnage decal to the plate. The  
18 department shall make forms available for such applications through the  
19 county treasurers. The license plates shall be issued upon payment of the  
20 license fee described in subsection (2) of this section.

21 (2)(a) In addition to all other fees required for registration under  
22 the Motor Vehicle Registration Act, each application for initial issuance  
23 of alphanumeric Mountain Lion Conservation Plates shall be accompanied by  
24 a fee of five dollars. An application for renewal of such plates shall be  
25 accompanied by a fee of five dollars. County treasurers collecting fees  
26 pursuant to this subdivision shall remit them to the State Treasurer. The  
27 State Treasurer shall credit five dollars of the fee to the Game and  
28 Parks Commission Educational Fund.

29 (b) In addition to all other fees required for registration under  
30 the Motor Vehicle Registration Act, each application for initial issuance  
31 or renewal of personalized message Mountain Lion Conservation Plates

1 shall be accompanied by a fee of forty dollars. County treasurers  
2 collecting fees pursuant to this subdivision shall remit them to the  
3 State Treasurer. The State Treasurer shall credit twenty-five percent of  
4 the fee for initial issuance and renewal of such plates to the Department  
5 of Motor Vehicles Cash Fund and seventy-five percent of the fee to the  
6 Game and Parks Commission Educational Fund.

7 (3) Until January 1, 2019, when ~~when~~ the department receives an  
8 application for Mountain Lion Conservation Plates, the department shall  
9 deliver the plates to the county treasurer of the county in which the  
10 motor vehicle, ~~or cabin trailer, or semitrailer~~ is registered. Beginning  
11 January 1, 2019, when the department receives an application for Mountain  
12 Lion Conservation Plates, the department may deliver the plates and  
13 registration certificate to the applicant by United States mail or to the  
14 county treasurer of the county in which the motor vehicle, trailer, or  
15 semitrailer is registered and the delivery of the plates and registration  
16 certificate shall be made through a secure process and system. The county  
17 treasurer or the department shall issue Mountain Lion Conservation Plates  
18 in lieu of regular license plates when the applicant complies with the  
19 other provisions of the Motor Vehicle Registration Act for registration  
20 of the motor vehicle, ~~or cabin trailer, or semitrailer~~. If Mountain Lion  
21 Conservation Plates are lost, stolen, or mutilated, the licensee shall be  
22 issued replacement license plates upon request pursuant to section  
23 60-3,157.

24 (4) The owner of a motor vehicle, ~~or cabin trailer, or semitrailer~~  
25 bearing Mountain Lion Conservation Plates may apply to the county  
26 treasurer to have such plates transferred to a motor vehicle other than  
27 the vehicle for which such plates were originally purchased if such  
28 vehicle is owned by the owner of the plates. The owner may have the  
29 unused portion of the fee for the plates credited to the other vehicle  
30 which will bear the plates at the rate of eight and one-third percent per  
31 month for each full month left in the registration period. Application

1 for such transfer shall be accompanied by a fee of three dollars. Fees  
2 collected pursuant to this subsection shall be remitted to the State  
3 Treasurer for credit to the Department of Motor Vehicles Cash Fund.

4 (5) If the cost of manufacturing Mountain Lion Conservation Plates  
5 at any time exceeds the amount charged for license plates pursuant to  
6 section 60-3,102, any money to be credited to the Game and Parks  
7 Commission Educational Fund shall instead be credited first to the  
8 Highway Trust Fund in an amount equal to the difference between the  
9 manufacturing costs of Mountain Lion Conservation Plates and the amount  
10 charged pursuant to section 60-3,102 with respect to such plates and the  
11 remainder shall be credited to the Game and Parks Commission Educational  
12 Fund.

13 Sec. 58. Section 60-3,229, Revised Statutes Cumulative Supplement,  
14 2016, is amended to read:

15 60-3,229 The registration fee for a public power district motor  
16 vehicle shall be the fee provided for commercial motor vehicles in  
17 section 60-3,147. The registration fee for a public power district  
18 trailer shall be the fee provided for a trailer in ~~subsection (2) or (7),~~  
19 ~~as applicable,~~ of section 60-3,151.

20 Sec. 59. Section 60-3,231, Revised Statutes Cumulative Supplement,  
21 2016, is amended to read:

22 60-3,231 (1) Beginning January 1, 2017, a person may apply to the  
23 department for Breast Cancer Awareness Plates in lieu of regular license  
24 plates on an application prescribed and provided by the department for  
25 any motor vehicle, trailer, or semitrailer, except for a motor vehicle or  
26 trailer registered under section 60-3,198. An applicant receiving a plate  
27 under this section for a farm truck with a gross weight of over sixteen  
28 tons shall affix the appropriate tonnage decal to the plate. The  
29 department shall make forms available for such applications through the  
30 county treasurers.

31 (2) In addition to all other fees required for registration under

1 the Motor Vehicle Registration Act, each application for initial issuance  
2 or renewal of personalized message Breast Cancer Awareness Plates shall  
3 be accompanied by a fee of forty dollars. No such additional fee shall be  
4 due for the initial issuance or renewal of alphanumeric Breast Cancer  
5 Awareness Plates. County treasurers collecting fees pursuant to this  
6 subsection shall remit them to the State Treasurer. The State Treasurer  
7 shall credit twenty-five percent of the fee to the Highway Trust Fund and  
8 seventy-five percent of the fee to the Department of Motor Vehicles Cash  
9 Fund.

10 (3) Until January 1, 2019, when ~~when~~ the department receives an  
11 application for Breast Cancer Awareness Plates, the department shall  
12 deliver the plates to the county treasurer of the county in which the  
13 motor vehicle or trailer is registered. Beginning January 1, 2019, when  
14 the department receives an application for Breast Cancer Awareness  
15 Plates, the department may deliver the plates and registration  
16 certificate to the applicant by United States mail or to the county  
17 treasurer of the county in which the motor vehicle or trailer is  
18 registered and the delivery of the plates and registration certificate  
19 shall be made through a secure process and system. The county treasurer  
20 or the department shall issue plates under this section in lieu of  
21 regular license plates when the applicant complies with the other  
22 provisions of the Motor Vehicle Registration Act for registration of the  
23 motor vehicle or trailer. If Breast Cancer Awareness Plates are lost,  
24 stolen, or mutilated, the licensee shall be issued replacement license  
25 plates upon request pursuant to section 60-3,157.

26 (4) The owner of a motor vehicle or trailer bearing Breast Cancer  
27 Awareness Plates may apply to the county treasurer to have such plates  
28 transferred to a motor vehicle or trailer other than the motor vehicle or  
29 trailer for which such plates were originally purchased if such motor  
30 vehicle or trailer is owned by the owner of the plates. The owner may  
31 have the unused portion of the fee for the plates credited to the other

1 motor vehicle or trailer which will bear the plates at the rate of eight  
2 and one-third percent per month for each full month left in the  
3 registration period. Application for such transfer shall be accompanied  
4 by a fee of three dollars. Fees collected pursuant to this subsection  
5 shall be remitted to the State Treasurer for credit to the Department of  
6 Motor Vehicles Cash Fund.

7       Sec. 60. (1) The department, in consultation with the Commission on  
8 Indian Affairs, shall design license plates to be known as Native  
9 American Cultural Awareness and History Plates. The design shall reflect  
10 the unique culture and history of Native American tribes historically and  
11 currently located in Nebraska. The design shall be selected on the basis  
12 of limiting the manufacturing cost of each plate to an amount less than  
13 or equal to the amount charged for license plates pursuant to section  
14 60-3,102. The department shall make applications available for this type  
15 of plate by January 1, 2018. The department may adopt and promulgate  
16 rules and regulations to carry out this section and section 61 of this  
17 act.

18       (2) One type of Native American Cultural Awareness and History  
19 Plates shall be alphanumeric plates. The department shall:

20       (a) Assign a designation up to five characters; and

21       (b) Not use a county designation.

22       (3) One type of Native American Cultural Awareness and History  
23 Plates shall be personalized message plates. Such plates shall be issued  
24 subject to the same conditions specified for personalized message license  
25 plates in section 60-3,118, except that a maximum of five characters may  
26 be used.

27       Sec. 61. (1) Beginning January 1, 2018, a person may apply to the  
28 department for Native American Cultural Awareness and History Plates in  
29 lieu of regular license plates on an application prescribed and provided  
30 by the department for any motor vehicle or trailer, except for a motor  
31 vehicle or trailer registered under section 60-3,198. An applicant

1 receiving a Native American Cultural Awareness and History Plate for a  
2 farm truck with a gross weight of over sixteen tons shall affix the  
3 appropriate tonnage decal to the plate. The department shall make forms  
4 available for such applications through the county treasurers. The  
5 license plates shall be issued upon payment of the license fee described  
6 in subsection (2) of this section.

7 (2)(a) In addition to all other fees required for registration under  
8 the Motor Vehicle Registration Act, each application for initial issuance  
9 or renewal of alphanumeric Native American Cultural Awareness and History  
10 Plates shall be accompanied by a fee of five dollars. County treasurers  
11 collecting fees pursuant to this subdivision shall remit them to the  
12 State Treasurer. The State Treasurer shall credit five dollars of the fee  
13 to the Native American Scholarship and Leadership Fund.

14 (b) In addition to all other fees required for registration under  
15 the Motor Vehicle Registration Act, each application for initial issuance  
16 or renewal of personalized message Native American Cultural Awareness and  
17 History Plates shall be accompanied by a fee of forty dollars. County  
18 treasurers collecting fees pursuant to this subdivision shall remit them  
19 to the State Treasurer. The State Treasurer shall credit twenty-five  
20 percent of the fee for initial issuance and renewal of such plates to the  
21 Department of Motor Vehicles Cash Fund and seventy-five percent of the  
22 fee to the Native American Scholarship and Leadership Fund.

23 (3) Until January 1, 2019, when the department receives an  
24 application for Native American Cultural Awareness and History Plates,  
25 the department shall deliver the plates to the county treasurer of the  
26 county in which the motor vehicle or trailer is registered. Beginning  
27 January 1, 2019, when the department receives an application for Native  
28 American Cultural Awareness and History Plates, the department may  
29 deliver the plates and registration certificate to the applicant by  
30 United States mail or to the county treasurer of the county in which the  
31 motor vehicle or trailer is registered and the delivery of the plates and



1 registration certificate shall be made through a secure process and  
2 system. The county treasurer or the department shall issue Native  
3 American Cultural Awareness and History Plates in lieu of regular license  
4 plates when the applicant complies with the other provisions of the Motor  
5 Vehicle Registration Act for registration of the motor vehicle or  
6 trailer. If Native American Cultural Awareness and History Plates are  
7 lost, stolen, or mutilated, the licensee shall be issued replacement  
8 license plates upon request pursuant to section 60-3,157.

9       (4) The owner of a motor vehicle or trailer bearing Native American  
10 Cultural Awareness and History Plates may apply to the county treasurer  
11 to have such plates transferred to a motor vehicle or trailer other than  
12 the motor vehicle or trailer for which such plates were originally  
13 purchased if such motor vehicle or trailer is owned by the owner of the  
14 plates. The owner may have the unused portion of the fee for the plates  
15 credited to the other motor vehicle or trailer which will bear the plates  
16 at the rate of eight and one-third percent per month for each full month  
17 left in the registration period. Application for such transfer shall be  
18 accompanied by a fee of three dollars. Fees collected pursuant to this  
19 subsection shall be remitted to the State Treasurer for credit to the  
20 Department of Motor Vehicles Cash Fund.

21       (5) If the cost of manufacturing Native American Cultural Awareness  
22 and History Plates at any time exceeds the amount charged for license  
23 plates pursuant to section 60-3,102, any money to be credited to the  
24 Native American Scholarship and Leadership Fund shall instead be credited  
25 first to the Highway Trust Fund in an amount equal to the difference  
26 between the manufacturing costs of Native American Cultural Awareness and  
27 History Plates and the amount charged pursuant to section 60-3,102 with  
28 respect to such plates and the remainder shall be credited to the Native  
29 American Scholarship and Leadership Fund.

30       Sec. 62. Section 60-462.01, Revised Statutes Cumulative Supplement,  
31 2016, is amended to read:

1           60-462.01 For purposes of the Motor Vehicle Operator's License Act,  
2 the following federal regulations are adopted as Nebraska law as they  
3 existed on January 1, 2017 ~~2016~~:

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

6           Sec. 63. Section 60-479.01, Revised Statutes Cumulative Supplement,  
7 2016, is amended to read:

8           60-479.01 (1) All persons handling source documents or engaged in  
9 the issuance of new, renewed, or reissued operators' licenses or state  
10 identification cards shall have periodic fraudulent document recognition  
11 training.

12           (2) All persons and agents of the department involved in the  
13 recording of verified application information or verified operator's  
14 license and state identification card information, involved in the  
15 manufacture or production of licenses or cards, or who have the ability  
16 to affect information on such licenses or cards shall be subject to a  
17 criminal history record information check, including a check of prior  
18 employment references, and a lawful status check as required by 6 C.F.R.  
19 part 37, as such part existed on January 1, 2017 ~~2016~~. Such persons and  
20 agents shall provide fingerprints which shall be submitted to the Federal  
21 Bureau of Investigation. The bureau shall use its records for the  
22 criminal history record information check.

23           (3) Upon receipt of a request pursuant to subsection (2) of this  
24 section, the Nebraska State Patrol shall undertake a search for criminal  
25 history record information relating to such applicant, including  
26 transmittal of the applicant's fingerprints to the Federal Bureau of  
27 Investigation for a national criminal history record information check.  
28 The criminal history record information check shall include information  
29 concerning the applicant from federal repositories of such information  
30 and repositories of such information in other states, if authorized by  
31 federal law. The Nebraska State Patrol shall issue a report to the

1 employing public agency that shall include the criminal history record  
2 information concerning the applicant. The cost of any background check  
3 shall be borne by the employer of the person or agent.

4 (4) Any person convicted of any disqualifying offense as provided in  
5 6 C.F.R. part 37, as such part existed on January 1, 2017 ~~2016~~, shall not  
6 be involved in the recording of verified application information or  
7 verified operator's license and state identification card information,  
8 involved in the manufacture or production of licenses or cards, or  
9 involved in any capacity in which such person would have the ability to  
10 affect information on such licenses or cards. Any employee or prospective  
11 employee of the department shall be provided notice that he or she will  
12 undergo such criminal history record information check prior to  
13 employment or prior to any involvement with the issuance of operators'  
14 licenses or state identification cards.

15 Sec. 64. Section 60-483, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 60-483 (1) The director shall assign a distinguishing number to each  
18 operator's license issued and shall keep a record of the same which shall  
19 be open to public inspection by any person requesting inspection of such  
20 record who qualifies under section 60-2906 or 60-2907. Any person  
21 requesting such driver record information shall furnish to the Department  
22 of Motor Vehicles (a) verification of identity and purpose that the  
23 requester is entitled under section 60-2906 or 60-2907 to disclosure of  
24 the personal information in the record, (b) the name of the person whose  
25 record is being requested, and (c) when the name alone is insufficient to  
26 identify the correct record, the department may request additional  
27 identifying information. The department shall, upon request of any  
28 requester, furnish a certified abstract of the operating record of any  
29 person, in either hard copy or electronically, and shall charge the  
30 requester a fee of three dollars per abstract.

31 (2) The department shall remit any revenue generated under

1 subsections (1) through (5) of this section to the State Treasurer, and  
2 the State Treasurer shall credit eight and one-third percent to the  
3 Department of Motor Vehicles Cash Fund, fifty-eight and one-third percent  
4 to the General Fund, and thirty-three and one-third percent to the  
5 Records Management Cash Fund.

6 (3) The director shall, upon receiving a request and an agreement  
7 from the United States Selective Service System to comply with  
8 requirements of this section, furnish driver record information to the  
9 United States Selective Service System to include the name, post office  
10 address, date of birth, sex, and social security number of licensees. The  
11 United States Selective Service System shall pay all costs incurred by  
12 the department in providing the information but shall not be required to  
13 pay any other fee required by law for information. No driver record  
14 information shall be furnished to the United States Selective Service  
15 System regarding any female, nor regarding any male other than those  
16 between the ages of seventeen years and twenty-six years. The information  
17 shall only be used in the fulfillment of the required duties of the  
18 United States Selective Service System and shall not be furnished to any  
19 other person.

20 (4) The director shall keep a record of all applications for  
21 operators' licenses that are disapproved with a brief statement of the  
22 reason for disapproval of the application.

23 (5) The director may establish a monitoring service which provides  
24 information on operating records that have changed due to any adjudicated  
25 traffic citation or administrative action. The director shall charge a  
26 fee of six cents per operating record searched pursuant to this section  
27 and the fee provided in subsection (1) of this section for each abstract  
28 returned as a result of the search.

29 (6) Driver record header information, including name, license  
30 number, date of birth, address, and physical description, from every  
31 driver record maintained by the department may be made available so long

1 as the Uniform Motor Vehicle Records Disclosure Act is not violated.  
2 Monthly updates, including all new records, may also be made available.  
3 There shall be a fee of eighteen dollars per thousand records. All fees  
4 collected pursuant to this subsection shall be remitted to the State  
5 Treasurer for credit to the Department of Motor Vehicles Cash Fund.

6 (7) The department may enter into a reciprocity agreement with a  
7 foreign country to provide for the mutual recognition and reciprocal  
8 exchange of a valid operator's license issued by this state or the  
9 foreign country if the department determines that the licensing standards  
10 of the foreign country are comparable to those of this state. Any such  
11 agreement entered into by the department shall not include the mutual  
12 recognition and reciprocal exchange of a commercial driver's license.

13 Sec. 65. Section 60-4,108, Revised Statutes Cumulative Supplement,  
14 2016, is amended to read:

15 60-4,108 (1) It shall be unlawful for any person to operate a motor  
16 vehicle during any period that he or she is subject to a court order not  
17 to operate any motor vehicle for any purpose or during any period that  
18 his or her operator's license has been revoked or impounded pursuant to  
19 conviction or convictions for violation of any law or laws of this state,  
20 by an order of any court, or by an administrative order of the director.  
21 Except as otherwise provided by subsection (3) of this section or by  
22 other law, any person so offending shall (a) for a first such offense, be  
23 guilty of a Class II misdemeanor, and the court shall, as a part of the  
24 judgment of conviction, order such person not to operate any motor  
25 vehicle for any purpose for a period of one year from the date ordered by  
26 the court and also order the operator's license of such person to be  
27 revoked for a like period, unless the person was placed on probation,  
28 then revocation may be ordered at the court's discretion, (b) for a  
29 second or third such offense, be guilty of a Class II misdemeanor, and  
30 the court shall, as a part of the judgment of conviction, order such  
31 person not to operate any motor vehicle for any purpose for a period of

1 two years from the date ordered by the court and also order the  
2 operator's license of such person to be revoked for a like period, and  
3 (c) for a fourth or subsequent such offense, be guilty of a Class I  
4 misdemeanor, and the court shall, as a part of the judgment of  
5 conviction, order such person not to operate any motor vehicle for any  
6 purpose for a period of two years from the date ordered by the court and  
7 also order the operator's license of such person to be revoked for a like  
8 period. Such orders of the court shall be administered upon sentencing,  
9 upon final judgment of any appeal or review, or upon the date that any  
10 probation is revoked, ~~whichever is later.~~

11 (2) It shall be unlawful for any person to operate a motor vehicle  
12 (a) during any period that his or her operator's license has been  
13 suspended, (b) after a period of revocation but before issuance of a new  
14 license, or (c) after a period of impoundment but before the return of  
15 the license. Except as provided in subsection (3) of this section, any  
16 person so offending shall be guilty of a Class III misdemeanor, and the  
17 court may, as a part of the judgment of conviction, order such person not  
18 to operate any motor vehicle for any purpose for a period of one year  
19 from the date ordered by the court, except that if the person at the time  
20 of sentencing shows proof of reinstatement of his or her suspended  
21 operator's license, proof of issuance of a new license, or proof of  
22 return of the impounded license, the person shall only be fined in an  
23 amount not to exceed one hundred dollars. If the court orders the person  
24 not to operate a motor vehicle for a period of one year from the date  
25 ordered by the court, the court shall also order the operator's license  
26 of such person to be revoked for a like period. Such orders of the court  
27 shall be administered upon sentencing, upon final judgment of any appeal  
28 or review, or upon the date that any probation is revoked, ~~whichever is~~  
29 ~~later.~~

30 (3) If a juvenile whose operator's license or permit has been  
31 impounded by a juvenile court operates a motor vehicle during any period

1 that he or she is subject to the court order not to operate any motor  
2 vehicle or after a period of impoundment but before return of the license  
3 or permit, such violation shall be handled in the juvenile court and not  
4 as a violation of this section.

5 Sec. 66. Section 60-4,109, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 60-4,109 (1) Upon conviction of any person in any court within this  
8 state of a violation of any city or village ordinance pertaining to the  
9 operation of a motor vehicle by such person during any period that he or  
10 she is subject to a court order not to operate any motor vehicle for any  
11 purpose or during any period that his or her operator's license has been  
12 revoked or impounded pursuant to any law of this state, such person shall  
13 (a) for a first such offense, be guilty of a Class II misdemeanor, and  
14 the court shall, as a part of the judgment of conviction, order such  
15 person not to operate any motor vehicle for any purpose for a period of  
16 one year from the date ordered by the court and also order the operator's  
17 license of such person to be revoked for a like period, unless the person  
18 was placed on probation, then revocation may be ordered at the court's  
19 discretion, and (b) for each subsequent such offense, be guilty of a  
20 Class II misdemeanor, and the court shall, as a part of the judgment of  
21 conviction, order such person not to operate any motor vehicle for any  
22 purpose for a period of two years from the date ordered by the court and  
23 also order the operator's license of such person to be revoked for a like  
24 period. Such orders of the court shall be administered upon sentencing,  
25 upon final judgment of any appeal or review, or upon the date that any  
26 probation is revoked, ~~whichever is later.~~

27 (2) Upon conviction of any person in any court within this state of  
28 a violation of any city or village ordinance pertaining to the operation  
29 of a motor vehicle by such person (a) during any period that his or her  
30 operator's license has been suspended pursuant to any law of this state,  
31 (b) after a period of revocation but before issuance of a new license, or

1 (c) after a period of impoundment but before the return of the license,  
2 such person shall be guilty of a Class III misdemeanor, and the court  
3 may, as a part of the judgment of conviction, order such person not to  
4 operate any motor vehicle for any purpose for a period of one year from  
5 the date ordered by the court, except that if the person at the time of  
6 sentencing shows proof of reinstatement of his or her suspended  
7 operator's license, proof of issuance of a new license, or proof of  
8 return of the impounded license, the person shall only be fined in an  
9 amount not to exceed one hundred dollars. If the court orders the person  
10 not to operate a motor vehicle for a period of one year after the date  
11 ordered by the court, the court shall also order the operator's license  
12 of such person to be revoked for a like period. Such orders of the court  
13 shall be administered upon sentencing, upon final judgment of any appeal  
14 or review, or upon the date that any probation is revoked, ~~whichever is~~  
15 ~~later.~~

16 Sec. 67. Section 60-4,147.02, Revised Statutes Cumulative  
17 Supplement, 2016, is amended to read:

18 60-4,147.02 No endorsement authorizing the driver to operate a  
19 commercial motor vehicle transporting hazardous materials shall be  
20 issued, renewed, or transferred by the Department of Motor Vehicles  
21 unless the endorsement is issued, renewed, or transferred in conformance  
22 with the requirements of section 1012 of the federal Uniting and  
23 Strengthening America by Providing Appropriate Tools Required to  
24 Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C.  
25 5103a, including all amendments and federal regulations adopted pursuant  
26 thereto as of January 1, 2017 ~~2016~~, for the issuance of licenses to  
27 operate commercial motor vehicles transporting hazardous materials.

28 Sec. 68. Section 60-4,168, Revised Statutes Cumulative Supplement,  
29 2016, is amended to read:

30 60-4,168 (1) Except as provided in subsections (2) and (3) of this  
31 section, a person shall be disqualified from operating a commercial motor



1 vehicle for one year upon his or her first conviction, after April 1,  
2 1992, in this or any other state for:

3 (a) Operating a commercial motor vehicle in violation of section  
4 60-6,196 or 60-6,197 or under the influence of a controlled substance or,  
5 beginning September 30, 2005, operating any motor vehicle in violation of  
6 section 60-6,196 or 60-6,197 or under the influence of a controlled  
7 substance;

8 (b) Operating a commercial motor vehicle in violation of section  
9 60-4,163 or 60-4,164;

10 (c) Leaving the scene of an accident involving a commercial motor  
11 vehicle operated by the person or, beginning September 30, 2005, leaving  
12 the scene of an accident involving any motor vehicle operated by the  
13 person;

14 (d) Using a commercial motor vehicle in the commission of a felony  
15 other than a felony described in subdivision (3)(b) of this section or,  
16 beginning September 30, 2005, using any motor vehicle in the commission  
17 of a felony other than a felony described in subdivision (3)(b) of this  
18 section;

19 (e) Beginning September 30, 2005, operating a commercial motor  
20 vehicle after his or her commercial driver's license has been suspended,  
21 revoked, or canceled or the driver is disqualified from operating a  
22 commercial motor vehicle; or

23 (f) Beginning September 30, 2005, causing a fatality through the  
24 negligent or criminal operation of a commercial motor vehicle.

25 (2) Except as provided in subsection (3) of this section, if any of  
26 the offenses described in subsection (1) of this section occurred while a  
27 person was transporting hazardous material in a commercial motor vehicle  
28 which required placarding pursuant to section 75-364, the person shall,  
29 upon conviction or administrative determination, be disqualified from  
30 operating a commercial motor vehicle for three years.

31 (3) A person shall be disqualified from operating a commercial motor

1 vehicle for life if, after April 1, 1992, he or she:

2 (a) Is convicted of or administratively determined to have committed  
3 a second or subsequent violation of any of the offenses described in  
4 subsection (1) of this section or any combination of those offenses  
5 arising from two or more separate incidents; or

6 (b) Beginning September 30, 2005, used a commercial motor vehicle in  
7 the commission of a felony involving the manufacturing, distributing, or  
8 dispensing of a controlled substance.

9 (4)(a) A person is disqualified from operating a commercial motor  
10 vehicle for a period of not less than sixty days if he or she is  
11 convicted in this or any other state of two serious traffic violations,  
12 or not less than one hundred twenty days if he or she is convicted in  
13 this or any other state of three serious traffic violations, arising from  
14 separate incidents occurring within a three-year period while operating a  
15 commercial motor vehicle.

16 (b) A person is disqualified from operating a commercial motor  
17 vehicle for a period of not less than sixty days if he or she is  
18 convicted in this or any other state of two serious traffic violations,  
19 or not less than one hundred twenty days if he or she is convicted in  
20 this or any other state of three serious traffic violations, arising from  
21 separate incidents occurring within a three-year period while operating a  
22 motor vehicle other than a commercial motor vehicle if the convictions  
23 have resulted in the revocation, cancellation, or suspension of the  
24 person's operator's license or driving privileges.

25 (5)(a) A person who is convicted of operating a commercial motor  
26 vehicle in violation of a federal, state, or local law or regulation  
27 pertaining to one of the following six offenses at a highway-rail grade  
28 crossing shall be disqualified for the period of time specified in  
29 subdivision (5)(b) of this section:

30 (i) For drivers who are not required to always stop, failing to slow  
31 down and check that the tracks are clear of an approaching train;

1 (ii) For drivers who are not required to always stop, failing to  
2 stop before reaching the crossing, if the tracks are not clear;

3 (iii) For drivers who are always required to stop, failing to stop  
4 before driving onto the crossing;

5 (iv) For all drivers, failing to have sufficient space to drive  
6 completely through the crossing without stopping;

7 (v) For all drivers, failing to obey a traffic control device or the  
8 directions of an enforcement official at the crossing; or

9 (vi) For all drivers, failing to negotiate a crossing because of  
10 insufficient undercarriage clearance.

11 (b)(i) A person shall be disqualified for not less than sixty days  
12 if the person is convicted of a first violation described in this  
13 subsection.

14 (ii) A person shall be disqualified for not less than one hundred  
15 twenty days if, during any three-year period, the person is convicted of  
16 a second violation described in this subsection in separate incidents.

17 (iii) A person shall be disqualified for not less than one year if,  
18 during any three-year period, the person is convicted of a third or  
19 subsequent violation described in this subsection in separate incidents.

20 (6) A person shall be disqualified from operating a commercial motor  
21 vehicle for at least one year if, on or after July 8, 2015, the person  
22 has been convicted of fraud related to the issuance of his or her CLP-  
23 commercial learner's permit or commercial driver's license.

24 (7) If the department receives credible information that a CLP-  
25 commercial learner's permit holder or a commercial driver's license  
26 holder is suspected, but has not been convicted, on or after July 8,  
27 2015, of fraud related to the issuance of his or her CLP-commercial  
28 learner's permit or commercial driver's license, the department must  
29 require the driver to retake the skills and knowledge tests. Within  
30 thirty days after receiving notification from the department that  
31 retesting is necessary, the affected CLP-commercial learner's permit

1 holder or commercial driver's license holder must make an appointment or  
2 otherwise schedule to take the next available test. If the CLP-commercial  
3 learner's permit holder or commercial driver's license holder fails to  
4 make an appointment within thirty days, the department must disqualify  
5 his or her CLP-commercial learner's permit or commercial driver's  
6 license. If the driver fails either the knowledge or skills test or does  
7 not take the test, the department must disqualify his or her CLP-  
8 commercial learner's permit or commercial driver's license. If the holder  
9 of a CLP-commercial learner's permit or commercial driver's license has  
10 had his or her CLP-commercial learner's permit or commercial driver's  
11 license disqualified, he or she must reapply for a CLP-commercial  
12 learner's permit or commercial driver's license under department  
13 procedures applicable to all applicants for a CLP-commercial learner's  
14 permit or commercial driver's license.

15 (8) For purposes of this section, controlled substance has the same  
16 meaning as in section 28-401.

17 (9) For purposes of this section, conviction means an unvacated  
18 adjudication of guilt, or a determination that a person has violated or  
19 failed to comply with the law, in a court of original jurisdiction or by  
20 an authorized administrative tribunal, an unvacated forfeiture of bail or  
21 collateral deposited to secure the person's appearance in court, a plea  
22 of guilty or nolo contendere accepted by the court, the payment of a fine  
23 or court costs, or a violation of a condition of release without bail,  
24 regardless of whether or not the penalty is rebated, suspended, or  
25 probated.

26 (10) For purposes of this section, serious traffic violation means:

27 (a) Speeding at or in excess of fifteen miles per hour over the  
28 legally posted speed limit;

29 (b) Willful reckless driving as described in section 60-6,214 or  
30 reckless driving as described in section 60-6,213;

31 (c) Improper lane change as described in section 60-6,139;

1 (d) Following the vehicle ahead too closely as described in section  
2 60-6,140;

3 (e) A violation of any law or ordinance related to motor vehicle  
4 traffic control, other than parking violations or overweight or vehicle  
5 defect violations, arising in connection with an accident or collision  
6 resulting in death to any person;

7 (f) Beginning September 30, 2005, operating a commercial motor  
8 vehicle without a commercial driver's license;

9 (g) Beginning September 30, 2005, operating a commercial motor  
10 vehicle without a commercial driver's license in the operator's  
11 possession;

12 (h) Beginning September 30, 2005, operating a commercial motor  
13 vehicle without the proper class of commercial driver's license and any  
14 endorsements, if required, for the specific vehicle group being operated  
15 or for the passengers or type of cargo being transported on the vehicle;

16 (i) Beginning October 27, 2013, texting while driving as described  
17 in section 60-6,179.02; and

18 (j) Using a handheld mobile telephone as described in section  
19 60-6,179.02.

20 (11) Each period of disqualification imposed under this section  
21 shall be served consecutively and separately.

22 Sec. 69. Section 60-4,168.01, Reissue Revised Statutes of Nebraska,  
23 is amended to read:

24 60-4,168.01 (1) Except as provided in subsection (2) of this  
25 section, a person who is convicted of violating an out-of-service order  
26 while operating a commercial motor vehicle which is transporting  
27 nonhazardous materials shall be subject to disqualification as follows:

28 (a) A person shall be disqualified from operating a commercial motor  
29 vehicle for a period of at least one hundred eighty days but no more than  
30 one year upon a court conviction for violating an out-of-service order;

31 (b) A person shall be disqualified from operating a commercial motor

1 vehicle for a period of at least two years but no more than five years  
2 upon a second court conviction for violating an out-of-service order,  
3 which arises out of a separate incident, during any ten-year period; and

4 (c) A person shall be disqualified from operating a commercial motor  
5 vehicle for a period of at least three years but no more than five years  
6 upon a third or subsequent court conviction for violating an out-of-  
7 service order, which arises out of a separate incident, during any ten-  
8 year period.

9 (2) A person who is convicted of violating an out-of-service order  
10 while operating a commercial motor vehicle which is transporting  
11 hazardous materials required to be placarded pursuant to section 75-364  
12 or while operating a commercial motor vehicle designed or used to  
13 transport sixteen or more passengers, including the driver, shall be  
14 subject to disqualification as follows:

15 (a) A person shall be disqualified from operating a commercial motor  
16 vehicle for a period of at least one hundred eighty days but no more than  
17 two years upon conviction for violating an out-of-service order; and

18 (b) A person shall be disqualified from operating a commercial motor  
19 vehicle for a period of at least three years but no more than five years  
20 upon a second or subsequent conviction for violating an out-of-service  
21 order, which arises out of a separate incident, during any ten-year  
22 period.

23 (3) For purposes of this section, out-of-service order has the same  
24 meaning as in section 75-362.

25 (4) Each period of disqualification imposed under this section shall  
26 be served consecutively and separately.

27 Sec. 70. Section 60-501, Revised Statutes Cumulative Supplement,  
28 2016, is amended to read:

29 60-501 For purposes of the Motor Vehicle Safety Responsibility Act,  
30 unless the context otherwise requires:

31 (1) Department means Department of Motor Vehicles;

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

8 (3) Judgment means any judgment which shall have become final by the  
9 expiration of the time within which an appeal might have been perfected  
10 without being appealed, or by final affirmation on appeal, rendered by a  
11 court of competent jurisdiction of any state or of the United States, (a)  
12 upon a cause of action arising out of the ownership, maintenance, or use  
13 of any motor vehicle for damages, including damages for care and loss of  
14 services, because of bodily injury to or death of any person or for  
15 damages because of injury to or destruction of property, including the  
16 loss of use thereof, or (b) upon a cause of action on an agreement of  
17 settlement for such damages;

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

20 (5) Low-speed vehicle means a four-wheeled motor vehicle (a) whose  
21 speed attainable in one mile is more than twenty miles per hour and not  
22 more than twenty-five miles per hour on a paved, level surface, (b) whose  
23 gross vehicle weight rating is less than three thousand pounds, and (c)  
24 that complies with 49 C.F.R. part 571, as such part existed on January 1,  
25 2017 ~~2016~~;

26 (6) Minitruck means a foreign-manufactured import vehicle or  
27 domestic-manufactured vehicle which (a) is powered by an internal  
28 combustion engine with a piston or rotor displacement of one thousand  
29 five hundred cubic centimeters or less, (b) is sixty-seven inches or less  
30 in width, (c) has a dry weight of four thousand two hundred pounds or  
31 less, (d) travels on four or more tires, (e) has a top speed of

1 approximately fifty-five miles per hour, (f) is equipped with a bed or  
2 compartment for hauling, (g) has an enclosed passenger cab, (h) is  
3 equipped with headlights, taillights, turnsignals, windshield wipers, a  
4 rearview mirror, and an occupant protection system, and (i) has a four-  
5 speed, five-speed, or automatic transmission;

6 (7) Motor vehicle means any self-propelled vehicle which is designed  
7 for use upon a highway, including trailers designed for use with such  
8 vehicles, minitrucks, and low-speed vehicles. Motor vehicle does not  
9 include (a) mopeds as defined in section 60-637, (b) traction engines,  
10 (c) road rollers, (d) farm tractors, (e) tractor cranes, (f) power  
11 shovels, (g) well drillers, (h) every vehicle which is propelled by  
12 electric power obtained from overhead wires but not operated upon rails,  
13 (i) electric personal assistive mobility devices as defined in section  
14 60-618.02, (j) off-road designed vehicles, including, but not limited to,  
15 golf car vehicles, go-carts, riding lawnmowers, garden tractors, all-  
16 terrain vehicles and utility-type vehicles as defined in section  
17 60-6,355, minibikes as defined in section 60-636, and snowmobiles as  
18 defined in section 60-663, and (k) bicycles as defined in section 60-611;

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

21 (9) Nonresident's operating privilege means the privilege conferred  
22 upon a nonresident by the laws of this state pertaining to the operation  
23 by him or her of a motor vehicle or the use of a motor vehicle owned by  
24 him or her in this state;

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

27 (11) Owner means a person who holds the legal title of a motor  
28 vehicle, or in the event (a) a motor vehicle is the subject of an  
29 agreement for the conditional sale or lease thereof with the right of  
30 purchase upon performance of the conditions stated in the agreement and  
31 with an immediate right of possession vested in the conditional vendee or



1 lessee or (b) a mortgagor of a vehicle is entitled to possession, then  
2 such conditional vendee or lessee or mortgagor shall be deemed the owner  
3 for the purposes of the act;

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

6 (13) Proof of financial responsibility means evidence of ability to  
7 respond in damages for liability, on account of accidents occurring  
8 subsequent to the effective date of such proof, arising out of the  
9 ownership, maintenance, or use of a motor vehicle, (a) in the amount of  
10 twenty-five thousand dollars because of bodily injury to or death of one  
11 person in any one accident, (b) subject to such limit for one person, in  
12 the amount of fifty thousand dollars because of bodily injury to or death  
13 of two or more persons in any one accident, and (c) in the amount of  
14 twenty-five thousand dollars because of injury to or destruction of  
15 property of others in any one accident;

16 (14) Registration means registration certificate or certificates and  
17 registration plates issued under the laws of this state pertaining to the  
18 registration of motor vehicles;

19 (15) State means any state, territory, or possession of the United  
20 States, the District of Columbia, or any province of the Dominion of  
21 Canada; and

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

25 Sec. 71. Section 60-506.01, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 60-506.01 ~~If the~~ The Department of Motor Vehicles receives ~~shall,~~  
28 ~~within ten days after receipt of~~ Part II of a report of an accident from  
29 the Department of Roads pursuant to section 60-699, ~~forward such part by~~  
30 ~~United States mail to the insurance company, if any, named in such report~~  
31 ~~as furnishing liability insurance. Unless express denial of the truth of~~

1 ~~the statements shown on such Part II is received from the named insurance~~  
2 ~~company by the department within the time limited by section 60-507, it~~  
3 shall be presumed for purposes of the Motor Vehicle Safety Responsibility  
4 Act that the Part II information is ~~such statements are~~ true, and such  
5 presumption shall be accepted, when applicable, as satisfying the  
6 requirements of sections 60-507, 60-508, and 60-509.

7 Sec. 72. Section 60-628.01, Revised Statutes Cumulative Supplement,  
8 2016, is amended to read:

9 60-628.01 Low-speed vehicle means a four-wheeled motor vehicle (1)  
10 whose speed attainable in one mile is more than twenty miles per hour and  
11 not more than twenty-five miles per hour on a paved, level surface, (2)  
12 whose gross vehicle weight rating is less than three thousand pounds, and  
13 (3) that complies with 49 C.F.R. part 571, as such part existed on  
14 January 1, 2017 ~~2016~~.

15 Sec. 73. Section 60-699, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 60-699 (1) The operator of any vehicle involved in an accident  
18 resulting in injuries or death to any person or damage to the property of  
19 any one person, including such operator, to an apparent extent of more  
20 than one thousand dollars shall within ten days forward a report of such  
21 accident to the Department of Roads. If the operator is physically  
22 incapable of making the report, the owner of the motor vehicle involved  
23 in the accident shall, within ten days from the time he or she learns of  
24 the accident, report the matter in writing to the Department of Roads.  
25 The Department of Roads or Department of Motor Vehicles may require  
26 operators involved in accidents to file supplemental reports of accidents  
27 upon forms furnished by it whenever the original report is insufficient  
28 in the opinion of either department. The operator or the owner of the  
29 motor vehicle shall make such other and additional reports relating to  
30 the accident as either department requires. Such records shall be  
31 retained for the period of time specified by the State Records

1 Administrator pursuant to the Records Management Act.

2 (2) The report of accident required by this section shall be in two  
3 parts. Part I shall be in such form as the Department of Roads may  
4 prescribe and shall disclose full information concerning the accident.  
5 Part II shall be in such form as the Department of Motor Vehicles may  
6 prescribe and shall disclose sufficient information to disclose whether  
7 or not the financial responsibility requirements of the Motor Vehicle  
8 Safety Responsibility Act are met through the carrying of liability  
9 insurance. ~~The form used for the report shall be so perforated that the~~  
10 ~~parts may be readily separated.~~

11 (3) Upon receipt of a report of accident, the Department of Roads  
12 shall determine the reportability and classification of the accident and  
13 enter all information into a computerized data base. Upon completion, the  
14 Department of Roads shall electronically send ~~department shall separate~~  
15 ~~the parts of the accident report and shall forward~~ Part II of the report  
16 to the Department of Motor Vehicles for purposes of processing ~~as~~  
17 ~~provided in~~ section 60-506.01.

18 (4) Such reports shall be without prejudice. All reports made by  
19 peace officers, made to or filed with peace officers in their respective  
20 offices or departments, or filed with or made by or to any other law  
21 enforcement agency of the state shall be open to public inspection, but  
22 accident reports filed by the operator or owner of a motor vehicle  
23 pursuant to this section shall not be open to public inspection. The fact  
24 that a report by an operator or owner has been so made shall be  
25 admissible in evidence solely to prove compliance with this section, but  
26 no such report or any part of or statement contained in the report shall  
27 be admissible in evidence for any other purpose in any trial, civil or  
28 criminal, arising out of such accidents nor shall the report be referred  
29 to in any way or be any evidence of the negligence or due care of either  
30 party at the trial of any action at law to recover damages.

31 (5) The failure by any person to report an accident as provided in

1 this section or to correctly give the information required in connection  
2 with the report shall be a Class V misdemeanor.

3 Sec. 74. Section 60-6,168, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 60-6,168 No person having control or charge of a motor vehicle shall  
6 allow such vehicle to stand unattended on a highway without first: (1)  
7 Stopping ~~stopping~~ the motor of such vehicle; (2) except for vehicles  
8 equipped with motor starters that may be actuated without a key, locking  
9 the ignition, and removing the key from the ignition; (3) ~~,~~ and  
10 effectively setting the brakes thereon; and, (4) when standing upon any  
11 roadway, turning the front wheels of such vehicle to the curb or side of  
12 such roadway.

13 Sec. 75. Section 60-1505, Revised Statutes Cumulative Supplement,  
14 2016, is amended to read:

15 60-1505 The Vehicle Title and Registration System Replacement and  
16 Maintenance Cash Fund is hereby created. The fund shall be administered  
17 by the Department of Motor Vehicles. Revenue credited to the fund shall  
18 include fees collected by the department from participation in any  
19 multistate electronic data security program, except as otherwise  
20 specifically provided by law, and funds transferred as provided in  
21 section 60-3,186. The fund shall be used by the department to pay for  
22 costs associated with the acquisition, implementation, maintenance,  
23 support, upgrades, and replacement of the Vehicle Title and Registration  
24 System ~~vehicle titling and registration computer system~~. Any money in the  
25 fund available for investment shall be invested by the state investment  
26 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
27 State Funds Investment Act.

28 Sec. 76. Section 60-3,161, Revised Statutes Cumulative Supplement,  
29 2016, is amended to read:

30 ~~60-3,161~~ (1) The Department of Motor Vehicles ~~department~~ shall keep  
31 a record of each motor vehicle, and trailer, motorboat, all-terrain

1 vehicle, utility-type vehicle, snowmobile, and minibike registered or  
2 titled in this state, alphabetically by name of the owner, with cross  
3 reference in each instance to the registration number assigned to such  
4 motor vehicle, ~~and~~ trailer, motorboat, all-terrain vehicle, utility-type  
5 vehicle, snowmobile, and minibike. The record may be destroyed by any  
6 public officer having custody of it after three years from the date of  
7 its issuance.

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

24 (3) The record of each motor vehicle, ~~or~~ trailer, motorboat, all-  
25 terrain vehicle, utility-type vehicle, snowmobile, or minibike  
26 registration or title maintained by the department pursuant to this  
27 section may be made available electronically through the portal  
28 established under section 84-1204 so long as the Uniform Motor Vehicle  
29 Records Disclosure Act is not violated. There shall be a fee of one  
30 dollar per record for individual records and for data-to-data ~~For batch~~  
31 requests for multiple motor vehicle, ~~or~~ trailer, motorboat, all-terrain

1 vehicle, utility-type vehicle, snowmobile, or minibike title and  
2 registration records. For bulk record requests of multiple motor vehicle,  
3 trailer, motorboat, all-terrain vehicle, utility-type vehicle,  
4 snowmobile, or minibike titles and registrations selected on the basis of  
5 criteria of the individual making the request, there shall be a fee of  
6 fifty dollars for every request under two thousand records, and a fee of  
7 eighteen dollars per one thousand records for any number of records over  
8 two thousand, plus a reasonable programming fee not to exceed five  
9 hundred twenty dollars. All fees collected pursuant to this subsection  
10 for electronic access to records through the portal shall be deposited in  
11 the Records Management Cash Fund and shall be distributed as provided in  
12 any agreements between the State Records Board and the department.

13       Sec. 77. (1) Beginning January 1, 2019, the Department of Motor  
14 Vehicles shall develop an electronic dealer services system for  
15 implementation as provided in subsection (7) of this section. The  
16 Director of Motor Vehicles shall approve a licensed dealer as defined in  
17 sections 9 and 26 of this act for participation in the system. A licensed  
18 dealer may voluntarily participate in the system and provide titling and  
19 registration services. A licensed dealer who chooses to participate may  
20 collect from a purchaser of a vehicle as defined in section 60-136, who  
21 also chooses to participate, all appropriate certificate of title fees,  
22 notation of lien fees, registration fees, motor vehicle taxes and fees,  
23 and sales taxes. All such fees and taxes collected shall be remitted to  
24 the appropriate county treasurer or the department as provided in the  
25 Motor Vehicle Certificate of Title Act, the Motor Vehicle Registration  
26 Act, and the Nebraska Revenue Act of 1967.

27       (2) In addition to the fees and taxes described in subsection (1) of  
28 this section, a participating licensed dealer may charge and collect a  
29 service fee not to exceed fifty dollars from a purchaser electing to use  
30 the electronic dealer services system.

31       (3) The department shall provide an approved participating licensed

1 dealer with access to the electronic dealer services system by a method  
2 determined by the director. An approved licensed dealer who chooses to  
3 participate shall use the system to electronically submit title,  
4 registration, and lien information to the Vehicle Title and Registration  
5 System maintained by the department. License plates, registration  
6 certificates, and certificates of title shall be delivered as provided  
7 under the Motor Vehicle Certificate of Title Act and the Motor Vehicle  
8 Registration Act.

9       (4) The director may remove a licensed dealer's authority to  
10 participate in the electronic dealer services system for any violation of  
11 the Motor Vehicle Certificate of Title Act, the Motor Vehicle Industry  
12 Regulation Act, the Motor Vehicle Registration Act, or the Nebraska  
13 Revenue Act of 1967, for failure to timely remit fees and taxes collected  
14 under this section, or for any other conduct the director deems to have  
15 or will have an adverse effect on the public or any governmental entity.

16       (5) An approved licensed dealer participating in the electronic  
17 dealer services system shall not release, disclose, use, or share  
18 personal or sensitive information contained in the records accessible  
19 through the electronic dealer services system as prohibited under the  
20 Uniform Motor Vehicle Records Disclosure Act, except that a licensed  
21 dealer may release, disclose, use, or share such personal or sensitive  
22 information when necessary to fulfill the requirements of the electronic  
23 dealer services system as approved by the department. An approved  
24 licensed dealer participating in the electronic dealer services system  
25 shall be responsible for ensuring that such licensed dealer's employees  
26 and agents comply with the Uniform Motor Vehicle Records Disclosure Act.

27       (6) The department may adopt and promulgate rules and regulations  
28 governing the eligibility for approval and removal of licensed dealers to  
29 participate in the electronic dealer services system, the procedures and  
30 requirements necessary to implement and maintain such system, and the  
31 procedures and requirements for approved licensed dealers participating

1 in such system.

2 (7) The department shall implement the electronic dealer services  
3 system on a date to be determined by the director but not later than  
4 January 1, 2021.

5 Sec. 78. Section 60-2904, Revised Statutes Cumulative Supplement,  
6 2016, is amended to read:

7 60-2904 For purposes of the Uniform Motor Vehicle Records Disclosure  
8 Act:

9 (1) Department means the Department of Motor Vehicles or the duly  
10 authorized agents or contractors of the department responsible to compile  
11 and maintain motor vehicle records;

12 (2) Disclose means to engage in any practice or conduct to make  
13 available and make known personal information contained in a motor  
14 vehicle record about a person to any other person, organization, or  
15 entity by any means of communication;

16 (3) Individual record means a motor vehicle record containing  
17 personal information about a designated person who is the subject of the  
18 record as identified in a request;

19 (4) Motor vehicle record means any record that pertains to a motor  
20 vehicle operator's or driver's license or permit, motor vehicle, trailer,  
21 motorboat, all-terrain vehicle, utility-type vehicle, snowmobile, or  
22 minibike registration or ~~, motor vehicle certificate of title, motorboat~~  
23 certificate of title, or state identification card issued by the  
24 department or any other state or local agency authorized to issue any of  
25 such forms of credentials;

26 (5) Person means an individual, organization, or entity;

27 (6) Personal information means information that identifies a person,  
28 including an individual's driver identification number, name, address  
29 excluding zip code, and telephone number, but does not include  
30 information on collisions ~~vehicular accidents, driving, operating,~~ or  
31 equipment-related violations, or operator's and driver's license or



1 registration status; and

2 (7) Sensitive personal information means an individual's operator's  
3 license digital image, social security number, and medical or disability  
4 information.

5 Sec. 79. Section 60-2907, Revised Statutes Cumulative Supplement,  
6 2016, is amended to read:

7 60-2907 The department and any officer, employee, agent, or  
8 contractor of the department having custody of a motor vehicle record  
9 shall, upon the verification of identity and purpose of a requester,  
10 disclose and make available the requested motor vehicle record, including  
11 the personal information in the record, for the following purposes:

12 (1) For use by any federal, state, or local governmental agency,  
13 including any court or law enforcement agency, in carrying out the  
14 agency's functions or by a private person or entity acting on behalf of a  
15 governmental agency in carrying out the agency's functions;

16 (2) For use in connection with matters of motor vehicle or driver  
17 safety and theft; motor vehicle emissions; motor vehicle product  
18 alterations, recalls, or advisories; performance monitoring of motor  
19 vehicles, motor vehicle parts, and dealers; motor vehicle market research  
20 activities, including survey research; and removal of nonowner records  
21 from the original owner records of motor vehicle manufacturers;

22 (3) For use in the normal course of business by a legitimate  
23 business or its agents, employees, or contractors but only:

24 (a) To verify the accuracy of personal information submitted by the  
25 individual to the business or its agents, employees, or contractors; and

26 (b) If such information as so submitted is not correct or is no  
27 longer correct, to obtain the correct information, but only for the  
28 purposes of preventing fraud by, pursuing legal remedies against, or  
29 recovering on a debt or security interest against, the individual;

30 (4) For use in connection with any civil, criminal, administrative,  
31 or arbitral proceeding in any federal, state, or local court or

1 governmental agency or before any self-regulatory body, including service  
2 of process, investigation in anticipation of litigation, and execution or  
3 enforcement of judgments and orders, or pursuant to an order of a  
4 federal, state, or local court, an administrative agency, or a self-  
5 regulatory body;

6 (5) For use in research activities, and for use in producing  
7 statistical reports, so long as the personal information is not  
8 published, redisclosed, or used to contact individuals;

9 (6) For use by any insurer or insurance support organization, or by  
10 a self-insured entity, or its agents, employees, or contractors, in  
11 connection with claims investigation activities, anti-fraud activities,  
12 rating, or underwriting;

13 (7) For use in providing notice to the owners of abandoned, towed,  
14 or impounded vehicles;

15 (8) For use only for a purpose permitted under this section either  
16 by a private detective, plain clothes investigator, or private  
17 investigative agency licensed under sections 71-3201 to 71-3213;

18 (9) For use by an employer or the employer's agent or insurer to  
19 obtain or verify information relating to a holder of a commercial  
20 driver's license or CLP-commercial learner's permit that is required  
21 under the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31301 et  
22 seq., or pursuant to sections 60-4,132 and 60-4,141;

23 (10) For use in connection with the operation of private toll  
24 transportation facilities;

25 (11) For bulk distribution for surveys of, marketing to, or  
26 solicitations of persons who have expressly consented to such disclosure  
27 if the requester has obtained the notarized written consent of the  
28 individual who is the subject of the personal information being requested  
29 and has provided proof of receipt of such written consent to the  
30 department or an officer, employee, agent, or contractor of the  
31 department on a form prescribed by the department;

1 (12) For any use if the requester has obtained the notarized written  
2 consent of the individual who is the subject of the personal information  
3 being requested and has provided proof of receipt of such written consent  
4 to the department or an officer, employee, agent, or contractor of the  
5 department;

6 (13) For use, including redisclosure through news publication, of a  
7 member of a medium of communication as defined in section 20-145 who  
8 requests such information in connection with preparing, researching,  
9 gathering, or confirming news information involving motor vehicle or  
10 driver safety or motor vehicle theft;

11 (14) For use by the federally designated organ procurement  
12 organization for Nebraska to establish and maintain the Donor Registry of  
13 Nebraska as provided in section 71-4822; ~~and~~

14 (15) For use to fulfill the requirements of the electronic dealer  
15 services system pursuant to section 77 of this act; and

16 (16) ~~(15)~~ For any other use specifically authorized by law that is  
17 related to the operation of a motor vehicle or public safety.

18 Sec. 80. Section 75-110, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 75-110 (1) The Public Service Commission shall adopt and promulgate  
21 rules and regulations for the government of its proceedings, including  
22 rules of procedure for notice and hearing. The commission shall adopt and  
23 promulgate rules and regulations which the commission deems necessary to  
24 regulate persons within the commission's jurisdiction. The commission  
25 shall not take any action affecting persons subject to the commission's  
26 jurisdiction unless such action is taken pursuant to a rule, regulation,  
27 or statute.

28 (2) For purposes of granting or denying a petition for intervention,  
29 the commission shall be exempt from section 84-912.02.

30 Sec. 81. Section 75-128, Revised Statutes Cumulative Supplement,  
31 2016, is amended to read:

1           75-128 (1) It is hereby declared to be the policy of the Legislature  
2 that all matters presented to the commission be heard and determined  
3 without delay. All matters requiring a hearing shall be set for hearing  
4 at the earliest practicable date and in no event, except for good cause  
5 shown, which showing shall be recited in the order, shall the time fixed  
6 for hearing be more than six months after the date of filing of the  
7 application, complaint, or petition on which such hearing is to be had.  
8 Except in case of an emergency and upon a motion to proceed with less  
9 than a quorum made by all parties and supported by a showing of clear and  
10 convincing evidence of such emergency and benefit to all parties, a  
11 quorum of the commission shall hear all matters set for hearing. Except  
12 as otherwise provided in the Major Oil Pipeline Siting Act or section  
13 75-121 and except for good cause shown, a decision of the commission  
14 shall be made and filed within thirty days after completion of the  
15 hearing or after submission of affidavits in nonhearing proceedings.

16           (2) In the case of any proceeding upon which a hearing is held, the  
17 transcript of testimony shall be prepared and submitted to the commission  
18 prior to entry of an order, except that it shall not be necessary to have  
19 prepared prior to a commission decision the transcripts of testimony on  
20 hearings involving noncontested proceedings and hearings involving  
21 emergency rate applications under section 75-121.

22           (3) For each application, complaint, or petition filed with the  
23 commission, except those filed under sections 75-303.01 to 75-303.03 and  
24 ~~75-303.02~~, the Major Oil Pipeline Siting Act, or the State Natural Gas  
25 Regulation Act, the commission shall charge a filing fee to be determined  
26 by the commission, but in an amount not to exceed the sum of five hundred  
27 dollars, payable at the time of such filing. The commission shall also  
28 charge to persons regulated by the commission, except persons regulated  
29 under the Major Oil Pipeline Siting Act or the State Natural Gas  
30 Regulation Act, a hearing fee to be determined by the commission, but in  
31 an amount not to exceed the sum of two hundred fifty dollars, for each

1 half day of hearings if the person regulated by the commission files an  
2 application, complaint, or petition which necessitates a hearing.

3 (4) For each new tariff filed with the commission, except those  
4 filed under sections 75-301 to 75-322, the commission shall charge a fee  
5 not to exceed fifty dollars. This subsection does not apply to amendments  
6 to existing tariffs.

7 (5) The commission shall remit the fees received to the State  
8 Treasurer for credit to the General Fund.

9 Sec. 82. Section 75-303.01, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 75-303.01 (1) The Department of Health and Human Services, a  
12 medicaid-managed care organization under contract with the department, or  
13 another agent working on the department's behalf or any agency organized  
14 under the Nebraska Community Aging Services Act may contract for  
15 nonemergency medical transportation for medicaid its clients with a  
16 regulated motor carrier holding a designation of authority issued  
17 pursuant to subsection (3) of section 75-311 to provide medicaid  
18 nonemergency medical transportation services or that has been authorized  
19 to provide such services by the commission prior to the operative date of  
20 this section. contractor which does not hold a certificate or which is  
21 not otherwise exempt under section 75-303 only if:

22 (2) While operating under a designation of authority issued pursuant  
23 to subsection (3) of section 75-311, a regulated motor carrier shall  
24 comply with (a) the requirements of the Department of Health and Human  
25 Services to protect the safety and well-being of department clients,  
26 including training, driver standards, background checks, and the  
27 provision and quality of service and (b) the rules and regulations  
28 adopted, promulgated, and enforced by the commission governing insurance  
29 requirements, equipment standards, and background checks.

30 (1) ~~The proposed contractor is the individual who will personally~~  
31 ~~drive the vehicle in question;~~

1           ~~(2) The only compensation to the contractor for the transportation~~  
2 ~~is paid by the department at a rate no greater than that provided for~~  
3 ~~reimbursement of state employees pursuant to section 81-1176 for the~~  
4 ~~costs incurred in the transportation; and~~

5           ~~(3)(a) There is no regulated motor carrier serving the area in which~~  
6 ~~the client needs transportation, (b) the regulated motor carrier serving~~  
7 ~~the area is incapable of providing the specific service in question by~~  
8 ~~its own written statement or as determined by the commission upon~~  
9 ~~application of the regulated motor carrier or the department, or (c) the~~  
10 ~~regulated carrier cannot or will not provide such service at the rate~~  
11 ~~specified in subsection (2) of section 75-303.02.~~

12           Sec. 83. Section 75-303.02, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14           75-303.02 (1) The Department of Health and Human Services or any  
15 agency organized under the Nebraska Community Aging Services Act may  
16 contract for the transportation of clients with a contractor which does  
17 not hold a certificate or which is not otherwise exempt under section  
18 75-303 only if: The commission, in consultation with the Department of  
19 Health and Human Services, shall adopt and promulgate rules and  
20 regulations governing minimum liability insurance requirements, equipment  
21 standards, driver qualification requirements, and the issuance and filing  
22 of notice for any contractor utilized by the department or any agency  
23 organized under the Nebraska Community Aging Services Act pursuant to  
24 section 75-303.01.

25           (a) The proposed contractor is the individual who will personally  
26 drive the vehicle in question;

27           (b) The only compensation to the contractor for the transportation  
28 is paid by the department at a rate no greater than that provided for  
29 reimbursement of state employees pursuant to section 81-1176 for the  
30 costs incurred in the transportation; and

31           (c)(i) There is no regulated motor carrier serving the area in which

1 the client needs transportation, (ii) the regulated motor carrier serving  
2 the area is incapable of providing the specific service in question by  
3 its own written statement or as determined by the commission upon  
4 application of the regulated motor carrier or the department, or (iii)  
5 the regulated carrier cannot or will not provide such service at the rate  
6 specified in subsection (2) of section 75-303.03.

7 (2) This section does not apply to a regulated motor carrier holding  
8 a designation of authority issued pursuant to subsection (3) of section  
9 75-311.

10 ~~(2) The department or any agency organized under the Nebraska~~  
11 ~~Community Aging Services Act shall reimburse common and contract carriers~~  
12 ~~for transportation of passengers at a rate not to exceed the rate of~~  
13 ~~reimbursement pursuant to section 81-1176 multiplied by three. The~~  
14 ~~maximum reimbursement rate provided for in this subsection shall not~~  
15 ~~apply when the carrier (a) transports such person wholly within the~~  
16 ~~corporate limits of the city or village where the transportation of the~~  
17 ~~person originated or (b) transports a disabled person as defined by the~~  
18 ~~federal Americans with Disabilities Act of 1990 in a vehicle that is~~  
19 ~~compliant with the regulations providing for the transportation of such~~  
20 ~~disabled person.~~

21 Sec. 84. Section 75-303.03, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 75-303.03 (1) The commission, in consultation with the Department of  
24 Health and Human Services, shall adopt and promulgate rules and  
25 regulations governing minimum liability insurance requirements, equipment  
26 standards, driver qualification requirements, and the issuance and filing  
27 of notice for any contractor utilized by the department or any agency  
28 organized under the Nebraska Community Aging Services Act pursuant to  
29 section 75-303.02. The Department of Health and Human Services may  
30 reimburse an individual for the costs incurred by such individual in the  
31 transportation of a person eligible to receive transportation services

1 through the department if:

2 (a) ~~The individual is under contract with the department and~~  
3 ~~provides transportation to the eligible person; and~~

4 (b) ~~The eligible person has chosen the individual to provide the~~  
5 ~~transportation.~~

6 (2) The Department of Health and Human Services or any agency  
7 organized under the Nebraska Community Aging Services Act shall reimburse  
8 common and contract carriers for transportation of passengers at a rate  
9 not to exceed the rate of reimbursement pursuant to section 81-1176  
10 multiplied by three. The maximum reimbursement rate provided for in this  
11 subsection shall not apply when the carrier (a) transports such person  
12 wholly within the corporate limits of the city or village where the  
13 transportation of the person originated, (b) transports a disabled person  
14 as defined by the federal Americans with Disabilities Act of 1990 in a  
15 vehicle that is compliant with the regulations providing for the  
16 transportation of such disabled person, or (c) provides nonemergency  
17 medical transportation of medicaid clients pursuant to subsection (3) of  
18 section 75-311 ~~The department shall reimburse for the costs incurred in~~  
19 ~~the transportation at a rate no greater than that provided for~~  
20 ~~reimbursement of state employees pursuant to section 81-1176.~~

21 (3) Rates for nonemergency medical transportation service providers  
22 with a designation of authority issued pursuant to subsection (3) of  
23 section 75-311 are not subject to commission regulation, and regulated  
24 motor carriers with such a designation reimbursed under this section are  
25 not subject to commission rate regulation for such reimbursement rates.

26 (4)(a) The Department of Health and Human Services may reimburse an  
27 individual for the costs incurred by such individual in the  
28 transportation of a person eligible to receive transportation services  
29 through the department if:

30 (i) The individual is under contract with the department and  
31 provides transportation to the eligible person; and



1        (ii) The eligible person has chosen the individual to provide the  
2 transportation.

3        (b) The department shall reimburse for the costs incurred in the  
4 transportation at a rate no greater than that provided for reimbursement  
5 of state employees pursuant to section 81-1176.

6        (c) Transportation provided to an eligible person by an individual  
7 pursuant to this section does not constitute transportation for hire.

8        (d) The department may adopt and promulgate rules and regulations to  
9 implement this subsection.

10        ~~(3) Transportation provided to an eligible person by an individual~~  
11 ~~pursuant to this section does not constitute transportation for hire.~~

12        ~~(4) The department may adopt and promulgate rules and regulations to~~  
13 ~~implement this section.~~

14        Sec. 85. Section 75-306, Revised Statutes Cumulative Supplement,  
15 2016, is amended to read:

16        75-306 Receipt for the payment of annual fees shall be issued by the  
17 commission. The commission shall issue sufficient license plates and  
18 renewal tabs to any regulated motor carrier who is in compliance with  
19 sections 75-301 to 75-322 and the rules and regulations of the  
20 commission, except contractors ~~contract carriers~~ operating pursuant to  
21 section 75-303.02 ~~75-303.01~~ and transportation network companies, for the  
22 purpose of identification of regulated motor carriers subject to sections  
23 75-301 to 75-322 and to distinguish those regulated motor carriers from  
24 other commercial motor carriers not subject to such sections. The  
25 Director of Motor Vehicles shall prepare a form of license plate and  
26 renewal tab for such regulated motor carriers and furnish a sufficient  
27 supply of them to the commission.

28        Sec. 86. Section 75-309, Revised Statutes Cumulative Supplement,  
29 2016, is amended to read:

30        75-309 Except for operations pursuant to a contract authorized by  
31 sections ~~75-303.01~~ and 75-303.02 and 75-303.03, it shall be unlawful for

1 any common or contract carrier by motor vehicle subject to the provisions  
2 of sections 75-101 to 75-155 and 75-301 to 75-322 to engage in any  
3 intrastate operations on any public highway in Nebraska unless there is  
4 in force with respect to such common carrier a certificate of public  
5 convenience and necessity, a permit to such contract carrier, or a permit  
6 to a transportation network company under section 75-324, issued by the  
7 commission which authorizes such operations.

8 Sec. 87. Section 75-311, Revised Statutes Cumulative Supplement,  
9 2016, is amended to read:

10 75-311 (1) A certificate shall be issued to any qualified applicant  
11 authorizing the whole or any part of the operations covered by the  
12 application if it is found after notice and hearing that (a) the  
13 applicant is fit, willing, and able properly to perform the service  
14 proposed and to conform to the provisions of sections 75-301 to 75-322  
15 and the requirements, rules, and regulations of the commission under such  
16 sections and (b) the proposed service, to the extent to be authorized by  
17 the certificate, whether regular or irregular, passenger or household  
18 goods, is or will be required by the present or future public convenience  
19 and necessity. Otherwise the application shall be denied.

20 (2) A permit shall be issued to any qualified applicant therefor  
21 authorizing in whole or in part the operations covered by the application  
22 if it appears after notice and hearing from the application or from any  
23 hearing held on the application that (a) the applicant is fit, willing,  
24 and able properly to perform the service of a contract carrier by motor  
25 vehicle and to conform to the provisions of such sections and the lawful  
26 requirements, rules, and regulations of the commission under such  
27 sections and (b) the proposed operation, to the extent authorized by the  
28 permit, will be consistent with the public interest by providing services  
29 designed to meet the distinct needs of each individual customer or a  
30 specifically designated class of customers as defined in subdivision (7)  
31 of section 75-302. Otherwise the application shall be denied.

1       (3) A designation of authority shall be issued to any regulated  
2 motor carrier holding a certificate under subsection (1) of this section  
3 or a permit under subsection (2) of this section authorizing such carrier  
4 to provide medicaid nonemergency medical transportation services pursuant  
5 to a contract with (i) the Department of Health and Human Services, (ii)  
6 a medicaid-managed care organization under contract with the department,  
7 or (iii) another agent working on the department's behalf as provided  
8 under section 75-303.01, if it is found after notice and hearing from the  
9 application or from any hearing held on the application that the  
10 authorization is or will be required by the present or future convenience  
11 and necessity to serve the distinct needs of medicaid clients. In  
12 determining whether the authorization is or will be required by the  
13 present or future convenience and necessity to serve the distinct needs  
14 of medicaid clients, the commission shall consult with the Director of  
15 Medicaid and Long-Term Care of the Division of Medicaid and Long-Term  
16 Care of the department or his or her designee.

17       (4) ~~(3)~~ No person shall at the same time hold a certificate as a  
18 common carrier and a permit as a contract carrier for transportation of  
19 household goods by motor vehicles over the same route or within the same  
20 territory unless the commission finds that it is consistent with the  
21 public interest and with the policy declared in section 75-301.

22       (5) ~~(4)~~ After the issuance of a certificate or permit, the  
23 commission shall review the operations of all common or contract carriers  
24 who hold authority from the commission to determine whether there are  
25 insufficient operations in the transportation of household goods to  
26 justify the commission's finding that such common or contract carrier has  
27 willfully failed to perform transportation under sections 75-301 to  
28 75-322 and rules and regulations promulgated under such sections. If the  
29 commission determines that there are insufficient operations, then the  
30 commission shall commence proceedings under section 75-315 to revoke the  
31 certificate or permit involved.

1           (6) ~~(5)~~ This section shall not apply to transportation network  
2 companies holding a permit under section 75-324 or operations pursuant to  
3 a contract authorized by sections ~~75-303.01 and 75-303.02 and 75-303.03.~~

4           Sec. 88. Section 75-363, Revised Statutes Cumulative Supplement,  
5 2016, is amended to read:

6           75-363 (1) The parts, subparts, and sections of Title 49 of the Code  
7 of Federal Regulations listed below, as modified in this section, or any  
8 other parts, subparts, and sections referred to by such parts, subparts,  
9 and sections, in existence and effective as of January 1, 2017 ~~2016~~, are  
10 adopted as Nebraska law.

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

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

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

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

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

25           (iii) All vehicles of such motor carriers transporting hazardous  
26 materials required to be placarded pursuant to section 75-364; and

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

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

- 1 (a) Part 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING;
- 2 (b) Part 385 - SAFETY FITNESS PROCEDURES;
- 3 (c) Part 386 - RULES OF PRACTICE FOR FMCSA ~~MOTOR CARRIER, INTERMODAL~~  
4 ~~EQUIPMENT PROVIDER, BROKER, FREIGHT FORWARDER, AND HAZARDOUS MATERIALS~~  
5 ~~PROCEEDINGS;~~
- 6 (d) Part 387 - MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR  
7 CARRIERS;
- 8 (e) Part 390 - FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL;
- 9 (f) Part 391 - QUALIFICATIONS OF DRIVERS AND LONGER COMBINATION  
10 VEHICLE (LCV) DRIVER INSTRUCTORS;
- 11 (g) Part 392 - DRIVING OF COMMERCIAL MOTOR VEHICLES;
- 12 (h) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION;
- 13 (i) Part 395 - HOURS OF SERVICE OF DRIVERS;
- 14 (j) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE;
- 15 (k) Part 397 - TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND  
16 PARKING RULES; and
- 17 (l) Part 398 - TRANSPORTATION OF MIGRANT WORKERS.
- 18 (4) The provisions of subpart E - Physical Qualifications And  
19 Examinations of 49 C.F.R. part 391 - QUALIFICATIONS OF DRIVERS AND LONGER  
20 COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS shall not apply to any  
21 driver subject to this section who: (a) Operates a commercial motor  
22 vehicle exclusively in intrastate commerce; and (b) holds, or has held, a  
23 commercial driver's license issued by this state prior to July 30, 1996.
- 24 (5) The regulations adopted in subsection (3) of this section shall  
25 not apply to farm trucks registered pursuant to section 60-3,146 with a  
26 gross weight of sixteen tons or less. The following parts and sections of  
27 49 C.F.R. chapter III shall not apply to drivers of farm trucks  
28 registered pursuant to section 60-3,146 and operated solely in intrastate  
29 commerce:
- 30 (a) All of part 391;
- 31 (b) Section 395.8 of part 395; and

1 (c) Section 396.11 of part 396.

2 (6) The following parts and subparts of 49 C.F.R. chapter III shall  
3 not apply to the operation of covered farm vehicles:

4 (a) Part 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING;

5 (b) Part 391, subpart E - Physical Qualifications and Examinations;

6 (c) Part 395 - HOURS OF SERVICE OF DRIVERS; and

7 (d) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE.

8 (7) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION  
9 and Part 396 - INSPECTION, REPAIR, AND MAINTENANCE shall not apply to  
10 fertilizer and agricultural chemical application and distribution  
11 equipment transported in units with a capacity of three thousand five  
12 hundred gallons or less.

13 (8) For purposes of this section, intrastate motor carriers shall  
14 not include any motor carrier or driver excepted from 49 C.F.R. chapter  
15 III by section 390.3(f) of part 390.

16 (9)(a) Part 395 - HOURS OF SERVICE OF DRIVERS shall apply to motor  
17 carriers and drivers who engage in intrastate commerce as defined in  
18 section 75-362, except that no motor carrier who engages in intrastate  
19 commerce shall permit or require any driver used by it to drive nor shall  
20 any driver drive:

21 (i) More than twelve hours following ~~ten~~ ~~eight~~ consecutive hours off  
22 duty; or

23 (ii) For any period after having been on duty sixteen hours  
24 following ~~ten~~ ~~eight~~ consecutive hours off duty.

25 (b) No motor carrier who engages in intrastate commerce shall permit  
26 or require a driver of a commercial motor vehicle, regardless of the  
27 number of motor carriers using the driver's services, to drive, nor shall  
28 any driver of a commercial motor vehicle drive, for any period after:

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

31 (ii) Having been on duty eighty hours in any period of eight

1 consecutive days if the employing motor carrier operates motor vehicles  
2 every day of the week.

3 (10) Part 395 - HOURS OF SERVICE OF DRIVERS, as adopted in  
4 subsections (3) and (9) of this section, shall not apply to drivers  
5 transporting agricultural commodities or farm supplies for agricultural  
6 purposes during planting and harvesting season when:

7 (a) The transportation of such agricultural commodities is from the  
8 source of the commodities to a location within a one-hundred-fifty-air-  
9 mile radius of the source of the commodities;

10 (b) The transportation of such farm supplies is from a wholesale or  
11 retail distribution point of the farm supplies to a farm or other  
12 location where the farm supplies are intended to be used which is within  
13 a one-hundred-fifty-air-mile radius of the wholesale or retail  
14 distribution point; or

15 (c) The transportation of such farm supplies is from a wholesale  
16 distribution point of the farm supplies to a retail distribution point of  
17 the farm supplies which is within a one-hundred-fifty-air-mile radius of  
18 the wholesale distribution point.

19 (11) 49 C.F.R. 390.21 - Marking of self-propelled CMVs and  
20 intermodal equipment shall not apply to farm trucks and farm truck-  
21 tractors registered pursuant to section 60-3,146 and operated solely in  
22 intrastate commerce.

23 (12) 49 C.F.R. 392.9a - Operating authority shall not apply to  
24 Nebraska motor carriers operating commercial motor vehicles solely in  
25 intrastate commerce.

26 (13) No motor carrier shall permit or require a driver of a  
27 commercial motor vehicle to violate, and no driver of a commercial motor  
28 vehicle shall violate, any out-of-service order.

29 Sec. 89. Section 75-364, Revised Statutes Cumulative Supplement,  
30 2016, is amended to read:

31 75-364 The parts, subparts, and sections of Title 49 of the Code of

1 Federal Regulations listed below, or any other parts, subparts, and  
2 sections referred to by such parts, subparts, and sections, in existence  
3 and effective as of January 1, 2017 ~~2016~~, are adopted as part of Nebraska  
4 law and shall be applicable to all motor carriers whether engaged in  
5 interstate or intrastate commerce, drivers of such motor carriers, and  
6 vehicles of such motor carriers:

7 (1) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart F\_-  
8 Registration of Cargo Tank and Cargo Tank Motor Vehicle Manufacturers,  
9 Assemblers, Repairers, Inspectors, Testers, and Design Certifying  
10 Engineers;

11 (2) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart G\_-  
12 Registration of Persons Who Offer or Transport Hazardous Materials;

13 (3) Part 171 - GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS;

14 (4) Part 172 - HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS,  
15 HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION,  
16 TRAINING REQUIREMENTS, AND SECURITY PLANS;

17 (5) Part 173 - SHIPPERS - GENERAL REQUIREMENTS FOR SHIPMENTS AND  
18 PACKAGINGS;

19 (6) Part 177 - CARRIAGE BY PUBLIC HIGHWAY;

20 (7) Part 178 - SPECIFICATIONS FOR PACKAGINGS; and

21 (8) Part 180 - CONTINUING QUALIFICATION AND MAINTENANCE OF  
22 PACKAGINGS.

23 Sec. 90. Section 75-366, Revised Statutes Cumulative Supplement,  
24 2016, is amended to read:

25 75-366 For the purpose of enforcing Chapter 75, article 3, any  
26 officer of the Nebraska State Patrol may, upon demand, inspect the  
27 accounts, records, and equipment of any motor carrier or shipper. Any  
28 officer of the Nebraska State Patrol shall have the authority to enforce  
29 the federal motor carrier safety regulations, as such regulations existed  
30 on January 1, 2017 ~~2016~~, and federal hazardous materials regulations, as  
31 such regulations existed on January 1, 2017 ~~2016~~, and is authorized to



1 enter upon, inspect, and examine any and all lands, buildings, and  
2 equipment of any motor carrier, any shipper, and any other person subject  
3 to the federal Interstate Commerce Act, the federal Department of  
4 Transportation Act, and other related federal laws and to inspect and  
5 copy any and all accounts, books, records, memoranda, correspondence, and  
6 other documents of a motor carrier, a shipper, and any other person  
7 subject to Chapter 75, article 3, for the purposes of enforcing Chapter  
8 75, article 3. To promote uniformity of enforcement, the carrier  
9 enforcement division of the Nebraska State Patrol shall cooperate and  
10 consult with the Public Service Commission and the Division of Motor  
11 Carrier Services.

12 Sec. 91. Section 75-369.03, Revised Statutes Cumulative Supplement,  
13 2016, is amended to read:

14 75-369.03 (1) The Superintendent of Law Enforcement and Public  
15 Safety may issue an order imposing a civil penalty against a motor  
16 carrier transporting persons or property in interstate commerce for a  
17 violation of sections 75-392 to 75-399 or against a motor carrier  
18 transporting persons or property in intrastate commerce for a violation  
19 or violations of section 75-363 or 75-364 based upon an inspection  
20 conducted pursuant to section 75-366 in an amount which shall not exceed  
21 eight ~~five~~ hundred dollars for any single violation in any proceeding or  
22 series of related proceedings against any person or motor carrier as  
23 defined in 49 C.F.R. part 390.5 as adopted in section 75-363.

24 (2) The superintendent shall issue an order imposing a civil penalty  
25 in an amount not to exceed fifteen ~~ten~~ thousand four hundred seventy-four  
26 dollars against a motor carrier transporting persons or property in  
27 interstate commerce for a violation of subdivision (2)(e) of section  
28 60-4,162 based upon a conviction of such a violation.

29 (3) The superintendent shall issue an order imposing a civil penalty  
30 against a driver operating a commercial motor vehicle, as defined in  
31 section 60-465, that requires a commercial driver's license or CLP-

1 commercial learner's permit, in violation of an out-of-service order. The  
2 civil penalty shall be in an amount not less than two thousand nine five  
3 hundred eighty-five dollars ~~but not more than five thousand dollars~~ for a  
4 first violation and not less than five thousand nine hundred seventy one  
5 dollars ~~but not more than seven thousand five hundred dollars~~ for a  
6 second or subsequent violation.

7 (4) The superintendent shall issue an order imposing a civil penalty  
8 against a motor carrier who knowingly allows, requires, permits, or  
9 authorizes the operation of a commercial motor vehicle, as defined in  
10 section 60-465, that requires a commercial driver's license or CLP-  
11 commercial learner's permit, in violation of an out-of-service order. The  
12 civil penalty shall be not less than five two thousand three seven  
13 hundred ninety-one fifty dollars but not more than twenty-nine twenty-  
14 five thousand eight hundred forty-nine dollars per violation.

15 (5) Upon the discovery of any violation by a motor carrier  
16 transporting persons or property in interstate commerce of section  
17 75-307, 75-363, or 75-364 or sections 75-392 to 75-399 based upon an  
18 inspection conducted pursuant to section 75-366, the superintendent shall  
19 immediately refer such violation to the appropriate federal agency for  
20 disposition, and upon the discovery of any violation by a motor carrier  
21 transporting persons or property in intrastate commerce of section 75-307  
22 based upon such inspection, the superintendent shall refer such violation  
23 to the Public Service Commission for disposition.

24 Sec. 92. Section 75-392, Revised Statutes Cumulative Supplement,  
25 2016, is amended to read:

26 75-392 For purposes of sections 75-392 to 75-399:

27 (1) Director means the Director of Motor Vehicles;

28 (2) Division means the Division of Motor Carrier Services of the  
29 Department of Motor Vehicles; and

30 (3) Unified carrier registration plan and agreement means the plan  
31 and agreement established and authorized pursuant to 49 U.S.C. 14504a, as

1 such section existed on January 1, 2017 ~~2016~~.

2 Sec. 93. Section 75-393, Revised Statutes Cumulative Supplement,  
3 2016, is amended to read:

4 75-393 The director may participate in the unified carrier  
5 registration plan and agreement pursuant to the Unified Carrier  
6 Registration Act of 2005, 49 U.S.C. 13908, as the act existed on January  
7 1, 2017 ~~2016~~, and may file on behalf of this state the plan required by  
8 such plan and agreement for enforcement of the act in this state.

9 Sec. 94. Section 76-2316, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 76-2316 Statewide one-call notification center shall mean the  
12 association ~~certified by the State Fire Marshal~~, operating on a nonprofit  
13 basis, supported by its members, and having as its principal purpose the  
14 statewide receipt and dissemination to participating operators of  
15 information on a fair and uniform basis concerning intended excavation in  
16 an area where the operators have underground facilities.

17 Sec. 95. Section 76-2319, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 76-2319 (1) The center shall be governed by a board of directors  
20 who shall oversee operation of the center ~~establish the operating~~  
21 ~~procedures and the technology needed for the center~~ pursuant to rules and  
22 regulations adopted and promulgated by the State Fire Marshal. ~~The rules~~  
23 ~~and regulations adopted and promulgated by the State Fire Marshal shall~~  
24 ~~provide for the qualifications, appointment, retention, and composition~~  
25 ~~of the board of directors~~. The board of directors shall also establish a  
26 competitive bidding procedure to select a vendor to provide the  
27 notification service, establish a procedure by which members of the  
28 center share the costs of the center on a fair, reasonable, and  
29 nondiscriminatory basis, and do all other things necessary to implement  
30 the purpose of the center. Any agreement between the center and a vendor  
31 for the notification service may be modified from time to time by the

1 board of directors, and any agreement shall be reviewed by the board of  
2 directors at least once every three years, with an opportunity to receive  
3 new bids if desired by the board of directors.

4 (2) The rules and regulations adopted and promulgated by the State  
5 Fire Marshal may provide for:

6 (a) Any requirements necessary to comply with United States  
7 Department of Transportation programs;

8 (b) The qualifications, appointment, retention, and composition of  
9 the board of directors; and

10 (c) Best practices for the marking, location, and notification of  
11 proposed excavations which shall govern the center, excavators, and  
12 operators of underground facilities.

13 (3) Any rule or regulation adopted and promulgated by the State Fire  
14 Marshal pursuant to subdivision (2)(c) of this section shall originate  
15 with the board of directors.

16 Sec. 96. Section 76-2320, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 76-2320 Every operator shall furnish the vendor selected by the  
19 board of directors with information concerning the location of its  
20 underground facilities. Every operator having underground facilities in  
21 existence in this state on February 16, 1994, shall furnish such  
22 information to the vendor by April 3, 1995. The vendor shall have the  
23 center operational on October 2, 1995. ~~The center shall be certified by~~  
24 ~~the State Fire Marshal, and the certification shall be reviewed every two~~  
25 ~~years to ensure continued compliance with federal law.~~

26 Sec. 97. Section 76-2325, Revised Statutes Cumulative Supplement,  
27 2016, is amended to read:

28 76-2325 Any person who violates the provisions of section 76-2320,  
29 76-2321, 76-2322, 76-2323, 76-2326, 76-2330, or 76-2331 shall be subject  
30 to a civil penalty as follows:

31 (1) For a violation related to a gas or hazardous liquid underground

1 pipeline facility or a fiber optic telecommunications facility, an amount  
2 not to exceed ten thousand dollars for each violation for each day the  
3 violation persists, up to a maximum of five hundred thousand dollars; and

4 (2) For a violation related to any other underground facility, an  
5 amount not to exceed five thousand ~~hundred~~ dollars for each day the  
6 violation persists, up to a maximum of fifty ~~five~~ thousand dollars.

7 An action to recover a civil penalty shall be brought by the  
8 Attorney General or a prosecuting attorney on behalf of the State of  
9 Nebraska in any court of competent jurisdiction of this state. The trial  
10 shall be before the court, which shall consider the nature,  
11 circumstances, and gravity of the violation and, with respect to the  
12 person found to have committed the violation, the degree of culpability,  
13 the absence or existence of prior violations, whether the violation was a  
14 willful act, any good faith attempt to achieve compliance, and such other  
15 matters as justice may require in determining the amount of penalty  
16 imposed. All penalties shall be remitted to the State Treasurer for  
17 distribution in accordance with Article VII, section 5, of the  
18 Constitution of Nebraska.

19 Sec. 98. Section 77-2703, Revised Statutes Cumulative Supplement,  
20 2016, is amended to read:

21 77-2703 (1) There is hereby imposed a tax at the rate provided in  
22 section 77-2701.02 upon the gross receipts from all sales of tangible  
23 personal property sold at retail in this state; the gross receipts of  
24 every person engaged as a public utility, as a community antenna  
25 television service operator, or as a satellite service operator, any  
26 person involved in the connecting and installing of the services defined  
27 in subdivision (2)(a), (b), (d), or (e) of section 77-2701.16, or every  
28 person engaged as a retailer of intellectual or entertainment properties  
29 referred to in subsection (3) of section 77-2701.16; the gross receipts  
30 from the sale of admissions in this state; the gross receipts from the  
31 sale of warranties, guarantees, service agreements, or maintenance

1 agreements when the items covered are subject to tax under this section;  
2 beginning January 1, 2008, the gross receipts from the sale of bundled  
3 transactions when one or more of the products included in the bundle are  
4 taxable; the gross receipts from the provision of services defined in  
5 subsection (4) of section 77-2701.16; and the gross receipts from the  
6 sale of products delivered electronically as described in subsection (9)  
7 of section 77-2701.16. Except as provided in section 77-2701.03, when  
8 there is a sale, the tax shall be imposed at the rate in effect at the  
9 time the gross receipts are realized under the accounting basis used by  
10 the retailer to maintain his or her books and records.

11 (a) The tax imposed by this section shall be collected by the  
12 retailer from the consumer. It shall constitute a part of the purchase  
13 price and until collected shall be a debt from the consumer to the  
14 retailer and shall be recoverable at law in the same manner as other  
15 debts. The tax required to be collected by the retailer from the consumer  
16 constitutes a debt owed by the retailer to this state.

17 (b) It is unlawful for any retailer to advertise, hold out, or state  
18 to the public or to any customer, directly or indirectly, that the tax or  
19 part thereof will be assumed or absorbed by the retailer, that it will  
20 not be added to the selling, renting, or leasing price of the property  
21 sold, rented, or leased, or that, if added, it or any part thereof will  
22 be refunded. The provisions of this subdivision shall not apply to a  
23 public utility.

24 (c) The tax required to be collected by the retailer from the  
25 purchaser, unless otherwise provided by statute or by rule and regulation  
26 of the Tax Commissioner, shall be displayed separately from the list  
27 price, the price advertised in the premises, the marked price, or other  
28 price on the sales check or other proof of sales, rentals, or leases.

29 (d) For the purpose of more efficiently securing the payment,  
30 collection, and accounting for the sales tax and for the convenience of  
31 the retailer in collecting the sales tax, it shall be the duty of the Tax

1 Commissioner to provide a schedule or schedules of the amounts to be  
2 collected from the consumer or user to effectuate the computation and  
3 collection of the tax imposed by the Nebraska Revenue Act of 1967. Such  
4 schedule or schedules shall provide that the tax shall be collected from  
5 the consumer or user uniformly on sales according to brackets based on  
6 sales prices of the item or items. Retailers may compute the tax due on  
7 any transaction on an item or an invoice basis. The rounding rule  
8 provided in section 77-3,117 applies.

9 (e) The use of tokens or stamps for the purpose of collecting or  
10 enforcing the collection of the taxes imposed in the Nebraska Revenue Act  
11 of 1967 or for any other purpose in connection with such taxes is  
12 prohibited.

13 (f) For the purpose of the proper administration of the provisions  
14 of the Nebraska Revenue Act of 1967 and to prevent evasion of the retail  
15 sales tax, it shall be presumed that all gross receipts are subject to  
16 the tax until the contrary is established. The burden of proving that a  
17 sale of property is not a sale at retail is upon the person who makes the  
18 sale unless he or she takes from the purchaser (i) a resale certificate  
19 to the effect that the property is purchased for the purpose of  
20 reselling, leasing, or renting it, (ii) an exemption certificate pursuant  
21 to subsection (7) of section 77-2705, or (iii) a direct payment permit  
22 pursuant to sections 77-2705.01 to 77-2705.03. Receipt of a resale  
23 certificate, exemption certificate, or direct payment permit shall be  
24 conclusive proof for the seller that the sale was made for resale or was  
25 exempt or that the tax will be paid directly to the state.

26 (g) In the rental or lease of automobiles, trucks, trailers,  
27 semitrailers, and truck-tractors as defined in the Motor Vehicle  
28 Registration Act, the tax shall be collected by the lessor on the rental  
29 or lease price, except as otherwise provided within this section.

30 (h) In the rental or lease of automobiles, trucks, trailers,  
31 semitrailers, and truck-tractors as defined in the act, for periods of

1 one year or more, the lessor may elect not to collect and remit the sales  
2 tax on the gross receipts and instead pay a sales tax on the cost of such  
3 vehicle. If such election is made, it shall be made pursuant to the  
4 following conditions:

5 (i) Notice of the desire to make such election shall be filed with  
6 the Tax Commissioner and shall not become effective until the Tax  
7 Commissioner is satisfied that the taxpayer has complied with all  
8 conditions of this subsection and all rules and regulations of the Tax  
9 Commissioner;

10 (ii) Such election when made shall continue in force and effect for  
11 a period of not less than two years and thereafter until such time as the  
12 lessor elects to terminate the election;

13 (iii) When such election is made, it shall apply to all vehicles of  
14 the lessor rented or leased for periods of one year or more except  
15 vehicles to be leased to common or contract carriers who provide to the  
16 lessor a valid common or contract carrier exemption certificate. If the  
17 lessor rents or leases other vehicles for periods of less than one year,  
18 such lessor shall maintain his or her books and records and his or her  
19 accounting procedure as the Tax Commissioner prescribes; and

20 (iv) The Tax Commissioner by rule and regulation shall prescribe the  
21 contents and form of the notice of election, a procedure for the  
22 determination of the tax base of vehicles which are under an existing  
23 lease at the time such election becomes effective, the method and manner  
24 for terminating such election, and such other rules and regulations as  
25 may be necessary for the proper administration of this subdivision.

26 (i) The tax imposed by this section on the sales of motor vehicles,  
27 semitrailers, and trailers as defined in sections 60-339, 60-348, and  
28 60-354 shall be the liability of the purchaser and, with the exception of  
29 motor vehicles, semitrailers, and trailers registered pursuant to section  
30 60-3,198, the tax shall be collected by the county treasurer as provided  
31 in the Motor Vehicle Registration Act or by an approved licensed dealer



1 participating in the electronic dealer services system pursuant to  
2 section 77 of this act at the time the purchaser makes application for  
3 the registration of the motor vehicle, semitrailer, or trailer for  
4 operation upon the highways of this state. The tax imposed by this  
5 section on motor vehicles, semitrailers, and trailers registered pursuant  
6 to section 60-3,198 shall be collected by the Department of Motor  
7 Vehicles at the time the purchaser makes application for the registration  
8 of the motor vehicle, semitrailer, or trailer for operation upon the  
9 highways of this state. At the time of the sale of any motor vehicle,  
10 semitrailer, or trailer, the seller shall (i) state on the sales invoice  
11 the dollar amount of the tax imposed under this section and (ii) furnish  
12 to the purchaser a certified statement of the transaction, in such form  
13 as the Tax Commissioner prescribes, setting forth as a minimum the total  
14 sales price, the allowance for any trade-in, and the difference between  
15 the two. The sales tax due shall be computed on the difference between  
16 the total sales price and the allowance for any trade-in as disclosed by  
17 such certified statement. Any seller who willfully understates the amount  
18 upon which the sales tax is due shall be subject to a penalty of one  
19 thousand dollars. A copy of such certified statement shall also be  
20 furnished to the Tax Commissioner. Any seller who fails or refuses to  
21 furnish such certified statement shall be guilty of a misdemeanor and  
22 shall, upon conviction thereof, be punished by a fine of not less than  
23 twenty-five dollars nor more than one hundred dollars. If the purchaser  
24 does not register such motor vehicle, semitrailer, or trailer for  
25 operation on the highways of this state within thirty days of the  
26 purchase thereof, the tax imposed by this section shall immediately  
27 thereafter be paid by the purchaser to the county treasurer or the  
28 Department of Motor Vehicles. If the tax is not paid on or before the  
29 thirtieth day after its purchase, the county treasurer or Department of  
30 Motor Vehicles shall also collect from the purchaser interest from the  
31 thirtieth day through the date of payment and sales tax penalties as

1 provided in the Nebraska Revenue Act of 1967. The county treasurer or  
2 Department of Motor Vehicles shall report and remit the tax so collected  
3 to the Tax Commissioner by the fifteenth day of the following month. The  
4 county treasurer shall deduct and withhold for the use of the county  
5 general fund, from all amounts required to be collected under this  
6 subsection, the collection fee permitted to be deducted by any retailer  
7 collecting the sales tax. The Department of Motor Vehicles shall deduct,  
8 withhold, and deposit in the Motor Carrier Division Cash Fund the  
9 collection fee permitted to be deducted by any retailer collecting the  
10 sales tax. The collection fee shall be forfeited if the county treasurer  
11 or Department of Motor Vehicles violates any rule or regulation  
12 pertaining to the collection of the use tax.

13 (j)(i) The tax imposed by this section on the sale of a motorboat as  
14 defined in section 37-1204 shall be the liability of the purchaser. The  
15 tax shall be collected by the county treasurer at the time the purchaser  
16 makes application for the registration of the motorboat. At the time of  
17 the sale of a motorboat, the seller shall (A) state on the sales invoice  
18 the dollar amount of the tax imposed under this section and (B) furnish  
19 to the purchaser a certified statement of the transaction, in such form  
20 as the Tax Commissioner prescribes, setting forth as a minimum the total  
21 sales price, the allowance for any trade-in, and the difference between  
22 the two. The sales tax due shall be computed on the difference between  
23 the total sales price and the allowance for any trade-in as disclosed by  
24 such certified statement. Any seller who willfully understates the amount  
25 upon which the sales tax is due shall be subject to a penalty of one  
26 thousand dollars. A copy of such certified statement shall also be  
27 furnished to the Tax Commissioner. Any seller who fails or refuses to  
28 furnish such certified statement shall be guilty of a misdemeanor and  
29 shall, upon conviction thereof, be punished by a fine of not less than  
30 twenty-five dollars nor more than one hundred dollars. If the purchaser  
31 does not register such motorboat within thirty days of the purchase

1   thereof, the tax imposed by this section shall immediately thereafter be  
2   paid by the purchaser to the county treasurer. If the tax is not paid on  
3   or before the thirtieth day after its purchase, the county treasurer  
4   shall also collect from the purchaser interest from the thirtieth day  
5   through the date of payment and sales tax penalties as provided in the  
6   Nebraska Revenue Act of 1967. The county treasurer shall report and remit  
7   the tax so collected to the Tax Commissioner by the fifteenth day of the  
8   following month. The county treasurer shall deduct and withhold for the  
9   use of the county general fund, from all amounts required to be collected  
10  under this subsection, the collection fee permitted to be deducted by any  
11  retailer collecting the sales tax. The collection fee shall be forfeited  
12  if the county treasurer violates any rule or regulation pertaining to the  
13  collection of the use tax.

14       (ii) In the rental or lease of motorboats, the tax shall be  
15  collected by the lessor on the rental or lease price.

16       (k)(i) The tax imposed by this section on the sale of an all-terrain  
17  vehicle as defined in section 60-103 or a utility-type vehicle as defined  
18  in section 60-135.01 shall be the liability of the purchaser. The tax  
19  shall be collected by the county treasurer or by an approved licensed  
20  dealer participating in the electronic dealer services system pursuant to  
21  section 77 of this act at the time the purchaser makes application for  
22  the certificate of title for the all-terrain vehicle or utility-type  
23  vehicle. At the time of the sale of an all-terrain vehicle or a utility-  
24  type vehicle, the seller shall (A) state on the sales invoice the dollar  
25  amount of the tax imposed under this section and (B) furnish to the  
26  purchaser a certified statement of the transaction, in such form as the  
27  Tax Commissioner prescribes, setting forth as a minimum the total sales  
28  price, the allowance for any trade-in, and the difference between the  
29  two. The sales tax due shall be computed on the difference between the  
30  total sales price and the allowance for any trade-in as disclosed by such  
31  certified statement. Any seller who willfully understates the amount upon

1 which the sales tax is due shall be subject to a penalty of one thousand  
2 dollars. A copy of such certified statement shall also be furnished to  
3 the Tax Commissioner. Any seller who fails or refuses to furnish such  
4 certified statement shall be guilty of a misdemeanor and shall, upon  
5 conviction thereof, be punished by a fine of not less than twenty-five  
6 dollars nor more than one hundred dollars. If the purchaser does not  
7 obtain a certificate of title for such all-terrain vehicle or utility-  
8 type vehicle within thirty days of the purchase thereof, the tax imposed  
9 by this section shall immediately thereafter be paid by the purchaser to  
10 the county treasurer. If the tax is not paid on or before the thirtieth  
11 day after its purchase, the county treasurer shall also collect from the  
12 purchaser interest from the thirtieth day through the date of payment and  
13 sales tax penalties as provided in the Nebraska Revenue Act of 1967. The  
14 county treasurer shall report and remit the tax so collected to the Tax  
15 Commissioner by the fifteenth day of the following month. The county  
16 treasurer shall deduct and withhold for the use of the county general  
17 fund, from all amounts required to be collected under this subsection,  
18 the collection fee permitted to be deducted by any retailer collecting  
19 the sales tax. The collection fee shall be forfeited if the county  
20 treasurer violates any rule or regulation pertaining to the collection of  
21 the use tax.

22 (ii) In the rental or lease of an all-terrain vehicle or a utility-  
23 type vehicle, the tax shall be collected by the lessor on the rental or  
24 lease price.

25 (iii) County treasurers are appointed as sales and use tax  
26 collectors for all sales of all-terrain vehicles or utility-type vehicles  
27 made outside of this state to purchasers or users of all-terrain vehicles  
28 or utility-type vehicles which are required to have a certificate of  
29 title in this state. The county treasurer shall collect the applicable  
30 use tax from the purchaser of an all-terrain vehicle or a utility-type  
31 vehicle purchased outside of this state at the time application for a

1 certificate of title is made. The full use tax on the purchase price  
2 shall be collected by the county treasurer if a sales or occupation tax  
3 was not paid by the purchaser in the state of purchase. If a sales or  
4 occupation tax was lawfully paid in the state of purchase at a rate less  
5 than the tax imposed in this state, use tax must be collected on the  
6 difference as a condition for obtaining a certificate of title in this  
7 state.

8 (1) The Tax Commissioner shall adopt and promulgate necessary rules  
9 and regulations for determining the amount subject to the taxes imposed  
10 by this section so as to insure that the full amount of any applicable  
11 tax is paid in cases in which a sale is made of which a part is subject  
12 to the taxes imposed by this section and a part of which is not so  
13 subject and a separate accounting is not practical or economical.

14 (2) A use tax is hereby imposed on the storage, use, or other  
15 consumption in this state of property purchased, leased, or rented from  
16 any retailer and on any transaction the gross receipts of which are  
17 subject to tax under subsection (1) of this section on or after June 1,  
18 1967, for storage, use, or other consumption in this state at the rate  
19 set as provided in subsection (1) of this section on the sales price of  
20 the property or, in the case of leases or rentals, of the lease or rental  
21 prices.

22 (a) Every person storing, using, or otherwise consuming in this  
23 state property purchased from a retailer or leased or rented from another  
24 person for such purpose shall be liable for the use tax at the rate in  
25 effect when his or her liability for the use tax becomes certain under  
26 the accounting basis used to maintain his or her books and records. His  
27 or her liability shall not be extinguished until the use tax has been  
28 paid to this state, except that a receipt from a retailer engaged in  
29 business in this state or from a retailer who is authorized by the Tax  
30 Commissioner, under such rules and regulations as he or she may  
31 prescribe, to collect the sales tax and who is, for the purposes of the

1 Nebraska Revenue Act of 1967 relating to the sales tax, regarded as a  
2 retailer engaged in business in this state, which receipt is given to the  
3 purchaser pursuant to subdivision (b) of this subsection, shall be  
4 sufficient to relieve the purchaser from further liability for the tax to  
5 which the receipt refers.

6 (b) Every retailer engaged in business in this state and selling,  
7 leasing, or renting property for storage, use, or other consumption in  
8 this state shall, at the time of making any sale, collect any tax which  
9 may be due from the purchaser and shall give to the purchaser, upon  
10 request, a receipt therefor in the manner and form prescribed by the Tax  
11 Commissioner.

12 (c) The Tax Commissioner, in order to facilitate the proper  
13 administration of the use tax, may designate such person or persons as he  
14 or she may deem necessary to be use tax collectors and delegate to such  
15 persons such authority as is necessary to collect any use tax which is  
16 due and payable to the State of Nebraska. The Tax Commissioner may  
17 require of all persons so designated a surety bond in favor of the State  
18 of Nebraska to insure against any misappropriation of state funds so  
19 collected. The Tax Commissioner may require any tax official, city,  
20 county, or state, to collect the use tax on behalf of the state. All  
21 persons designated to or required to collect the use tax shall account  
22 for such collections in the manner prescribed by the Tax Commissioner.  
23 Nothing in this subdivision shall be so construed as to prevent the Tax  
24 Commissioner or his or her employees from collecting any use taxes due  
25 and payable to the State of Nebraska.

26 (d) All persons designated to collect the use tax and all persons  
27 required to collect the use tax shall forward the total of such  
28 collections to the Tax Commissioner at such time and in such manner as  
29 the Tax Commissioner may prescribe. For all use taxes collected prior to  
30 October 1, 2002, such collectors of the use tax shall deduct and withhold  
31 from the amount of taxes collected two and one-half percent of the first

1 three thousand dollars remitted each month and one-half of one percent of  
2 all amounts in excess of three thousand dollars remitted each month as  
3 reimbursement for the cost of collecting the tax. For use taxes collected  
4 on and after October 1, 2002, such collectors of the use tax shall deduct  
5 and withhold from the amount of taxes collected two and one-half percent  
6 of the first three thousand dollars remitted each month as reimbursement  
7 for the cost of collecting the tax. Any such deduction shall be forfeited  
8 to the State of Nebraska if such collector violates any rule, regulation,  
9 or directive of the Tax Commissioner.

10 (e) For the purpose of the proper administration of the Nebraska  
11 Revenue Act of 1967 and to prevent evasion of the use tax, it shall be  
12 presumed that property sold, leased, or rented by any person for delivery  
13 in this state is sold, leased, or rented for storage, use, or other  
14 consumption in this state until the contrary is established. The burden  
15 of proving the contrary is upon the person who purchases, leases, or  
16 rents the property.

17 (f) For the purpose of the proper administration of the Nebraska  
18 Revenue Act of 1967 and to prevent evasion of the use tax, for the sale  
19 of property to an advertising agency which purchases the property as an  
20 agent for a disclosed or undisclosed principal, the advertising agency is  
21 and remains liable for the sales and use tax on the purchase the same as  
22 if the principal had made the purchase directly.

23 Sec. 99. Section 81-8,219, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 81-8,219 The State Tort Claims Act shall not apply to:

26 (1) Any claim based upon an act or omission of an employee of the  
27 state, exercising due care, in the execution of a statute, rule, or  
28 regulation, whether or not such statute, rule, or regulation is valid, or  
29 based upon the exercise or performance or the failure to exercise or  
30 perform a discretionary function or duty on the part of a state agency or  
31 an employee of the state, whether or not the discretion is abused;

1           (2) Any claim arising with respect to the assessment or collection  
2 of any tax or fee, or the detention of any goods or merchandise by any  
3 law enforcement officer;

4           (3) Any claim for damages caused by the imposition or establishment  
5 of a quarantine by the state whether such quarantine relates to persons  
6 or property;

7           (4) Any claim arising out of assault, battery, false imprisonment,  
8 false arrest, malicious prosecution, abuse of process, libel, slander,  
9 misrepresentation, deceit, or interference with contract rights;

10          (5) Any claim by an employee of the state which is covered by the  
11 Nebraska Workers' Compensation Act;

12          (6) Any claim based on activities of the Nebraska National Guard  
13 when such claim is cognizable under the Federal Tort Claims Act, 28  
14 U.S.C. 2674, or the National Guard Tort Claims Act of the United States,  
15 32 U.S.C. 715, or when such claim accrues as a result of active federal  
16 service or state service at the call of the Governor for quelling riots  
17 and civil disturbances;

18          (7) Any claim based upon the failure to make an inspection or making  
19 an inadequate or negligent inspection of any property other than property  
20 owned by or leased to the state to determine whether the property  
21 complies with or violates any statute, ordinance, rule, or regulation or  
22 contains a hazard to public health or safety unless the state had  
23 reasonable notice of such hazard or the failure to inspect or inadequate  
24 or negligent inspection constitutes a reckless disregard for public  
25 health or safety;

26          (8) Any claim based upon the issuance, denial, suspension, or  
27 revocation of or failure or refusal to issue, deny, suspend, or revoke  
28 any permit, license, certificate, or order. Such claim shall also not be  
29 filed against a state employee acting within the scope of his or her  
30 office. Nothing in this subdivision shall be construed to limit the  
31 state's liability for any claim based upon the negligent execution by a



1 state employee in the issuance of a certificate of title under the Motor  
2 Vehicle Certificate of Title Act and the State Boat Act except when such  
3 title is issued upon an application filed electronically by an approved  
4 licensed dealer participating in the electronic dealer services system  
5 pursuant to section 77 of this act;

6 (9) Any claim arising out of the malfunction, destruction, or  
7 unauthorized removal of any traffic or road sign, signal, or warning  
8 device unless it is not corrected by the governmental entity responsible  
9 within a reasonable time after actual or constructive notice of such  
10 malfunction, destruction, or removal. Nothing in this subdivision shall  
11 give rise to liability arising from an act or omission of any  
12 governmental entity in placing or removing any traffic or road signs,  
13 signals, or warning devices when such placement or removal is the result  
14 of a discretionary act of the governmental entity;

15 (10) Any claim arising out of snow or ice conditions or other  
16 temporary conditions caused by nature on any highway as defined in  
17 section 60-624, bridge, public thoroughfare, or other state-owned public  
18 place due to weather conditions. Nothing in this subdivision shall be  
19 construed to limit the state's liability for any claim arising out of the  
20 operation of a motor vehicle by an employee of the state while acting  
21 within the course and scope of his or her employment by the state;

22 (11) Any claim arising out of the plan or design for the  
23 construction of or an improvement to any highway as defined in such  
24 section or bridge, either in original construction or any improvement  
25 thereto, if the plan or design is approved in advance of the construction  
26 or improvement by the governing body of the governmental entity or some  
27 other body or employee exercising discretionary authority to give such  
28 approval;

29 (12) Any claim arising out of the alleged insufficiency or want of  
30 repair of any highway as defined in such section, bridge, or other public  
31 thoroughfare. Insufficiency or want of repair shall be construed to refer

1 to the general or overall condition and shall not refer to a spot or  
2 localized defect. The state shall be deemed to waive its immunity for a  
3 claim due to a spot or localized defect only if the state has had actual  
4 or constructive notice of the defect within a reasonable time to allow  
5 repair prior to the incident giving rise to the claim;

6 (13)(a) Any claim relating to recreational activities on property  
7 leased, owned, or controlled by the state for which no fee is charged (i)  
8 resulting from the inherent risk of the recreational activity, (ii)  
9 arising out of a spot or localized defect of the premises unless the spot  
10 or localized defect is not corrected within a reasonable time after  
11 actual or constructive notice of the spot or localized defect, or (iii)  
12 arising out of the design of a skatepark or bicycle motocross park  
13 constructed for purposes of skateboarding, inline skating, bicycling, or  
14 scootering that was constructed or reconstructed, reasonably and in good  
15 faith, in accordance with generally recognized engineering or safety  
16 standards or design theories in existence at the time of the construction  
17 or reconstruction. For purposes of this subdivision, the state shall be  
18 charged with constructive notice only when the failure to discover the  
19 spot or localized defect of the premises is the result of gross  
20 negligence.

21 (b) For purposes of this subdivision:

22 (i) Recreational activities include, but are not limited to, whether  
23 as a participant or spectator: Hunting, fishing, swimming, boating,  
24 camping, picnicking, hiking, walking, running, horseback riding, use of  
25 trails, nature study, waterskiing, winter sports, use of playground  
26 equipment, biking, roller blading, skateboarding, golfing, athletic  
27 contests; visiting, viewing, or enjoying entertainment events, festivals,  
28 or historical, archaeological, scenic, or scientific sites; and similar  
29 leisure activities;

30 (ii) Inherent risk of recreational activities means those risks that  
31 are characteristic of, intrinsic to, or an integral part of the activity;

1 (iii) Gross negligence means the absence of even slight care in the  
2 performance of a duty involving an unreasonable risk of harm; and

3 (iv) Fee means a fee to participate in or be a spectator at a  
4 recreational activity. A fee shall include payment by the claimant to any  
5 person or organization other than the state only to the extent the state  
6 retains control over the premises or the activity. A fee shall not  
7 include payment of a fee or charge for parking or vehicle entry.

8 (c) This subdivision, and not subdivision (7) of this section, shall  
9 apply to any claim arising from the inspection or failure to make an  
10 inspection or negligent inspection of premises owned or leased by the  
11 state and used for recreational activities; or

12 (14) Any claim arising as a result of a special event during a  
13 period of time specified in a notice provided by a political subdivision  
14 pursuant to subsection (3) of section 39-1359.

15 Sec. 100. The Native American Scholarship and Leadership Fund is  
16 created. The fund shall be administered by the Commission on Indian  
17 Affairs and shall consist of money credited to the fund pursuant to  
18 section 61 of this act. The commission shall use the fund to provide  
19 scholarships to Native Americans to attend a postsecondary educational  
20 institution in this state and to provide other leadership opportunities  
21 to Native Americans as determined by the commission. Any money in the  
22 fund available for investment shall be invested by the state investment  
23 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
24 State Funds Investment Act.

25 Sec. 101. Section 83-123, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 83-123 (1) Out of the fund appropriated by the Legislature, the  
28 Department of Correctional Services shall purchase the materials for, and  
29 manufacture, and deliver the license plates each year for to the various  
30 counties and the Department of Motor Vehicles in the State of Nebraska.  
31 The Department of Motor Vehicles shall furnish to the Department of

1 Correctional Services the information concerning license plates through a  
2 secure process and system, together with the number of plates to be  
3 manufactured for each county and the Department of Motor Vehicles in the  
4 state for the current licensing year, ~~to the Department of Correctional~~  
5 ~~Services~~.

6 (2) The Department of Correctional Services shall deliver the  
7 license plates each year as directed by the Department of Motor Vehicles  
8 through a secure process and system.

9 Sec. 102. The Revisor of Statutes shall assign sections 76 and 77  
10 of this act to Chapter 60, article 15.

11 Sec. 103. Sections 5, 6, 17, 20, 22, 52, 101, and 104 of this act  
12 become operative on January 1, 2019. Sections 1, 2, 3, 4, 7, 8, 9, 10,  
13 11, 13, 14, 15, 16, 18, 19, 21, 23, 24, 26, 29, 30, 32, 33, 34, 35, 36,  
14 37, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 54, 56, 57, 59,  
15 60, 61, 64, 65, 66, 68, 69, 71, 73, 74, 75, 76, 77, 78, 79, 94, 95, 96,  
16 97, 98, 99, 100, and 105 of this act become operative three calendar  
17 months after the adjournment of this legislative session. The other  
18 sections of this act become operative on their effective date.

19 Sec. 104. Original sections 37-1283, 37-1287, 60-192, and 83-123,  
20 Reissue Revised Statutes of Nebraska, and sections 60-161, 60-166, and  
21 60-3,141, Revised Statutes Cumulative Supplement, 2016, are repealed.

22 Sec. 105. Original sections 13-910, 37-1201, 37-1279, 60-168.02,  
23 60-394, 60-3,126, 60-3,184, 60-483, 60-4,109, 60-4,168.01, 60-506.01,  
24 60-699, 60-6,168, 76-2316, 76-2319, 76-2320, and 81-8,219, Reissue  
25 Revised Statutes of Nebraska, and sections 60-101, 60-102, 60-144,  
26 60-149, 60-154, 60-155, 60-164, 60-301, 60-302, 60-372, 60-385, 60-393,  
27 60-395, 60-396, 60-3,104, 60-3,104.01, 60-3,118, 60-3,120, 60-3,121,  
28 60-3,122, 60-3,122.02, 60-3,122.04, 60-3,123, 60-3,124, 60-3,125,  
29 60-3,128, 60-3,130.04, 60-3,135.01, 60-3,161, 60-3,224, 60-3,227,  
30 60-3,231, 60-4,108, 60-4,168, 60-1505, 60-2904, 60-2907, 76-2325, and  
31 77-2703, Revised Statutes Cumulative Supplement, 2016, are repealed.

1           Sec. 106.   Original sections 75-110, 75-303.01, 75-303.02, and  
2 75-303.03, Reissue Revised Statutes of Nebraska, and sections 60-119.01,  
3 60-317, 60-336.01, 60-363, 60-386, 60-3,113.04, 60-3,151, 60-3,193.01,  
4 60-3,229, 60-462.01, 60-479.01, 60-4,147.02, 60-501, 60-628.01, 75-128,  
5 75-306, 75-309, 75-311, 75-363, 75-364, 75-366, 75-369.03, 75-392, and  
6 75-393, Revised Statutes Cumulative Supplement, 2016, are repealed.

7           Sec. 107.   Since an emergency exists, this act takes effect when  
8 passed and approved according to law.