

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1126**

FINAL READING

Introduced by Moser, 22.

Read first time January 20, 2026

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to law; to amend sections 13-2901, 13-2902,  
2 13-2903, 13-2904, 13-2905, 13-2911, 13-2912, 13-2914, 39-1638,  
3 39-1639, 39-1640, 39-1641, 39-1642, 39-1643, 39-1644, 39-1645,  
4 39-1646, 39-1647, 39-1648, 39-1649, 39-1650, 39-1651, 39-1652,  
5 39-1653, 39-1655, 60-507, 60-513, 60-695, 60-6,299, 75-303.01,  
6 75-303.02, and 75-303.03, Reissue Revised Statutes of Nebraska,  
7 sections 39-1351, 39-2801, 39-2802, 39-2811, 39-2814, 39-2824,  
8 39-2825, 60-462, 60-699, 60-6,123, 75-118, 75-302, and 75-307,  
9 Revised Statutes Cumulative Supplement, 2024, and sections 60-4,131,  
10 60-601, 60-605, 60-6,298, 75-126, 75-311, 75-342, 86-903, 86-1070,  
11 and 86-1071, Revised Statutes Supplement, 2025; to provide and  
12 change fees; to define and redefine terms; to adopt the  
13 Infrastructure Development Investment Program Act; to provide for  
14 public-private partnership contracts under the Political  
15 Subdivisions Construction Alternatives Act; to change and eliminate  
16 provisions relating to rural road improvement districts; to provide  
17 for unsolicited proposals under and change and eliminate provisions  
18 of the Transportation Innovation Act; to require commercial motor  
19 vehicle driver training to include antitrafficking training under  
20 the Motor Vehicle Operator's License Act; to change provisions  
21 relating to the suspension of operators' licenses by the Department  
22 of Motor Vehicles, the security required by the Motor Vehicle Safety

1           Responsibility Act, traffic accident reporting requirements,  
2           requirements for date of birth information included in certain  
3           vehicle accident reports, and permits and permit fees under the  
4           Nebraska Rules of the Road; to provide requirements for the control  
5           of bicycle traffic, regulation of certain rates charged by motor  
6           carriers and regulated motor carriers, and licenses to engage in  
7           intrastate medicaid nonemergency medical transportation services; to  
8           change the amount and usage of wireless service surcharges; to  
9           harmonize provisions; to repeal the original sections; and to  
10          outright repeal section 39-1654, Reissue Revised Statutes of  
11          Nebraska.

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

1        **Section 1.** Sections 1 to 39 of this act shall be known and may be  
2 cited as the Infrastructure Development Investment Program Act.

3        **Sec. 2.** The purpose of the Infrastructure Development Investment  
4 Program Act is to assist in financing qualified projects by providing  
5 loans and other forms of financial assistance to eligible entities for  
6 the construction, improvement, or enhancement of transportation  
7 infrastructure that is necessary for public purposes.

8        **Sec. 3.** For purposes of the Infrastructure Development Investment  
9 Program Act:

10        (1) Capitalization means the aggregate of all funds deposited in the  
11 investment program from any federal, state, local, or private source,  
12 including, but not limited to, any transfer, grant, loan, loan repayment,  
13 investment earning, and bond proceed;

14        (2) Commission means the State Highway Commission;

15        (3) Contracting agency has the same meaning as in section 39-2802;

16        (4) Department means the Department of Transportation or any  
17 successor agency designated to implement and administer the  
18 Infrastructure Development Investment Program Act;

19        (5) Eligible cost means:

20        (a) For any project that is federally funded, any cost permitted  
21 under an applicable federal statute, regulation, or guidance document  
22 that governs state infrastructure banks, transportation credit programs,  
23 or revolving loan funds;

24        (b) For any project that is funded by this state or a political  
25 subdivision of this state, any cost, including, but not limited to, the  
26 cost for any: Preliminary engineering; traffic, revenue, or environmental  
27 study; right-of-way acquisition; legal, financial, and technical  
28 consulting service; construction or construction management; project  
29 facility; equipment; or nonoperating cost that is necessary for the  
30 completion of an eligible project; or

31        (c) For any project that is a hybrid or multi-sector project, any

1 cost approved by the commission, including any intermodal or utility-  
2 related infrastructure that is necessary for project integration;

3 (6)(a) Eligible entity means any:

4 (i) Political subdivision;

5 (ii) Contracting agency; or

6 (iii) Private partner engaged in a public-private partnership as  
7 defined in section 39-2802.

8 (b) Eligible entity includes any combination of two or more such  
9 political subdivisions or private partners, acting jointly to finance,  
10 construct, own, or operate an eligible project;

11 (7)(a) Eligible project means any transportation infrastructure  
12 project that provides any of the following public benefits:

13 (i) Accelerating the delivery of transportation improvements;

14 (ii) Enhancing the mobility or safety of people in this state;

15 (iii) Enhancing the economy of this state;

16 (iv) Promoting economic development in this state; or

17 (v) Improving the quality of life of the general public.

18 (b) Eligible project includes, but is not limited to, any highway,  
19 street, road, bridge, transit system, rail facility, airport, port, and  
20 bicycle or pedestrian facility;

21 (8) Financial assistance includes, but is not limited to, any loan,  
22 credit enhancement, capital or debt service reserve, interest rate  
23 subsidy, provision of letter of credit, line of credit, and guarantee,  
24 and any other lawful financing mechanism that is approved by the  
25 commission and, where applicable, is consistent with federal and state  
26 law;

27 (9)(a) Financing agreement means any contract or instrument executed  
28 between the investment program and an eligible entity for a loan or  
29 financial assistance.

30 (b) Financing agreement includes, but is not limited to, any loan  
31 agreement, trust indenture, security or reimbursement agreement,

1 guarantee agreement, and resolution, and any similar instrument that is  
2 approved by the commission that contains loan terms and repayment  
3 provisions;

4 (10) Investment program means the infrastructure development  
5 investment program created under section 4 of this act; and

6 (11) Political subdivision has the same meaning as in section  
7 39-2802.

8 **Sec. 4.** (1) The infrastructure development investment program is  
9 created and shall be housed within the department for administrative  
10 purposes.

11 (2) The commission shall administer the investment program, with  
12 administrative and operational support from the department. The  
13 department shall provide the commission with the necessary personnel to  
14 manage the day-to-day operations of the investment program.

15 (3) The commission is the final authority for selecting projects to  
16 receive financial assistance from the investment program.

17 **Sec. 5.** (1) The commission shall:

18 (a) Adopt bylaws, policies, and operating procedures that govern the  
19 administration of the investment program;

20 (b) Approve or deny applications for financial assistance based on  
21 established evaluation criteria;

22 (c) Establish financial, risk management, and internal control  
23 policies consistent with generally accepted accounting principles; and

24 (d) Approve annual budgets, audits, and reports for the investment  
25 program.

26 (2) The commission may:

27 (a) Enter into any cooperative agreement with any federal or state  
28 agency, local government, or private entity; and

29 (b) Delegate any administrative or technical function to any  
30 personnel or agent of the commission as necessary to implement the  
31 Infrastructure Development Investment Program Act.

1        **Sec. 6.** The commission may establish an advisory committee that is  
2 comprised of representatives from eligible entities, metropolitan  
3 planning organizations, and the private sector for the purpose of  
4 providing guidance on project prioritization, credit policy, or  
5 compliance matters.

6        **Sec. 7.** (1) The Infrastructure Development Investment Program Fund  
7 is created. The commission shall administer the fund. The fund shall  
8 consist of any:

9            (a) Transfer authorized by the Legislature;

10          (b) Federal money, including, but not limited to, any loan, grant,  
11 or cooperative agreement proceeds;

12          (c) State or local grant;

13          (d) Contribution, donation, endowment, or grant from any public or  
14 private source;

15          (e) Repayment, interest, or fee, or other income generated by  
16 investment program assistance;

17          (f) Bond proceeds or other financing proceeds; and

18          (g) Lawful source that is approved by the commission.

19          (2) Money in the fund may be used by the commission for any purpose  
20 that is described in section 8 of this act.

21          (3) Any money in the fund available for investment shall be invested  
22 by the state investment officer pursuant to the Nebraska Capital  
23 Expansion Act and the Nebraska State Funds Investment Act.

24          (4) All repayments of money provided from the fund and all  
25 investment earnings from money in the fund shall be credited to the fund.

26          (5) It is the intent of the Legislature that all money in the fund  
27 shall be appropriated each fiscal year for the purposes that are  
28 described in section 8 of this act.

29        **Sec. 8.** Subject to applicable federal and state law, money in the  
30 Infrastructure Development Investment Program Fund may be used to:

31            (1) Provide any financial assistance to any eligible entity for any

1 eligible project;

2 (2) Establish reserves, capitalized interest, credit enhancement,  
3 and pooled financing structures that strengthen the credit capacity of  
4 the investment program;

5 (3) Pay reasonable administrative costs of the investment program,  
6 including portfolio monitoring and collection; and

7 (4) Refinance or obtain interim financing used for any eligible  
8 cost.

9 **Sec. 9.** (1) For administration of the investment program, the  
10 commission may establish any:

11 (a) Federal, state, or local account or subaccount within the  
12 investment program that is necessary to meet any applicable federal or  
13 state law requirement;

14 (b) Bond-related account or subaccount within the investment program  
15 that is necessary to meet any applicable federal or state law  
16 requirement; or

17 (c) Account within the investment program that the commission  
18 determines is necessary or desirable to implement the Infrastructure  
19 Development Investment Program Act.

20 (2) The investment program shall consist of the following account  
21 structure:

22 (a) Federal accounts: Separate accounts established for federal  
23 highway, transit, rail, and rural project funds;

24 (b) State and local accounts: Separate accounts for state and local  
25 transportation funds; and

26 (c) Administrative accounts: Separate accounts to be used by the  
27 department for the cost of administering the investment program.

28 (3) The investment program shall comply with all applicable federal  
29 laws and regulations prohibiting the commingling of certain federal funds  
30 deposited in the investment program.

31 (4) Money in each account shall be tracked and used consistent with

1 the legal requirements of the source of such money.

2 **Sec. 10.** The investment program may make any contract and execute  
3 any instrument that is necessary or convenient to provide financial  
4 assistance, including any:

5 (1) Loan agreement, trust indenture, intercept agreement, or  
6 reimbursement agreement;

7 (2) Acceptance of a pledge of project revenue, special assessment,  
8 user fee, tax increment, or other legally available revenue;

9 (3) Requirement or funding of any reserve fund to secure repayment;  
10 or

11 (4) Participation in any pooled financing or senior-subordinate  
12 structure.

13 **Sec. 11.** (1) Any political subdivision may apply to the department  
14 for a loan from the investment program on a form prescribed by the  
15 department.

16 (2) The terms of a duly executed loan or assistance contract are  
17 binding on the borrower, and the borrower shall unconditionally repay  
18 from pledged sources.

19 **Sec. 12.** If a borrower of a loan from the investment program fails  
20 to comply with any contract term related to such loan or fails to make  
21 any payment when due, the investment program may:

22 (1) Pursue any legal or equitable remedy;

23 (2) Request that the Legislature reduce any appropriation to such  
24 borrower by the amount that is owed to the investment program and  
25 appropriate such amount to the investment program. The money for any such  
26 appropriation to the investment program shall be transferred into the  
27 Infrastructure Development Investment Program Fund and used to pay the  
28 outstanding debt of such borrower; and

29 (3) Draw on any pledged reserve or credit facility that is securing  
30 the obligation.

31 **Sec. 13.** The investment program shall maintain accounts in

1 accordance with generally accepted accounting principles and applicable  
2 federal requirements, subject to annual independent audit.

3 **Sec. 14.** An obligation of the investment program is a special,  
4 limited obligation that is payable solely from the revenue and assets of  
5 the investment program and shall not constitute a pledge of the full  
6 faith and credit of the State of Nebraska unless expressly authorized by  
7 separate statute.

8 **Sec. 15.** (1) The investment program may provide financial  
9 assistance to any eligible entity for any eligible project. Such  
10 financial assistance may be in any lawful form, including any loan, loan  
11 guarantee, line of credit, letter of credit, lease, lease-purchase  
12 agreement, interest-rate subsidy, or credit enhancement, or any other  
13 financing instrument that is approved by the commission.

14 (2)(a) All financial assistance provided by the investment program  
15 shall be evidenced by a financing agreement that sets forth the principal  
16 amount, interest rate, repayment schedule, security provisions,  
17 covenants, and remedies upon default.

18 (b) The commission shall establish:

19 (i) Standardized documents for financial assistance that is provided  
20 by the investment program; and

21 (ii) Credit criteria that will be applied when the investment  
22 program is deciding to provide financial assistance in order to ensure  
23 consistency, transparency, and fiscal integrity.

24 (3) Interest rates shall be set by the commission, within the  
25 limitations of section 45-101.03, to reflect project risk, market  
26 conditions, term length, and creditworthiness, and may include subsidies  
27 for projects of statewide significance or in economically distressed  
28 areas.

29 (4) The commission may charge an application fee for providing  
30 financial assistance from the investment program. Such fee shall not  
31 exceed one thousand dollars.

1       **Sec. 16.**   (1) The maturity for any financial assistance that is  
2 provided under the Infrastructure Development Investment Program Act  
3 shall not exceed the lesser of the useful life of the financed asset or  
4 thirty years, unless federal law allows a longer term or the commission  
5 determines a longer term pursuant to state law.

6       (2) At the discretion of the commission, the repayment of any  
7 financial assistance that is provided under the Infrastructure  
8 Development Investment Program Act shall begin after completion of the  
9 project or upon the generation of revenue from the project.

10       (3) The borrower of any financial assistance that is provided under  
11 the Infrastructure Development Investment Program Act may prepay any  
12 required payment for such financial assistance. No penalty is permitted  
13 for such prepayment unless provided for by a bond covenant.

14       **Sec. 17.**   (1) Financial assistance that is provided under the  
15 Infrastructure Development Investment Program Act shall be secured by the  
16 pledge of revenue from the project or system, any legally available  
17 source, or any collateral required by the commission.

18       (2) The commission may require any reserve, intercept of any state  
19 aid allocation, guarantee, or letter of credit to secure repayment.

20       (3) A public borrower may pledge revenue or credit only to the  
21 extent permitted by state law and by ordinance or resolution of a  
22 political subdivision.

23       **Sec. 18.**   (1) The investment program may subordinate its lien to  
24 senior debt if the commission determines that such subordination is  
25 necessary to finance the project and is consistent with any bond  
26 covenant.

27       (2) The investment program may extend, defer, capitalize, or  
28 restructure repayments to preserve project viability or to mitigate  
29 financial hardship, subject to federal requirements and the approval of  
30 the commission.

31       **Sec. 19.**   In the event of a default by a borrower under the

1 Infrastructure Development Investment Program Act, the investment program  
2 may pursue any lawful remedy, including acceleration, set-off, intercept  
3 of state aid that is otherwise due to the borrower, or transfer of  
4 collateral, consistent with constitutional and federal limitations.

5 **Sec. 20.** (1) The investment program may provide financial  
6 assistance to an eligible entity to pay for all or part of the eligible  
7 cost of an eligible project. The investment program may require the  
8 eligible entity to enter into a financing agreement in connection with  
9 its financial assistance obligation.

10 (2) The commission shall determine the form and content of such  
11 financing agreement and financial assistance obligations, including the  
12 term and rate or rates of interest on a financing agreement.

13 (3) The terms and conditions of financial assistance from any  
14 federal account shall comply with applicable federal requirements.

15 **Sec. 21.** The commission shall prioritize the approval of  
16 applications for financial assistance based on objective criteria,  
17 including, but not limited to:

18 (1) Economic impact and job creation;

19 (2) Safety and system resilience benefits;

20 (3) Readiness and financial feasibility;

21 (4) Public benefit;

22 (5) Consistency with statewide transportation goals;

23 (6) Leverage of private capital or money that is not provided by the  
24 State of Nebraska;

25 (7) Local support of the project; and

26 (8) The ability for the applicant to repay the financial assistance  
27 according to the established terms and conditions.

28 **Sec. 22.** The investment program shall cause an annual independent  
29 audit of all financial activities, including loan portfolios, investment  
30 earnings, debt obligations, and fund transfers. The audit shall be  
31 performed by a certified public accounting firm in accordance with

1 generally accepted government auditing standards.

2 **Sec. 23.** (1) The investment program shall prepare and  
3 electronically submit a report to the Clerk of the Legislature no later  
4 than November 1 of each year. The report shall include the following  
5 information relating to the investment program:

6 (a) A statement of financial position and changes in net assets;

7 (b) A summary of lending and investment activities for each account  
8 and eligible project;

9 (c) A list of each project that is financed, including the borrower,  
10 purpose, loan terms, and repayment status; and

11 (d) Administrative and operating costs, fees collected, and reserve  
12 balances.

13 (2) Each such report shall be published and made publicly available  
14 on the website for the investment program.

15 **Sec. 24.** The investment program shall operate in compliance with:

16 (1) Federal law and program guidance applicable to state  
17 infrastructure banks, including capitalization, use-of-funds, and  
18 reporting requirements established under 23 U.S.C. 610, or any other  
19 applicable federal law, as such federal law existed on January 1, 2026;

20 (2) State fiscal and procurement laws, except where specific  
21 exemptions are provided under the Infrastructure Development Investment  
22 Program Act; and

23 (3) Any cooperative agreements entered into with the United States  
24 Department of Transportation and its operating administrations or other  
25 federal agencies.

26 **Sec. 25.** The investment program is authorized to issue revenue  
27 bonds, notes, or other evidence of indebtedness for the purposes of  
28 financing, refinancing, or refunding loans and other eligible costs under  
29 the Infrastructure Development Investment Program Act. Obligations may be  
30 issued in any amount and at any time as approved by the commission to  
31 meet the funding needs of any approved project. The issuance of bonds

1 under the Infrastructure Development Investment Program Act is separate  
2 and distinct from any authority or limitation to issue bonds under the  
3 Nebraska Highway Bond Act.

4 **Sec. 26.** (1) Each obligation that is issued by the investment  
5 program shall be a special, limited obligation that is payable solely  
6 from revenue, repayments, pledged receipts, or other legally available  
7 funds of the investment program, and shall not constitute a general  
8 obligation of the State of Nebraska or a pledge of the full faith and  
9 credit of the State of Nebraska.

10 (2) Each obligation shall bear a clear statement on its face that  
11 such obligation is a special, limited obligation that is payable solely  
12 from revenue, repayments, pledged receipts, or other legally available  
13 funds of the investment program, and shall not constitute a general  
14 obligation of the State of Nebraska or a pledge of the full faith and  
15 credit of the State of Nebraska.

16 (3) The holder of an obligation shall not have the right to compel  
17 the levy of any tax or compel any appropriation by the State of Nebraska  
18 for the payment of debt service.

19 **Sec. 27.** (1) The investment program shall maintain a debt service  
20 coverage ratio consistent with prudent fiscal standards and bond  
21 covenants.

22 (2) No obligation shall be issued that would cause the debt or  
23 liability of the investment program to exceed available pledged revenue.

24 **Sec. 28.** (1) Prior to issuance, an obligation shall be authorized  
25 by a resolution of the commission specifying the principal amount,  
26 purpose, interest rate or rates, maturities of not to exceed forty years,  
27 redemption provisions, and all other terms of the obligation.

28 (2) The commission may delegate execution and sale authority to any  
29 designated issuing authority.

30 (3) Bond proceedings may include:

31 (a) A trust indenture or similar agreement that establishes pledges

1 of revenue, covenants, reserve requirements, and flow-of-funds  
2 structures;

3 (b) Authorization for refunding or advance refunding;

4 (c) Creation of special funds and reserve accounts; and

5 (d) Appointment of trustees, paying agents, and financial advisors  
6 as needed.

7 **Sec. 29.** (1) The investment program may pledge any repayment,  
8 investment earning, or interest subsidy, or any other investment program  
9 income to the payment of any obligation or related reserve.

10 (2) Each such pledge shall constitute a valid and binding lien upon  
11 the pledged revenue from the time of the pledge, without the need for  
12 physical delivery, filing, or recording.

13 (3) Each such lien shall be valid and enforceable against any party  
14 having a claim of any kind against the investment program, whether or not  
15 such party has notice of the lien.

16 **Sec. 30.** (1) Any obligation may be sold at public or private sale,  
17 as determined by the commission, at any price and interest rate deemed to  
18 be in the best interest of the investment program.

19 (2) Each obligation shall be executed on behalf of the investment  
20 program by the officer authorized pursuant to rules and regulations that  
21 are adopted and promulgated by the commission.

22 (3) Each such obligation may bear a facsimile seal and signature,  
23 which remain valid even if the officer ceases to hold office prior to  
24 delivery.

25 **Sec. 31.** The investment program may issue any refunding or advance  
26 refunding obligation to retire outstanding debt, reduce debt service,  
27 restructure any maturity, or achieve savings. Any such refunding shall  
28 not extend any final maturity beyond the useful life of the financed  
29 asset.

30 **Sec. 32.** (1) The investment program shall maintain a bond service  
31 account and such reserve accounts as required by bond proceedings.

1       (2) Debt service payments from pledged revenue or other legally  
2 available money that are remitted to the State Treasurer shall be  
3 credited by the State Treasurer to the Infrastructure Development  
4 Investment Program Fund.

5       (3) For each fiscal year, the investment program shall annually  
6 determine and set aside an amount of money that is sufficient to pay the  
7 principal, interest, and costs related to the payment of such principal  
8 and interest that are due during such fiscal year.

9       **Sec. 33.** An obligation that is issued under the Infrastructure  
10 Development Investment Program Act, the transfer of such obligation, and  
11 the income from such issuance and transfer, including the profit from the  
12 sale of such obligation, shall be exempt from state and local taxation.

13       **Sec. 34.** An obligation that is issued under the Infrastructure  
14 Development Investment Program Act shall be a lawful investment for any  
15 bank, trust company, insurance company, pension fund, or other fiduciary  
16 and may be accepted as security for the deposit of public money.

17       **Sec. 35.** Each obligation shall be issued in conformity with the  
18 Infrastructure Development Investment Program Act and federal securities  
19 regulations, including continuing disclosure requirements and limitations  
20 on arbitrage earnings under 26 U.S.C. 148, as such section existed on  
21 January 1, 2026.

22       **Sec. 36.** (1) In the event of default, any bondholder or trustee may  
23 enforce any covenant through any mandamus, injunction, or other equitable  
24 proceeding, consistent with the bond proceedings.

25       (2) Any trustee may be empowered to receive and administer pledged  
26 revenue and ensure payment of debt service under the terms of a trust  
27 indenture.

28       **Sec. 37.** (1) The commission may adopt and promulgate rules and  
29 regulations to carry out the Infrastructure Development Investment  
30 Program Act.

31       (2) No later than July 1, 2027, the commission shall adopt and

1 promulgate rules and regulations to provide for:

2 (a) The transparent, equitable, and nondiscriminatory administration  
3 of financial assistance;

4 (b) Public oversight and consistent scoring criteria for  
5 applications and project evaluations;

6 (c) Systems to track compliance, defaults, and repayments;

7 (d) Prompt corrective actions to address any audit finding or  
8 material weakness;

9 (e) Administration of the Infrastructure Development Investment  
10 Program Act and response to evolving best practices in infrastructure  
11 finance and management; and

12 (f) Application procedures, loan evaluation, pricing standards,  
13 credit ratings, and ongoing monitoring to protect the integrity of the  
14 portfolio of the investment program and ensure access across  
15 jurisdictions.

16 **Sec. 38.** (1) The commission shall adopt and maintain internal  
17 control policies, investment standards, and risk management frameworks to  
18 ensure prudent fiscal operations.

19 (2) Such controls shall comply with applicable state auditing,  
20 ethics, and administrative procedures.

21 **Sec. 39.** The investment program shall maintain a website for access  
22 by the public. At a minimum, such website shall contain reports published  
23 by the investment program or the commission, rules and regulations  
24 adopted and promulgated under the Infrastructure Development Investment  
25 Program Act, and information for obtaining financial assistance from the  
26 investment program.

27 **Sec. 40.** Section 13-2901, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 13-2901 Sections 13-2901 to 13-2914 and section 46 of this act shall  
30 be known and may be cited as the Political Subdivisions Construction  
31 Alternatives Act.

1           **Sec. 41.** Section 13-2902, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           13-2902 The purpose of the Political Subdivisions Construction  
4 Alternatives Act is to authorize a political subdivision to enter into a  
5 design-build contract which is subject to qualification-based selection,  
6 ~~or a construction management at risk contract, or a public-private~~  
7 partnership contract for a public project if the political subdivision  
8 adheres to the procedures set forth in the act.

9           **Sec. 42.** Section 13-2903, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11           13-2903 For purposes of the Political Subdivisions Construction  
12 Alternatives Act:

13           (1) Construction management at risk contract means a contract by  
14 which a construction manager (a) assumes the legal responsibility to  
15 deliver a construction project within a contracted price to the political  
16 subdivision, (b) acts as a construction consultant to the political  
17 subdivision during the design development phase of the project when the  
18 political subdivision's architect or engineer designs the project, and  
19 (c) is the builder during the construction phase of the project;

20           (2) Construction manager means the legal entity which proposes to  
21 enter into a construction management at risk contract pursuant to the  
22 act;

23           (3) Design-build contract means a contract which is subject to  
24 qualification-based selection between a political subdivision and a  
25 design-builder to furnish (a) architectural, engineering, and related  
26 design services for a project pursuant to the act and (b) labor,  
27 materials, supplies, equipment, and construction services for a project  
28 pursuant to the act;

29           (4) Design-builder means the legal entity which proposes to enter  
30 into a design-build contract which is subject to qualification-based  
31 selection pursuant to the act;

1 (5) Letter of interest means a statement indicating interest to  
2 enter into a design-build contract or a construction management at risk  
3 contract for a project pursuant to the act;

4 (6) Performance-criteria developer means any person licensed or any  
5 organization issued a certificate of authorization to practice  
6 architecture or engineering pursuant to the Engineers and Architects  
7 Regulation Act who is selected by a political subdivision to assist the  
8 political subdivision in the development of project performance criteria,  
9 requests for proposals, evaluation of proposals, evaluation of the  
10 construction under a design-build contract to determine adherence to the  
11 performance criteria, and any additional services requested by the  
12 political subdivision to represent its interests in relation to a  
13 project;

14 (7) Political subdivision means any a city, village, county, natural  
15 resources district, metropolitan utilities district, public power  
16 district, public power and irrigation district, school district,  
17 community college, or state college;

18 (8) Project performance criteria means the performance requirements  
19 of the project suitable to allow the design-builder to make a proposal.  
20 Performance requirements include the following, if required by the  
21 project: Capacity, durability, standards, ingress and egress  
22 requirements, description of the site, surveys, soil and environmental  
23 information concerning the site, interior space requirements, material  
24 quality standards, design and construction schedules, site development  
25 requirements, provisions for utilities, storm water retention and  
26 disposal, parking requirements, applicable governmental code  
27 requirements, and other criteria for the intended use of the project;

28 (9) Proposal means an offer in response to a request for proposals  
29 (a) by a design-builder to enter into a design-build contract for a  
30 project pursuant to the Political Subdivisions Construction Alternatives  
31 Act or (b) by a construction manager to enter into a construction

1 management at risk contract for a project pursuant to the act;

2 (10) Public-private partnership means a project delivery method for  
3 construction or financing of capital projects or procurement of services  
4 under a written public-private partnership agreement entered into  
5 pursuant to section 13-2904 between at least one private partner and a  
6 political subdivision;

7 (11) Public-private partnership contract means a contract between a  
8 private partner and a political subdivision that is entered into pursuant  
9 to section 46 of this act;

10 (12) ~~(10)~~ Qualification-based selection process means a process of  
11 selecting a design-builder based first on the qualifications of the  
12 design-builder and then on the design-builder's proposed approach to the  
13 design and construction of the project;

14 (13) ~~(11)~~ Request for letters of interest means the documentation or  
15 publication by which a political subdivision solicits letters of  
16 interest;

17 (14) ~~(12)~~ Request for proposals means the documentation by which a  
18 political subdivision solicits proposals; and

19 (15) ~~(13)~~ School district means any school district classified under  
20 section 79-102.

21 **Sec. 43.** Section 13-2904, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 13-2904 (1) Notwithstanding the procedures for public lettings in  
24 sections 73-101 to 73-106 or any other statute relating to the letting of  
25 bids by a political subdivision, a political subdivision which follows  
26 the Political Subdivisions Construction Alternatives Act may do any of  
27 the following:

28 (a) Solicit ~~solicit~~ and execute a design-build contract or a  
29 construction management at risk contract; and -

30 (b) Enter into a public-private partnership contract.

31 (2) A political subdivision may receive, evaluate, and execute any

1 unsolicited proposal from a private party. Such proposal may be initiated  
2 by such private party. A public-private partnership contract may be  
3 entered into between the private party and political subdivision without  
4 complying with the requirements for design-build contracts or  
5 construction management at risk contracts under the Political  
6 Subdivisions Construction Alternatives Act.

7 (3) ~~(2)~~ The governing body of the political subdivision shall adopt  
8 a resolution selecting the design-build contract, ~~or~~ construction  
9 management at risk contract, or public-private partnership contract  
10 delivery system provided under the act prior to proceeding under ~~with the~~  
11 ~~provisions of~~ sections 13-2905 to 13-2914 and section 46 of this act. The  
12 resolution shall require the affirmative vote of at least two-thirds of  
13 the governing body of the political subdivision. For a project authorized  
14 under subsection (3) of section 13-2914, the resolution shall include a  
15 statement that the political subdivision has made a determination that  
16 the design-build contract, ~~or~~ construction management at risk contract,  
17 or public-private partnership contract delivery system is in the public  
18 interest based, at a minimum, on one of the following criteria: (a)  
19 Savings in cost or time or (b) requirement of specialized or complex  
20 construction methods suitable for the design-build contract, ~~or~~  
21 construction management at risk contract, or public-private partnership  
22 contract delivery system.

23 **Sec. 44.** Section 13-2905, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 13-2905 The political subdivision shall adopt policies for entering  
26 into a design-build contract, ~~or~~ construction management at risk  
27 contract, or public-private partnership contract. The policies shall  
28 require that such contracts include the following:

29 (1) Procedures for selecting and hiring on its behalf a performance-  
30 criteria developer when soliciting and executing a design-build contract.  
31 The procedures shall be consistent with the Nebraska Consultants'

1 Competitive Negotiation Act and shall provide that the performance-  
2 criteria developer (a) is ineligible to be included as a provider of any  
3 services in a proposal for the project on which it has acted as  
4 performance-criteria developer and (b) is not employed by or does not  
5 have a financial or other interest in a design-builder or construction  
6 manager who will submit a proposal;

7 (2) Procedures for the preparation and content of requests for  
8 proposals;

9 (3) Procedures and standards to be used to prequalify design-  
10 builders and construction managers. The procedures and standards shall  
11 provide that the political subdivision will evaluate prospective design-  
12 builders and construction managers based on the information submitted to  
13 the political subdivision in response to a request for letters of  
14 interest and will select design-builders or construction managers who are  
15 prequalified and consequently eligible to respond to the request for  
16 proposals;

17 (4) Procedures for preparing and submitting proposals;

18 (5) Procedures for receiving and evaluating unsolicited proposals  
19 from private parties that are outside of the proposal process for design-  
20 build contracts and construction management at risk contracts;

21 (6) ~~(5)~~ Procedures for evaluating proposals in accordance with  
22 sections 13-2908, 13-2910, and 13-2911;

23 (7) ~~(6)~~ Procedures for negotiations between the political  
24 subdivision and the design-builders or construction managers submitting  
25 proposals prior to the acceptance of a proposal if any such negotiations  
26 are contemplated;

27 (8) ~~(7)~~ Procedures for filing and acting on formal protests relating  
28 to the solicitation or execution of design-build contracts or  
29 construction management at risk contracts; and

30 (9) ~~(8)~~ Procedures for the evaluation of construction under a  
31 design-build contract by the performance-criteria developer to determine

1 adherence to the performance criteria.

2       **Sec. 45.** Section 13-2911, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4       13-2911 (1) In evaluating proposals in accordance with sections  
5 13-2908 and 13-2910 and section 46 of this act, the political subdivision  
6 shall refer the proposals for recommendation to a selection committee.  
7 The selection committee shall be a group of at least five persons  
8 designated by the political subdivision. Members of the selection  
9 committee shall include (a) members of the governing body of the  
10 political subdivision, (b) members of the administration or staff of the  
11 political subdivision, (c) the performance-criteria developer when  
12 evaluating proposals from design-builders under section 13-2908 or the  
13 political subdivision's architect or engineer when evaluating proposals  
14 from construction managers under section 13-2910, (d) any person having  
15 special expertise relevant to selection of a design-builder or  
16 construction manager under the Political Subdivisions Construction  
17 Alternatives Act, and (e) a resident of the political subdivision other  
18 than an individual included in subdivisions (a) through (d) of this  
19 subsection. A member of the selection committee designated under  
20 subdivision (d) or (e) of this subsection shall not be employed by or  
21 have a financial or other interest in a design-builder or construction  
22 manager who has a proposal being evaluated and shall not be employed by  
23 the political subdivision or the performance-criteria developer.

24       (2) The selection committee and the political subdivision shall  
25 evaluate proposals taking into consideration the criteria enumerated in  
26 subdivisions (a) through (g) of this subsection with the maximum  
27 percentage of total points for evaluation which may be assigned to each  
28 criterion set forth following the criterion. The following criteria shall  
29 be evaluated, when applicable:

30       (a) The financial resources of the design-builder, ~~or~~ construction  
31 manager, or public-private partnership to complete the project, ten

1 percent;

2 (b) The ability of the proposed personnel of the design-builder, ~~or~~  
3 construction manager, or public-private partnership to perform, thirty  
4 percent;

5 (c) The character, integrity, reputation, judgment, experience, and  
6 efficiency of the design-builder, ~~or~~ construction manager, or public-  
7 private partnership, thirty percent;

8 (d) The quality of performance on previous projects, thirty percent;

9 (e) The ability of the design-builder, ~~or~~ construction manager, or  
10 public-private partnership to perform within the time specified, thirty  
11 percent;

12 (f) The previous and existing compliance of the design-builder, ~~or~~  
13 construction manager, or public-private partnership with laws relating to  
14 the contract, ten percent; and

15 (g) Such other information as may be secured having a bearing on the  
16 selection, twenty percent.

17 (3) The records of the selection committee in evaluating proposals  
18 and making recommendations shall be considered public records for  
19 purposes of section 84-712.01.

20 **Sec. 46.** (1) This section applies to unsolicited proposals under  
21 the Political Subdivisions Construction Alternatives Act.

22 (2) If the governing body of a political subdivision determines that  
23 there is sufficient merit to pursue such unsolicited proposal, a  
24 reasonable opportunity shall be provided for other private parties to  
25 submit competing proposals for consideration.

26 (3) A political subdivision may charge and retain an administrative  
27 fee of not more than five hundred dollars for:

28 (a) The initial evaluation and detailed review of an unsolicited  
29 proposal; and

30 (b) The review of any competing proposal.

31 (4) The political subdivision may:

1        (a) Spend money bonded or otherwise raised for the purpose of  
2 reviewing, developing, or implementing any unsolicited proposal; and

3        (b) Enter into any public-private partnership contract for a  
4 proposal that is deemed by the governing body of the political  
5 subdivision to be in the best interest of the political subdivision.

6        **Sec. 47.** Section 13-2912, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8        13-2912 (1) A design-build contract, and a construction management  
9 at risk contract, or public-private partnership contract may be  
10 conditioned upon later refinements in scope and price and may permit the  
11 political subdivision in agreement with the design-builder, ~~or~~  
12 construction manager, or private partner to make changes in the project  
13 without invalidating the contract.

14        (2) Later refinements under this section shall not exceed the scope  
15 of the project statement contained in the request for proposals pursuant  
16 to section 13-2907 or 13-2909. This subsection (2) does not apply to  
17 public-private partnership contracts.

18        **Sec. 48.** Section 13-2914, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20        13-2914 (1) A political subdivision shall not use a design-build  
21 contract, ~~or~~ construction management at risk contract, or public-private  
22 partnership contract under the Political Subdivisions Construction  
23 Alternatives Act for a project, in whole or in part, for road, street, or  
24 highway construction.

25        (2) A city of the metropolitan class may use a design-build  
26 contract, ~~or~~ construction management at risk contract, or public-private  
27 partnership contract under the Political Subdivisions Construction  
28 Alternatives Act for the purpose of complying with state or federal  
29 requirements to control or minimize overflows from combined sewers.

30        (3) A political subdivision may use a design-build contract, ~~or~~  
31 construction management at risk contract, or public-private partnership

1 contract under the Political Subdivisions Construction Alternatives Act  
2 for a project, in whole or in part, for water, wastewater, utility, or  
3 sewer construction.

4 **Sec. 49.** Section 39-1351, Revised Statutes Cumulative Supplement,  
5 2024, is amended to read:

6 39-1351 (1) Except as provided in subsection (2) of this section,  
7 any person desiring to submit to the department a bid for the performance  
8 of any contract for the construction, reconstruction, improvement,  
9 maintenance, or repair of roads, bridges, and their appurtenances, which  
10 the department proposes to let, shall apply to the department for  
11 prequalification. Such application shall be made not later than five days  
12 before the letting of the contract unless fewer than five days is  
13 specified by the department. The department shall determine the extent of  
14 any applicant's qualifications by a full and appropriate evaluation of  
15 the applicant's experience, bonding capacity as determined by a bonding  
16 agency licensed to do business in the State of Nebraska or other  
17 sufficient financial showing deemed satisfactory by the department, and  
18 performance record. In determining the qualification of an applicant to  
19 bid on any particular contract, the department shall consider the  
20 resources available for the particular contract contemplated.

21 (2) The department may, in its sole discretion, grant an exemption  
22 from all prequalification requirements for ~~(a)~~ any contract for:

23 (a) The ~~the~~ construction, reconstruction, improvement, maintenance,  
24 or repair of roads, bridges, and their appurtenances if the estimate of  
25 the department for such work is two hundred fifty thousand dollars or  
26 less; ~~or~~

27 (b) The ~~any contract for the~~ construction, reconstruction,  
28 improvement, maintenance, or repair of roads, bridges, and their  
29 appurtenances if such work is of an emergency nature; ~~-~~

30 (c) Turf maintenance or vegetation control, including mowing, weed  
31 spraying, weed maintenance, tree trimming, tree removal, and tree

1 maintenance;

2 (d) Fence installation, repair, or maintenance;

3 (e) Ditch cleaning or erosion control;

4 (f) Culvert repair or maintenance, including relining, cleanout, and

5 other structural repairs or maintenance;

6 (g) Any device for an intelligent transportation system, any other

7 technological device, or the repair or maintenance of any such type of

8 device;

9 (h) Repair or maintenance of any rest area or weigh station; or

10 (i) Any repair or maintenance relating to any road, bridge, or

11 appurtenance of any road or bridge, if such repair or maintenance is of a

12 routine nature.

13 **Sec. 50.** Section 39-1638, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 39-1638 For purposes of the Rural Road Improvement District Act,  
16 unless the context otherwise requires:

17 ~~(1) Persons shall include individuals, corporations, partnerships,~~  
18 ~~and limited liability companies;~~

19 (1) ~~(2)~~ Board, board of county commissioners, or board of county  
20 supervisors means ~~shall mean~~ the governing body of the county; ~~and~~

21 (2) District means a rural road improvement district created under  
22 the Rural Road Improvement District Act;

23 (3) Improvement means ~~shall mean~~ the completed road, or roads, and  
24 all work incidental thereto; and -

25 (4) Person includes any individual, corporation, partnership, and  
26 limited liability company.

27 **Sec. 51.** Section 39-1639, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 39-1639 Any county may establish and construct new roads, change or  
30 extend existing roads, and improve such roads by grading, surfacing,  
31 draining, and incidental work by the board on its own initiative

1 declaring the advisability or necessity for such establishment,  
2 construction, change, extension, or improvement ~~therefor~~ in a proposed  
3 resolution at a meeting of the board. Such ~~, which~~ resolution shall  
4 state:

5 (1) ~~The~~ ~~the~~ road or roads to be improved; ~~τ~~

6 (2) If ~~if~~ a new road is contemplated, the general location of the  
7 new road or changes in location of an existing road; ~~τ~~

8 (3) ~~The~~ ~~the~~ general description of the proposed improvement, and if  
9 the road is to be surfaced, the materials to be used for such  
10 improvement; therefor,

11 (4) A ~~a~~ rough estimate of the total cost of the improvement, which  
12 may be made by the county surveyor or any engineer or competent person  
13 and need not be based on detailed plans and specifications; ~~τ~~

14 (5) Proposed ~~proposed~~ method of financing; ~~τ~~ ~~and~~

15 (6) ~~The~~ ~~the~~ outer boundaries of the district; and in which it is  
16 proposed to levy special assessments.

17 (7) Whether special assessments will be levied within such district  
18 or the cost of the improvement will be a general charge to the county.

19 **Sec. 52.** Section 39-1640, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 39-1640 (1) When a petition is filed with the county clerk signed by  
22 persons owning not less than twenty-five percent of the area in the  
23 proposed district requesting the formation of a district, the board  
24 governing body of the county in which the proposed district is located  
25 shall prepare and propose the resolution as provided in section 39-1639.

26 (2) Any such ~~The~~ petition shall state the improvements desired and  
27 the property to be included in the district.

28 **Sec. 53.** Section 39-1641, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 39-1641 (1) A resolution described in section 39-1639 shall not be  
31 adopted by the board during the same meeting at which such resolution was

1 proposed.

2 (2) If special assessments are proposed to be levied in a district,  
3 the The board shall set a time and place for a hearing on the proposed  
4 resolution and give notice of such hearing thereof by publication in a  
5 newspaper of general circulation in the county on the same day each week  
6 during two successive weeks immediately prior to such hearing meeting and  
7 posting such notice in three conspicuous places in the proposed district.

8 **Sec. 54.** Section 39-1642, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 39-1642 (1) If special assessments are proposed to be levied in the  
11 proposed district, any person that owns ~~If persons owning more than fifty~~  
12 ~~percent in area of the~~ real property in the proposed district may file a  
13 written objection to the formation of the district. Such written  
14 objection shall:

15 (a) Include any reason why such person objects to the formation of  
16 such district; and

17 (b) Be filed with the county clerk prior to the time set for the  
18 hearing pursuant to section 39-1641, if any.

19 (2) If written objections are filed by one or more persons that own  
20 more than a combined fifty percent in area of the real property in the  
21 proposed district, with the county clerk prior to the time set for  
22 hearing written objections to the formation of the district stating the  
23 reasons for their objections, the resolution proposed under section  
24 39-1639 shall not be passed and no hearing shall be held.

25 (3) At the hearing, all persons interested in the proposed  
26 improvement shall be given an opportunity to be heard on any matters  
27 affecting the formation of the district or the improvements to be made in  
28 such district therein.

29 (4) The hearing may be continued from time to time to give  
30 opportunity to ascertain all pertinent information.

31 (5) At or following such said hearing, or at any subsequent meeting

1 of the board if no hearing was required, the board may pass the  
2 resolution as proposed, amend the resolution and pass the amended  
3 resolution, or deny passage of the resolution. The amendments may, among  
4 other things, exclude any tracts included in the proposed resolution,  
5 include additional property in the district, or change the boundaries of  
6 the proposed district.

7 **Sec. 55.** Section 39-1643, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 39-1643 (1) Upon The board on passing the resolution described in  
10 section 39-1639 that creates a creating the district in which special  
11 assessments will be levied, the board shall appoint an advisory committee  
12 of not less than three persons residing in the district to advise with  
13 the board on all matters affecting the road improvement in the district,  
14 financing the cost of the road improvement thereof, and the levy of  
15 special assessments.

16 (2) The board may from time to time replace any person who resigns  
17 or refuses to act or appoint additional members to the advisory  
18 committee.

19 (3) The members of the committees shall receive no compensation for  
20 their services, but may be reimbursed for expenses incurred by them in  
21 performing their duties, with reimbursement for mileage to be computed at  
22 the rate provided in section 81-1176, and the amount of such  
23 reimbursement thereof shall be included in the cost of the improvement.

24 **Sec. 56.** Section 39-1644, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 39-1644 (1) The district when formed shall be known as Rural Road  
27 Improvement District No. .... of ..... County.

28 (2) The district, when established, shall not include any lands  
29 located within a village or city.

30 (3) The board shall proceed as expeditiously as possible to make  
31 detailed plans for the improvement and improve the roads as generally

1 outlined in the resolution, but may make such changes in the general plan  
2 of improvement found necessary to make the improvement more adequate. The  
3 improvement may include culverts, bridges, and other drainage work in the  
4 county related to the roads, and the county may construct fences along  
5 the right-of-way or contract with the adjoining owners to move any  
6 existing fences or construct new fences.

7 (4) The county may:

8 (a) Obtain ~~obtain~~ any property necessary for the improvement by  
9 gift, purchase, or ~~by~~ eminent domain; -

10 (b) Accept ~~The county may accept~~ gifts or contributions to assist in  
11 the costs of the improvement;

12 (c) Contract ~~and may contract~~ with the state or federal government  
13 for assistance in making such ~~said~~ improvement and defraying the cost of  
14 such improvement; ~~thereof.~~

15 (d) Contract ~~The county may contract~~ for the entire improvement or  
16 any part of such improvement; ~~and thereof or~~

17 (e) Purchase ~~may purchase~~ the materials and do part of the work with  
18 its own equipment and employees.

19 (5) If the work is done by contract, bids shall be taken and the  
20 contract let in the same manner as letting other contracts for county  
21 work.

22 (6) The county may employ special engineers and special counsel to  
23 assist in the improvement, and their compensation shall be considered as  
24 a part of the cost of the improvement.

25 **Sec. 57.** Section 39-1645, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 39-1645 (1) To pay the cost of the improvement as the work  
28 progresses, the county may:

29 (a) Issue bonds as provided in section 39-1648 and provide for such  
30 payment of costs from bond proceeds; or

31 (b) Issue ~~issue~~ progress warrants drawn against the rural road

1 improvement fund for the total cost of materials purchased on receipt of  
2 the materials, for the right-of-way acquired, for engineering and legal  
3 expense, and for other incidental expenses, and for ninety-five percent  
4 of the cost of the work completed and materials necessarily purchased and  
5 delivered for the orderly and proper continuation of the project by the  
6 contractor as certified by the engineer in charge.

7 (2) On completion of the contract and the acceptance of the  
8 improvement by the county, a warrant may be drawn for the balance due the  
9 contractor. The warrants shall draw interest at the rate set by the  
10 county board.

11 (3) The county shall pay to the contractor interest, at the rate of  
12 eight percent per annum on the amounts due on partial and final payments,  
13 beginning forty-five days after the certification of the amounts due by  
14 the engineer in charge and approval by the board governing body and  
15 running until the date that the warrant is tendered to the contractor.

16 **Sec. 58.** Section 39-1646, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 39-1646 (1) A The county that creates a district shall establish:

19 (a) A a special fund for each district to be known as rural road  
20 improvement district No. .... fund; or  $\tau$

21 (b) A single rural road improvement fund for all districts in the  
22 county and from which any cost related to a road improvement for any such  
23 district shall be paid.

24 (2) Such county shall credit to the rural road improvement fund:

25 (a) Money and credit to said fund all contributions including money  
26 transferred from the county's general fund;  $\tau$

27 (b) All all money collected as special assessments;  $\tau$

28 (c) Special or special levies against the property in the  
29 district;  $\tau$  and

30 (d) All all money received from the sale of the bonds issued under  
31 the provisions of section 39-1648.

1       (3) All expenses incurred in connection with the improvement and  
2 that are not paid out of the general fund funds of the county shall be  
3 paid from the ~~by warrants drawn on said~~ rural road improvement fund for  
4 the district.

5       **Sec. 59.** Section 39-1647, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7       39-1647 (1) On completion and acceptance of the improvement in a  
8 district where special assessments may be levied, the engineer in charge  
9 of the improvement project shall make and file a statement with the  
10 county clerk. Such a statement shall include a description of the  
11 complete cost of the improvements, including interest accruing on the  
12 progress warrants.

13       (2) The board, with the assistance of the advisory committee and  
14 special counsel and engineer in charge of the improvement project, shall:

15       (a) Determine ~~determine~~ what part of the costs shall be specially  
16 assessed to the property in the district; and

17       (b) Prepare ~~shall prepare~~ a proposed schedule of assessments against  
18 all properties in the district deemed specially benefited by the  
19 improvements.

20       (3) Any land in the district may be specially assessed for the  
21 amount it is specially benefited even though the property does not adjoin  
22 the road improved.

23       (4)(a) The board shall fix a time and place for a meeting when it  
24 will sit as a board of adjustment and equalization and give notice of  
25 such meeting thereof by publication on the same day of each week for two  
26 consecutive weeks immediately prior to the meeting in a newspaper of  
27 general circulation in the county and by mailing a copy of the notice to  
28 each record owner of property proposed to be specially assessed.

29       (b) At the meeting the board shall equalize and levy the special  
30 assessments.

31       (5)(a) All special assessments provided for in this section shall be

1 a lien on the property from date of levy and shall become due fifty days  
2 after date of levy and may be paid within that time without interest. Any  
3 special assessment that is not paid on or before its due date shall be  
4 charged interest on the amount of such special assessment that remains  
5 unpaid. No interest shall accrue prior to the due date for such special  
6 assessment. The rate of interest shall be ~~but if not so paid they shall~~  
7 ~~bear interest thereafter at a rate~~ established by the board, but shall  
8 not ~~to~~ exceed the rate of interest specified in section 45-104.01, as  
9 such rate may from time to time be adjusted by the Legislature, ~~until~~  
10 ~~delinquent.~~

11 (b) Such assessments shall become delinquent in equal annual  
12 installments over a period of not to exceed twenty ~~ten~~ years as the board  
13 may determine at the time of making the levy. Delinquent installments  
14 shall bear interest at the rate specified in section 45-104.01, as such  
15 rate may from time to time be adjusted by the Legislature, until paid and  
16 shall be collected in the usual manner for the collection of taxes.

17 **Sec. 60.** Section 39-1648, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 39-1648 (1) ~~The~~ On completion and acceptance of the improvement, the  
20 county may ~~shall~~ issue and sell at not less than par bonds of the county  
21 in an amount sufficient to pay ~~the balance of~~ the costs of the  
22 improvements. Prior to the issuance and sale of such bonds, the county  
23 shall take ~~, taking~~ into account the amounts collected or expected to be  
24 collected on special assessments and any money funds contributed to the  
25 district or otherwise available for the improvement.

26 (2) Bonds issued under this section ~~The bonds shall:~~

27 (a) Mature ~~mature~~ in not to exceed twenty ~~ten~~ years from their date  
28 of issuance and bear interest payable annually or semiannually; and ~~-~~

29 (b) Constitute ~~The bonds shall constitute~~ a general obligation of  
30 the county. ~~-~~

31 (3) All ~~but all~~ special assessments levied in the district and all ~~-~~

1 ~~special taxes, or~~ contributions made to the district shall constitute a  
2 sinking fund for the payment of the bonds issued for such district.

3 (4) The county shall collect all special assessments and ~~special~~  
4 ~~taxes~~ and levy and collect annually a tax on all taxable property in the  
5 county sufficient in rate and amount to pay any deficiency on the amount  
6 required to pay both principal and interest on the bonds as such bonds  
7 become due. Prior to the levying of any such tax, the county shall take  
8 into account the amounts available for the payment of such bonds in the  
9 sinking fund for the district ~~the same fall due~~.

10 (5) The bonds and tax authorized under ~~in~~ this section shall be in  
11 addition to all other bonds and taxes authorized by law and shall not be  
12 included in computing any statutory limitation on the amount of bonds or  
13 tax ~~that which~~ may be issued or levied by the county.

14 **Sec. 61.** Section 39-1649, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 39-1649 (1) When the road improvements have been completed and  
17 accepted, the roads shall constitute a part of the county road system and  
18 shall be maintained by the county.

19 (2) The ~~If the~~ owners of more than fifty percent of the area in the  
20 district may petition the board for maintenance in excess of that given  
21 to other similar county roads. If such petition is made, the board may  
22 levy and collect annually a special levy of not to exceed three and five-  
23 tenths cents on each one hundred dollars on all taxable property in the  
24 district subject to section 77-3443.

25 (3) Money that is collected pursuant to a special levy under this  
26 section ~~The money as collected~~ shall be credited to the rural road  
27 improvement district fund for such district and used only for the repair  
28 and maintenance of the roads in the district where such special levy was  
29 imposed.

30 **Sec. 62.** Section 39-1650, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           39-1650 (1) Subsection (2) of this section applies:

2           (a) When it is ~~When it shall~~ be deemed advisable to enlarge the  
3 boundaries of a district by the advisory committee for a ~~of the~~ district  
4 where special assessments have been or will be imposed; ~~to enlarge the~~  
5 boundaries thereof, and

6           (b) If the conditions mentioned in section 39-1639 apply to such  
7 enlarged territory.  

8           (2)(a) A a petition for the enlargement of such ~~the~~ district that  
9 is   signed by persons that own ~~owning~~ not less than twenty-five percent  
10 of the territory proposed to be added to the district   may be filed with  
11 the county clerk.

12           (b) If a petition is filed pursuant to subdivision (a) of this  
13 subsection, and ~~thereupon~~ the board shall proceed ~~in all respects~~ as  
14 provided in sections 39-1640 to 39-1643, so far as applicable.

15           **Sec. 63.** Section 39-1651, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17           39-1651 (1) A petition to withdraw seeking the withdrawal of real  
18 property from a such district may be filed: 

19           (a) By ~~signed by~~ persons that own ~~owning~~ not less than twenty-five  
20 percent of the territory in an area that is proposed to be withdrawn; and

21           (b) If special assessments have been or will be imposed in such  
22 district.

23           (2) A petition described in subsection (1) of this section shall ~~may~~  
24 be filed with the county clerk.

25           (3) If a petition is filed pursuant to this section, ~~the~~ board  
26 shall set a time and place for a hearing pursuant to ~~as set forth in~~  
27 sections 39-1641 and 39-1642. At the hearing the board may pass a  
28 resolution permitting the withdrawal of the proposed territory.

29           (4) Any area withdrawn from the district shall be subject to  
30 assessment and be otherwise chargeable for the payment and discharge of  
31 all the obligations outstanding at the time of filing the petition for

1 withdrawal.

2 (5) An area withdrawn from a district shall not be subject to  
3 assessment or otherwise chargeable for any obligations of any nature or  
4 kind incurred after the time of filing the petition for withdrawal of the  
5 area from the district.

6 **Sec. 64.** Section 39-1652, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 39-1652 (1) A petition to consolidate two or more districts in a  
9 county may be filed:

10 (a) By persons that own ~~Upon the filing of a petition with the~~  
11 ~~county clerk by persons owning~~ not less than twenty-five percent of the  
12 territory of each district in the proposed consolidation; and

13 (b) If special assessments have been or will be imposed in each  
14 district in the proposed consolidation.

15 (2) A petition described in subsection (1) of this section shall be  
16 filed with the county clerk.

17 (3) If a petition is filed pursuant to this section, ~~of the county~~  
18 ~~proposing a consolidation of the districts,~~ the board shall set a time  
19 and place for a hearing pursuant to as set forth in sections 39-1641 and  
20 39-1642. At the hearing the board may pass a resolution consolidating the  
21 districts that are described in the petition ~~petitioning to be~~  
22 ~~consolidated.~~

23 **Sec. 65.** Section 39-1653, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 39-1653 (1) A petition for dissolution of a district may be filed:

26 (a) By persons that own ~~Upon the filing of a petition for~~  
27 ~~dissolution with the county clerk by persons owning~~ not less than twenty-  
28 five percent of the territory of the district; and ~~;~~

29 (b) If special assessments have been or will be imposed in such  
30 district.

31 (2) A petition described in subsection (1) of this section shall be

1 filed with the county clerk.

2 (3) If a petition is filed pursuant to this section, the board shall  
3 set a time and place for a hearing pursuant to ~~as set forth in~~ sections  
4 39-1641 and 39-1642. At the hearing the board may pass a resolution  
5 dissolving the district.

6 (4) If a district is dissolved pursuant to this section, the The  
7 board shall perform all acts necessary to wind up the affairs of the  
8 district. All funds remaining after discharge of the district's  
9 indebtedness shall be deposited in the general fund of the county.

10 **Sec. 66.** Section 39-1655, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 39-1655 Sections 39-1638 to 39-1655 shall be known and may be cited  
13 as the Rural Road Improvement District Act.

14 **Sec. 67.** Section 39-2801, Revised Statutes Cumulative Supplement,  
15 2024, is amended to read:

16 39-2801 Sections 39-2801 to 39-2825 and section 70 of this act shall  
17 be known and may be cited as the Transportation Innovation Act.

18 **Sec. 68.** Section 39-2802, Revised Statutes Cumulative Supplement,  
19 2024, is amended to read:

20 39-2802 For purposes of the Transportation Innovation Act:

21 (1) Alternative technical concept means changes suggested by a  
22 qualified, eligible, short-listed design-builder to a contracting  
23 agency's basic configurations, project scope, design, or construction  
24 criteria;

25 (2) Best value-based selection process means a process of selecting  
26 a design-builder using price, schedule, and qualifications for evaluation  
27 factors;

28 (3) Construction manager means the legal entity which proposes to  
29 enter into a construction manager-general contractor contract pursuant to  
30 the act;

31 (4) Construction manager-general contractor contract means a

1 contract which is subject to a qualification-based selection process  
2 between a contracting agency and a construction manager to furnish  
3 preconstruction services during the design development phase of the  
4 project and, if an agreement can be reached which is satisfactory to the  
5 contracting agency, construction services for the construction phase of  
6 the project;

7 (5) Construction services means activities associated with building  
8 the project;

9 (6) Contracting agency means the department or a political  
10 subdivision , ~~an eligible county, a city of the metropolitan class, or a~~  
11 ~~city of the primary class~~ using the powers provided under the  
12 Transportation Innovation Act;

13 (7) Department means the Department of Transportation;

14 (8) Design-build contract means a contract between a contracting  
15 agency and a design-builder which is subject to a best value-based  
16 selection process to furnish (a) architectural, engineering, and related  
17 design services and (b) labor, materials, supplies, equipment, and  
18 construction services;

19 (9) Design-builder means the legal entity which proposes to enter  
20 into a design-build contract;

21 (10) Eligible county means (a) a county or (b) a joint entity  
22 created by agreement under section 13-804 if a county is a party to the  
23 agreement;

24 (11) Multimodal transportation network means the interconnected  
25 system of highways, roads, streets, rail lines, river ports, and transit  
26 systems which facilitates the movement of people and freight to enhance  
27 Nebraska's economy;

28 (12) Political subdivision means any city, village, or eligible  
29 county;

30 (13) ~~(12)~~ Preconstruction services means all nonconstruction-related  
31 services that a construction manager performs in relation to the design

1 of the project before execution of a contract for construction services.  
2 Preconstruction services includes, but is not limited to, cost  
3 estimating, value engineering studies, constructability reviews, delivery  
4 schedule assessments, and life-cycle analysis;

5 (14) ~~(13)~~ Private partner means any entity that is a partner in a  
6 public-private partnership other than the State of Nebraska, any agency  
7 of the State of Nebraska, the federal government, any agency of the  
8 federal government, any other state government, or any agency of any  
9 government at any level;

10 (15) ~~(14)~~ Progressive design-build means a project-delivery process  
11 in which both the design and construction of a project are procured from  
12 a single entity that is selected through a qualification-based selection  
13 process at the earliest feasible stage of the project;

14 (16) ~~(15)~~ Project performance criteria means the performance  
15 requirements of the project suitable to allow the design-builder to make  
16 a proposal. Performance requirements shall include, but are not limited  
17 to, the following, if required by the project: Capacity, durability,  
18 standards, ingress and egress requirements, description of the site,  
19 surveys, soil and environmental information concerning the site, material  
20 quality standards, design and milestone dates, site development  
21 requirements, compliance with applicable law, and other criteria for the  
22 intended use of the project;

23 (17) ~~(16)~~ Proposal means an offer in response to a request for  
24 proposals (a) by a design-builder to enter into a design-build contract  
25 or (b) by a construction manager to enter into a construction manager-  
26 general contractor contract;

27 (18) ~~(17)~~ Public-private partnership means a project delivery method  
28 for construction or financing of capital projects or procurement of  
29 services under a written public-private partnership agreement entered  
30 into pursuant to section 39-2825 between at least one private partner and  
31 a contracting agency ~~the State of Nebraska or any agency of the state;~~

1           (19) ~~(18)~~ Qualification-based selection process means a process of  
2 selecting a construction manager or progressive design-builder based on  
3 qualifications;

4           (20) ~~(19)~~ Request for proposals means the documentation by which a  
5 contracting agency solicits proposals; and

6           (21) ~~(20)~~ Request for qualifications means the documentation or  
7 publication by which a contracting agency solicits qualifications.

8           **Sec. 69.** Section 39-2811, Revised Statutes Cumulative Supplement,  
9 2024, is amended to read:

10           39-2811 The department shall adopt guidelines for entering into a  
11 design-build contract, a progressive design-build contract, or  
12 construction manager-general contractor contract. If a political  
13 subdivision ~~an eligible county, a city of the metropolitan class, or a~~  
14 ~~city of the primary class~~ intends to proceed with a design-build  
15 contract, a progressive design-build contract, or a construction manager-  
16 general contractor contract, the political subdivision ~~eligible county,~~  
17 ~~city of the metropolitan class, or city of the primary class~~ may adopt  
18 the guidelines published by the department. The department's guidelines  
19 shall include the following:

20           (1) Preparation and content of requests for qualifications;

21           (2) Preparation and content of requests for proposals;

22           (3) Qualification and short-listing of design-builders, progressive  
23 design-builders, and construction managers. The guidelines shall provide  
24 that the contracting agency will evaluate prospective design-builders,  
25 progressive design-builders, and construction managers based on the  
26 information submitted to the contracting agency in response to a request  
27 for qualifications and will select a short list of design-builders,  
28 progressive design-builders, or construction managers who shall be  
29 considered qualified and eligible to respond to the request for  
30 proposals;

31           (4) Preparation and submittal of proposals;

1 (5) Procedures and standards for evaluating proposals;

2 (6) Procedures for negotiations between the contracting agency and  
3 the design-builders, progressive design-builders, or construction  
4 managers submitting proposals prior to the acceptance of a proposal if  
5 any such negotiations are contemplated; and

6 (7) Procedures for the evaluation of construction under a design-  
7 build contract or a progressive design-build contract to determine  
8 adherence to the project performance criteria; and -

9 (8) Procedures for the receipt and evaluation of an unsolicited  
10 proposal pursuant to section 70 of this act.

11 **Sec. 70.** (1) The procedures used by the department when evaluating  
12 an unsolicited proposal shall include a requirement that, if the  
13 department determines that there is sufficient merit to pursue an  
14 unsolicited proposal, a reasonable opportunity shall be provided for  
15 other entities to submit competing proposals for consideration. The  
16 department may charge and retain an administrative fee of not more than  
17 five hundred dollars for:

18 (a) The initial evaluation and detailed review of an unsolicited  
19 project proposal; and

20 (b) The review of any competing proposal to the unsolicited  
21 proposal.

22 (2) The department may:

23 (a) Spend money appropriated to the department for the purpose of  
24 reviewing, developing, and implementing any unsolicited proposal; and

25 (b) Enter into any contract for a proposal deemed by the department  
26 to be in the best interest of the State of Nebraska.

27 (3) It is the intent of the Legislature that the department favor  
28 any creative or innovative unsolicited proposal that will provide a  
29 material benefit to the State of Nebraska beyond the traditional  
30 procurement and project delivery methods.

31 **Sec. 71.** Section 39-2814, Revised Statutes Cumulative Supplement,

1 2024, is amended to read:

2 39-2814 A contracting agency shall prepare a request for proposals  
3 for each design-build or progressive design-build contract. The request  
4 for proposals shall contain, at a minimum, the following elements:

5 (1) The guidelines adopted in accordance with section 39-2811. The  
6 identification of a publicly accessible location of the guidelines,  
7 either physical or electronic, shall be considered compliance with this  
8 subdivision;

9 (2) The proposed terms and conditions of the design-build or  
10 progressive design-build contract, including any terms and conditions  
11 which are subject to further negotiation;

12 (3) A project statement which contains information about the scope  
13 and nature of the project;

14 (4) If applicable, a statement regarding alternative technical  
15 concepts including the process and time period in which such concepts may  
16 be submitted, confidentiality of the concepts, and ownership of the  
17 rights to the intellectual property contained in such concepts;

18 (5) Project performance criteria;

19 (6) Budget parameters for the project;

20 (7) Any bonding and insurance required by law or as may be  
21 additionally required by the contracting agency;

22 (8) The criteria for evaluation of proposals and the relative weight  
23 of each criterion. For both design-build and progressive design-build  
24 contracts, the criteria shall include, but are not limited to,  
25 construction experience, design experience, and the financial, personnel,  
26 and equipment resources available for the project. For design-build  
27 contracts only, the criteria shall also include the cost of the work. ~~For~~  
28 ~~progressive design-build contracts only, the criteria shall also include~~  
29 ~~consideration of the historic reasonableness of the progressive design-~~  
30 ~~builder's costs and expenses when bidding and completing projects,~~  
31 ~~whether such projects were completed using the progressive design-build~~

1 ~~process or another bidding and contracting process.~~ The relative weight  
2 to apply to any criterion shall be at the discretion of the contracting  
3 agency based on each project, except that for all design-build contracts,  
4 the cost of the work shall be given a relative weight of at least fifty  
5 percent;

6 (9) A requirement that the design-builder or progressive design-  
7 builder provide a written statement of the design-builder's or  
8 progressive design-builder's proposed approach to the design and  
9 construction of the project, which may include graphic materials  
10 illustrating the proposed approach to design and construction;

11 (10) A requirement that the design-builder or progressive design-  
12 builder agree to the following conditions:

13 (a) At the time of the design-build or progressive design-build  
14 proposal, the design-builder or progressive design-builder must furnish  
15 to the contracting agency a written statement identifying the architect  
16 or engineer who will perform the architectural or engineering work for  
17 the project. The architect or engineer engaged by the design-builder or  
18 progressive design-builder to perform the architectural or engineering  
19 work with respect to the project must have direct supervision of such  
20 work and may not be removed by the design-builder or progressive design-  
21 builder prior to the completion of the project without the written  
22 consent of the contracting agency;

23 (b) At the time of the design-build or progressive design-build  
24 proposal, the design-builder or progressive design-builder must furnish  
25 to the contracting agency a written statement identifying the general  
26 contractor who will provide the labor, material, supplies, equipment, and  
27 construction services. The general contractor identified by the design-  
28 builder or progressive design-builder may not be removed by the design-  
29 builder or progressive design-builder prior to completion of the project  
30 without the written consent of the contracting agency;

31 (c) A design-builder or progressive design-builder offering design-

1 build or progressive design-build services with its own employees who are  
2 design professionals licensed to practice in Nebraska must (i) comply  
3 with the Engineers and Architects Regulation Act by procuring a  
4 certificate of authorization to practice architecture or engineering and  
5 (ii) submit proof of sufficient professional liability insurance in the  
6 amount required by the contracting agency; and

7 (d) The rendering of architectural or engineering services by a  
8 licensed architect or engineer employed by the design-builder or  
9 progressive design-builder must conform to the Engineers and Architects  
10 Regulation Act;

11 (11) The amount and terms of the stipend required pursuant to  
12 section 39-2815, if any; and

13 (12) Other information or requirements which the contracting agency,  
14 in its discretion, chooses to include in the request for proposals.

15 **Sec. 72.** Section 39-2824, Revised Statutes Cumulative Supplement,  
16 2024, is amended to read:

17 39-2824 The department may adopt and promulgate rules and  
18 regulations to carry out the Transportation Innovation Act. A political  
19 subdivision ~~An eligible county, a city of the metropolitan class, or a~~  
20 ~~city of the primary class~~ may adopt a resolution or an ordinance  
21 establishing rules to carry out the act.

22 **Sec. 73.** Section 39-2825, Revised Statutes Cumulative Supplement,  
23 2024, is amended to read:

24 39-2825 (1) A public-private partnership delivery method may be used  
25 for projects under the Transportation Innovation Act and other  
26 transportation projects deemed appropriate at the discretion of the  
27 Director-State Engineer in the case of the department, or the governing  
28 body of any other contracting agency, as provided in this section and  
29 rules and regulations adopted and promulgated pursuant to this section  
30 only to the extent allowed under the Constitution of Nebraska. State  
31 contracts using this method shall be awarded by competitive negotiation.

1 The department shall not use or accept an unsolicited proposal that  
2 includes minor maintenance, restoration, rehabilitation, or resurfacing  
3 of bridges or highways.

4 (2) A contracting agency utilizing a public-private partnership  
5 shall continue to be responsible for oversight of any function that is  
6 delegated to or otherwise performed by a private partner.

7 (3) ~~The On or before July 1, 2023,~~ the Director-State Engineer shall  
8 adopt and promulgate rules and regulations setting forth criteria to be  
9 used in determining when a public-private partnership is to be used for a  
10 particular project. The rules and regulations shall reflect the intent of  
11 the Legislature to promote and encourage the use of public-private  
12 partnerships in the State of Nebraska. The Director-State Engineer shall  
13 consult with design-builders, progressive design-builders, construction  
14 managers, other contractors and design professionals, including engineers  
15 and architects, and other appropriate professionals during the  
16 development of the rules and regulations.

17 (4) A request for proposals for a project utilizing a public-private  
18 partnership or an unsolicited proposal from any private partner that is  
19 outside of a request for proposal process shall include at a minimum:

20 (a) The parameters of the proposed public-private partnership  
21 agreement;

22 (b) The duties and responsibilities to be performed by the private  
23 partner or private partners;

24 (c) The methods of oversight to be employed by the contracting  
25 agency;

26 (d) The duties and responsibilities that are to be performed by the  
27 contracting agency and any other parties to the contract;

28 (e) The evaluation factors and the relative weight of each factor to  
29 be used in the scoring of awards;

30 (f) How the private partner plans to finance and operate ~~Plans for~~  
31 ~~financing and operating~~ the project and the project or operating revenue,

1 service or availability payments, bond financings, and appropriations of  
2 public funds that are anticipated to be needed in the future for the  
3 qualifying project, subject to appropriation by the Legislature;

4 (g) The private partner's proposal for the availability and  
5 performance standards that would be used to determine qualification for  
6 receiving availability payments from the contracting agency;

7 (h) ~~(g)~~ Comprehensive documentation of the experience, capabilities,  
8 capitalization and financial condition, and other relevant qualifications  
9 of the private entity submitting the proposal;

10 (i) ~~(h)~~ The ability of a private partner or private partners to  
11 quickly respond to the needs presented in the request for proposals and  
12 the importance of economic development opportunities represented by the  
13 project. In evaluating proposals, preference shall be given to a plan  
14 that includes the involvement of small businesses as subcontractors, to  
15 the extent that small businesses can provide services in a competitive  
16 manner, unless any preference interferes with the qualification for  
17 federal or other funds; and

18 (j) ~~(i)~~ Other information required by the contracting agency to  
19 evaluate the proposals submitted and the overall proposed public-private  
20 partnership.

21 (5) A private entity desiring to be a private partner shall  
22 demonstrate to the satisfaction of the contracting agency that it is  
23 capable of performing any duty, responsibility, or function it may be  
24 authorized or directed to perform as a term or condition of the public-  
25 private partnership agreement.

26 (6) A request for proposals may be canceled, or all proposals may be  
27 rejected, if it is determined in writing that such action is taken in the  
28 best interest of the State of Nebraska and approved by the purchasing  
29 officer.

30 (7) Upon execution of a public-private partnership agreement, the  
31 contracting agency shall ensure that the contract clearly identifies that

1 a public-private partnership is being utilized.

2 (8) The department shall:

3 (a) Adhere to the rules and regulations adopted and promulgated  
4 under this section when utilizing a public-private partnership for  
5 financing capital projects; and

6 (b) Electronically report annually to the Appropriations Committee  
7 of the Legislature and the Transportation and Telecommunications  
8 Committee of the Legislature regarding private-public partnerships which  
9 have been considered or are approved pursuant to this section.

10 **Sec. 74.** Section 60-462, Revised Statutes Cumulative Supplement,  
11 2024, is amended to read:

12 60-462 Sections 60-462 to 60-4,189 and section 76 of this act shall  
13 be known and may be cited as the Motor Vehicle Operator's License Act.

14 **Sec. 75.** Section 60-4,131, Revised Statutes Supplement, 2025, is  
15 amended to read:

16 60-4,131 (1) Sections 60-462.01 and 60-4,132 to 60-4,172 and section  
17 76 of this act shall apply to the operation of any commercial motor  
18 vehicle.

19 (2) For purposes of such sections:

20 (a) Disqualification means:

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

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

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

30 (b) Downgrade means the state:

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (j) Medical examiner's certificate means any paper certification or  
13 electronic certification that meets the requirements of 49 C.F.R. 391.43  
14 issued by a medical examiner in compliance with such regulation;

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

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

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

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

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

1 (n) State means a state of the United States and the District of  
2 Columbia;

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

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

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

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

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

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

29 **Sec. 76. (1)** For purposes of this section, commercial motor vehicle  
30 driver training means any training course or educational program that is  
31 offered in this state for the purpose of teaching or training any person

1 how to operate a commercial motor vehicle.

2 (2) The curriculum for any commercial motor vehicle driver training  
3 that begins on or after January 1, 2027, shall include a minimum of  
4 thirty minutes of human trafficking training as prescribed by the  
5 Attorney General.

6 (3)(a) No later than December 1, 2026, the Attorney General shall  
7 prescribe the curriculum and training materials for the human trafficking  
8 training that is required under subsection (2) of this section.

9 (b) The Attorney General shall review and update such curriculum and  
10 training materials at least once every three years to account for changes  
11 and trends in human trafficking.

12 (4) The Attorney General may collaborate with any organization that  
13 specializes in and offers training materials about the recognition,  
14 prevention, and reporting of human trafficking for commercial motor  
15 vehicle drivers.

16 (5) The Attorney General may adopt and promulgate rules and  
17 regulations to carry out this section.

18 **Sec. 77.** Section 60-507, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 60-507 (1)(a) Within ninety days after the receipt by the Department  
21 of Transportation of a report of a motor vehicle accident within this  
22 state which has resulted in bodily injury or death, or damage to the  
23 property of any one person, including such operator, to an apparent  
24 extent of two thousand ~~one thousand five hundred~~ dollars or more, the  
25 Department of Motor Vehicles shall suspend (i) the license of each  
26 operator of a motor vehicle in any manner involved in such accident and  
27 (ii) the privilege, if such operator is a nonresident, of operating a  
28 motor vehicle within this state, unless such operator deposits security  
29 in a sum which shall be sufficient, in the judgment of the Department of  
30 Motor Vehicles, to satisfy any judgment or judgments for damages  
31 resulting from such accident which may be recovered against such operator

1 and unless such operator gives proof of financial responsibility. Notice  
2 of such suspension shall be sent by the Department of Motor Vehicles by  
3 regular United States mail to such operator not less than twenty days  
4 prior to the effective date of such suspension at his or her last-known  
5 mailing address as shown by the records of the department and shall state  
6 the amount required as security and the requirement of proof of financial  
7 responsibility.

8 (b) In the event a person involved in a motor vehicle accident  
9 within this state fails to make a report to the Department of Motor  
10 Vehicles indicating the extent of his or her injuries or the damage to  
11 his or her property within thirty days after the accident, and the  
12 department does not have sufficient information on which to base an  
13 evaluation of such injury or damage, the department, after reasonable  
14 notice to such person, may not require any deposit of security for the  
15 benefit or protection of such person.

16 (c) If the operator fails to respond to the notice on or before  
17 twenty days after the date of the notice, the director shall summarily  
18 suspend the operator's license or privilege and issue an order of  
19 suspension.

20 (2) The order of suspension provided for in subsection (1) of this  
21 section shall not be entered by the Department of Motor Vehicles if the  
22 department determines that in its judgment there is no reasonable  
23 possibility of a judgment being rendered against such operator.

24 (3) In determining whether there is a reasonable possibility of  
25 judgment being rendered against such operator, the department shall  
26 consider all reports and information filed in connection with the  
27 accident.

28 (4) The order of suspension provided for in subsection (1) of this  
29 section shall advise the operator that he or she has a right to appeal  
30 the order of suspension in accordance with section 60-503.

31 (5) The order of suspension provided for in subsection (1) of this

1 section shall be sent by regular United States mail to the operator's  
2 last-known mailing address as shown by the records of the department.

3 **Sec. 78.** Section 60-513, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 60-513 The security required by the Motor Vehicle Safety  
6 Responsibility Act shall be in such form and in such amount as the  
7 department may require but in no case less than two thousand ~~one thousand~~  
8 ~~five hundred~~ dollars nor in excess of the limits specified in section  
9 60-509. The person depositing security shall specify in writing the  
10 person or persons on whose behalf the deposit is made and, at any time  
11 while such deposit is in the custody of the department or State  
12 Treasurer, the person depositing it may, in writing, amend the  
13 specification of the person or persons on whose behalf the deposit is  
14 made to include an additional person or persons, except that a single  
15 deposit of security shall be applicable only on behalf of persons  
16 required to furnish security because of the same accident. The department  
17 may increase or reduce the amount of security ordered in any case at any  
18 time after the date of the accident if, in the judgment of the director,  
19 the amount ordered is inadequate or excessive. In case the security  
20 originally ordered has been deposited, the excess deposited over the  
21 reduced amount ordered shall be returned to the depositor or his or her  
22 personal representative immediately, notwithstanding section 60-514. If  
23 any additional security ordered is not deposited within ten days, the  
24 department shall proceed under section 60-507.

25 **Sec. 79.** Section 60-601, Revised Statutes Supplement, 2025, is  
26 amended to read:

27 60-601 Sections 60-601 to 60-6,383 and section 81 of this act shall  
28 be known and may be cited as the Nebraska Rules of the Road.

29 **Sec. 80.** Section 60-605, Revised Statutes Supplement, 2025, is  
30 amended to read:

31 60-605 For purposes of the Nebraska Rules of the Road, the

1 definitions found in sections 60-606 to 60-676.01 and section 81 of this  
2 act shall be used.

3 **Sec. 81.** Superload means a vehicle, or vehicle combination that is  
4 transporting a nondivisible load, that is in excess of:

5 (1) Sixteen feet in width;

6 (2) One hundred ninety-one inches in height;

7 (3) One hundred fifty feet in length; or

8 (4) One hundred sixty thousand pounds in gross weight.

9 **Sec. 82.** Section 60-695, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 60-695 Any peace officer who investigates any traffic accident in  
12 the performance of his or her official duties shall, in all instances of  
13 an accident resulting in injury or death to any person or in which  
14 estimated damage equals or exceeds two thousand ~~one thousand five hundred~~  
15 dollars to the property of any one person, submit an original report of  
16 such investigation to the Department of Transportation within ten days  
17 after each such accident. The department shall have authority to collect  
18 accident information it deems necessary and shall prescribe and furnish  
19 appropriate forms for reporting.

20 **Sec. 83.** Section 60-699, Revised Statutes Cumulative Supplement,  
21 2024, is amended to read:

22 60-699 (1) The operator of any vehicle involved in an accident  
23 resulting in injuries or death to any person or damage to the property of  
24 any one person, including such operator, to an apparent extent that  
25 equals or exceeds two thousand ~~one thousand five hundred~~ dollars shall  
26 within ten days forward a report of such accident to the Department of  
27 Transportation. Such report shall not be required if the accident is  
28 investigated by a peace officer. If the operator is physically incapable  
29 of making the report, the owner of the motor vehicle involved in the  
30 accident shall, within ten days from the time he or she learns of the  
31 accident, report the matter in writing to the Department of

1 Transportation. The Department of Transportation or Department of Motor  
2 Vehicles may require operators involved in accidents to file supplemental  
3 reports of accidents upon forms furnished by it whenever the original  
4 report is insufficient in the opinion of either department. The operator  
5 or the owner of the motor vehicle shall make such other and additional  
6 reports relating to the accident as either department requires. Such  
7 records shall be retained for the period of time specified by the State  
8 Records Administrator pursuant to the Records Management Act.

9 (2) The report of accident required by this section shall be in two  
10 parts. Part I shall be in such form as the Department of Transportation  
11 may prescribe and shall disclose full information concerning the  
12 accident. Part II shall be in such form as the Department of Motor  
13 Vehicles may prescribe and shall disclose sufficient information to  
14 disclose whether or not the financial responsibility requirements of the  
15 Motor Vehicle Safety Responsibility Act are met through the carrying of  
16 liability insurance.

17 (3) Upon receipt of a report of accident, the Department of  
18 Transportation shall determine the reportability and classification of  
19 the accident and enter all information into a computerized database. Upon  
20 completion, the Department of Transportation shall electronically send  
21 Part II of the report to the Department of Motor Vehicles for purposes of  
22 section 60-506.01.

23 (4) Such reports shall be without prejudice. Except as provided in  
24 section 84-712.05, a report regarding an accident made by a peace  
25 officer, made to or filed with a peace officer in the peace officer's  
26 office or department, or filed with or made by or to any other law  
27 enforcement agency of the state shall be open to public inspection, but  
28 an accident report filed by the operator or owner of a motor vehicle  
29 pursuant to this section shall not be open to public inspection. ~~Age Date~~  
30 ~~of birth information, excluding the year of birth, and operator's license~~  
31 ~~number information of an operator or owner included in any report~~

1 ~~required under this section shall be confidential and shall not be a~~  
2 ~~public record under section 84-712.01.~~ Year of birth or age information  
3 of an operator or owner included in any report required under this  
4 section shall not be confidential, and such age information may be  
5 separately disclosed under section 84-712.01. ~~shall be a public record~~  
6 ~~under section 84-712.01.~~ Nothing in this section prohibits a peace  
7 officer or a law enforcement agency from disclosing the age of an  
8 operator or owner included in any report required under this section. The  
9 fact that a report by an operator or owner has been so made shall be  
10 admissible in evidence solely to prove compliance with this section, but  
11 no such report or any part of or statement contained in the report shall  
12 be admissible in evidence for any other purpose in any trial, civil or  
13 criminal, arising out of such accidents nor shall the report be referred  
14 to in any way or be any evidence of the negligence or due care of either  
15 party at the trial of any action at law to recover damages.

16 (5) The failure by any person to report an accident as provided in  
17 this section or to correctly give the information required in connection  
18 with the report shall be a Class V misdemeanor.

19 **Sec. 84.** Section 60-6,123, Revised Statutes Cumulative Supplement,  
20 2024, is amended to read:

21 60-6,123 Whenever traffic is controlled by traffic control signals  
22 exhibiting different colored lights or colored lighted arrows,  
23 successively one at a time or in combination, only the colors green, red,  
24 and yellow shall be used, except for special pedestrian signals carrying  
25 a word legend, number, or symbol, and such lights shall indicate and  
26 apply to drivers of vehicles, ~~and pedestrians,~~ and operators of bicycles  
27 as follows:

28 (1)(a) Vehicular traffic facing a circular green indication may  
29 proceed straight through or turn right or left unless a sign at such  
30 place prohibits either such turn, but vehicular traffic, including  
31 vehicles turning right or left, shall yield the right-of-way to other

1 vehicles and to pedestrians lawfully within the intersection or an  
2 adjacent crosswalk at the time such indication is exhibited;

3 (b) Vehicular traffic facing a green arrow indication, shown alone  
4 or in combination with another indication, may cautiously enter the  
5 intersection only to make the movement indicated by such arrow or such  
6 other movement as is permitted by other indications shown at the same  
7 time, and such vehicular traffic shall yield the right-of-way to  
8 pedestrians lawfully within an adjacent crosswalk and to other traffic  
9 lawfully using the intersection; and

10 (c) Unless otherwise directed by a pedestrian-control signal,  
11 pedestrians facing any green indication, except when the sole green  
12 indication is a turn arrow, may proceed across the roadway within any  
13 marked or unmarked crosswalk;

14 (2)(a) Vehicular traffic facing a steady yellow indication is  
15 thereby warned that the related green movement is being terminated or  
16 that a red indication will be exhibited immediately thereafter when  
17 vehicular traffic shall not enter the intersection, and upon display of a  
18 steady yellow indication, vehicular traffic shall stop before entering  
19 the nearest crosswalk at the intersection, but if such stop cannot be  
20 made in safety, a vehicle may be driven cautiously through the  
21 intersection;

22 (b) Vehicular traffic facing a flashing yellow arrow indication may  
23 cautiously enter the intersection only to make the movement indicated by  
24 such arrow, and such vehicular traffic shall yield the right-of-way to  
25 pedestrians lawfully within an adjacent crosswalk and to other traffic  
26 lawfully using the intersection; and

27 (c) Pedestrians facing a steady yellow indication, unless otherwise  
28 directed by a pedestrian-control signal, are thereby advised that there  
29 is insufficient time to cross the roadway before a red indication is  
30 shown and no pedestrian shall then start to cross the roadway;

31 (3)(a) Vehicular traffic facing a steady circular red indication

1 alone shall stop at a clearly marked stop line or shall stop, if there is  
2 no such line, before entering the crosswalk on the near side of the  
3 intersection or, if there is no crosswalk, before entering the  
4 intersection. The traffic shall remain standing until an indication to  
5 proceed is shown except as provided in subdivisions (3)(b) and (3)(c) of  
6 this section;

7 (b) Except where a traffic control device is in place prohibiting a  
8 turn, vehicular traffic facing a steady circular red indication may  
9 cautiously enter the intersection to make a right turn after stopping as  
10 required by subdivision (3)(a) of this section. Such vehicular traffic  
11 shall yield the right-of-way to pedestrians lawfully within an adjacent  
12 crosswalk and to other traffic lawfully using the intersection;

13 (c) Except where a traffic control device is in place prohibiting a  
14 turn, vehicular traffic facing a steady circular red indication at the  
15 intersection of two one-way streets may cautiously enter the intersection  
16 to make a left turn after stopping as required by subdivision (3)(a) of  
17 this section. Such vehicular traffic shall yield the right-of-way to  
18 pedestrians lawfully within an adjacent crosswalk and to other traffic  
19 lawfully using the intersection;

20 (d) Vehicular traffic facing a steady red arrow indication alone  
21 shall stop at a clearly marked stop line or shall stop, if there is no  
22 such line, before entering the crosswalk on the near side of the  
23 intersection or, if there is no crosswalk, before entering the  
24 intersection. The traffic shall not enter the intersection to make the  
25 movement indicated by the arrow and shall remain standing until an  
26 indication to proceed is shown; and

27 (e) Unless otherwise directed by a pedestrian-control signal,  
28 pedestrians facing a steady red indication alone shall not enter the  
29 roadway;

30 (4) If a traffic control signal is erected and maintained at a place  
31 other than an intersection, the provisions of this section shall be

1 applicable except as to those provisions which by their nature can have  
2 no application. Any stop required shall be made at a sign or marking on  
3 the pavement indicating where the stop shall be made, but in the absence  
4 of any such sign or marking, the stop shall be made at the signal; and

5 (5)(a) If a traffic control signal at an intersection is not  
6 operating because of a power failure or other cause and no peace officer,  
7 flagperson, or other traffic control device is providing direction for  
8 traffic at the intersection, the intersection shall be treated as a  
9 multi-way stop; and

10 (b) If a traffic control signal is not in service and the signal  
11 heads are turned away from traffic or covered with opaque material,  
12 subdivision (a) of this subdivision shall not apply; and -

13 (6)(a) Bicycle traffic facing a steady green bicycle indication may  
14 proceed straight through or turn right or left unless a sign at such  
15 place prohibits either such turn, but bicycle traffic, including bicycles  
16 turning right or left, shall yield the right-of-way to other bicycles and  
17 to pedestrians lawfully within the intersection or an adjacent crosswalk  
18 at the time such indication is exhibited;

19 (b) Bicycle traffic facing a steady yellow bicycle indication is  
20 thereby warned that the related green movement is being terminated or  
21 that a red indication will be exhibited immediately thereafter when  
22 bicycle traffic shall not enter the intersection. Upon display of a  
23 steady yellow bicycle indication, bicycle traffic shall stop before  
24 entering the nearest crosswalk at the intersection, but if such stop  
25 cannot be made in safety, a bicycle may be driven cautiously through the  
26 intersection;

27 (c) Bicycle traffic facing a steady red bicycle indication alone  
28 shall stop at a clearly marked stop line or shall stop, if there is no  
29 such line, before entering the crosswalk on the near side of the  
30 intersection or, if there is no crosswalk, before entering the  
31 intersection. The traffic shall remain standing until an indication to

1 proceed is shown except as provided in subdivisions (6)(d) and (6)(e) of  
2 this section;

3 (d) Except where a traffic control device is in place prohibiting a  
4 turn, bicycle traffic facing a steady red bicycle indication may  
5 cautiously enter the intersection to make a right turn after stopping as  
6 required by subdivision (6)(c) of this section. Such bicycle traffic  
7 shall yield the right-of-way to pedestrians lawfully within an adjacent  
8 crosswalk and to other traffic lawfully using the intersection; and

9 (e) Except where a traffic control device is in place prohibiting a  
10 turn, bicycle traffic facing a steady red bicycle indication at the  
11 intersection of two one-way streets may cautiously enter the intersection  
12 to make a left turn after stopping as required by subdivision (6)(c) of  
13 this section. Such bicycle traffic shall yield the right-of-way to  
14 pedestrians lawfully within an adjacent crosswalk and to other traffic  
15 lawfully using the intersection.

16 **Sec. 85.** Section 60-6,298, Revised Statutes Supplement, 2025, is  
17 amended to read:

18 60-6,298 (1)(a) Except as provided in subdivision (b) of this  
19 subsection, the ~~The~~ Department of Transportation or the Nebraska State  
20 Patrol, with respect to highways under its jurisdiction including the  
21 National System of Interstate and Defense Highways, and local  
22 authorities, with respect to highways under their jurisdiction, may in  
23 their discretion upon application and good cause being shown therefor  
24 issue a special, continuing, or continuous permit in writing authorizing  
25 the applicant or his or her designee:

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

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

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

1 or

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

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

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

30 (iv) To operate one or more recreational vehicles, as defined in  
31 section 71-4603, exceeding the maximum width specified by law if movement

1 of the recreational vehicles is prior to retail sale and the recreational  
2 vehicles comply with subdivision (2)(k) of section 60-6,288;

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

8 (vi) To transport during daylight hours divisible loads of livestock  
9 forage in bale form which do not exceed twelve feet in width, except that  
10 the permit shall not allow transport on holidays; or

11 (vii) To operate overweight raw-milk vehicles carrying raw milk from  
12 a dairy farm to a processing facility for such raw milk in accordance  
13 with section 60-6,294.02.

14 (b) No permit shall be issued under subdivision (a)(i) of this  
15 subsection;

16 (i) For ~~for~~ a vehicle carrying a load unless such vehicle is loaded  
17 with an object which exceeds the size or weight limitations, which cannot  
18 be dismantled or reduced in size or weight without great difficulty, and  
19 which of necessity must be moved over the highways to reach its intended  
20 destination; or -

21 (ii) By the Department of Transportation or the Nebraska State  
22 Patrol for the operation of a vehicle, a combination of vehicles, or an  
23 object on any highway;

24 (A) That is not a part of the state highway system; or

25 (B) That is a county road or city street.

26 (c) No permit shall be required for the temporary movement on  
27 highways other than dustless-surfaced state highways and for necessary  
28 access to points on such highways during daylight hours of cost-saving  
29 equipment to be used in highway or other public construction or in  
30 agricultural land treatment when such temporary movement is necessary and  
31 for a reasonable distance.

1           (2) The application for any such permit shall specifically describe  
2 the vehicle, the load to be operated or moved, whenever possible the  
3 particular highways for which permit to operate is requested, and whether  
4 such permit is requested for a single trip or for continuous or  
5 continuing operation. The permit shall include a signed affirmation under  
6 oath that, for any load sixteen feet high or higher, the applicant has  
7 contacted any and all electric utilities that have high voltage  
8 conductors and infrastructure that cross over the roadway affected by the  
9 move and made arrangements with such electric utilities for the safe  
10 movement of the load under any high voltage conductors owned by such  
11 electric utilities.

12           (3) The department or local authority is authorized to issue or  
13 withhold such permit at its discretion or, if such permit is issued, to  
14 limit the number of days during which the permit is valid, to limit the  
15 number of trips, to establish seasonal or other time limitations within  
16 which the vehicles described may be operated on the highways indicated,  
17 or to issue a continuous or continuing permit for use on all highways,  
18 including the National System of Interstate and Defense Highways. The  
19 permits are subject to reasonable conditions as to periodic renewal of  
20 such permit and as to operation or movement of such vehicles. The  
21 department or local authority may otherwise limit or prescribe conditions  
22 of operation of such vehicle or vehicles, when necessary to assure  
23 against undue damage to the road foundations, surfaces, or structures or  
24 undue danger to the public safety. The department or local authority may  
25 require such undertaking or other security as may be deemed necessary to  
26 compensate for any injury to any roadway or road structure.

27           (4) Every such permit shall be carried in the vehicle to which it  
28 refers and shall be open to inspection by any peace officer, carrier  
29 enforcement officer, or authorized agent of any authority granting such  
30 permit. Each such permit shall state the maximum weight permissible on a  
31 single axle or combination of axles and the total gross weight allowed.

1 No person shall violate any of the terms or conditions of such special  
2 permit. In case of any violation, the permit shall be deemed  
3 automatically revoked and the penalty of the original limitations shall  
4 be applied unless:

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

8 (b) The total gross load is within the maximum authorized by the  
9 permit, no axle is more than ten percent in excess of the maximum load  
10 for such axle or group of axles authorized by the permit, and such load  
11 can be shifted to meet the weight limitations of wheel and axle loads  
12 authorized by such permit. Such shift may be made without penalty if it  
13 is made at the state or commercial scale designated in the permit. The  
14 vehicle may travel from its point of origin to such designated scale  
15 without penalty, and a scale ticket from such scale, showing the vehicle  
16 to be properly loaded and within the gross and axle weights authorized by  
17 the permit, shall be reasonable evidence of compliance with the terms of  
18 the permit; or

19 (c) Such permit is an overweight raw-milk vehicle permit and the  
20 overweight raw-milk vehicle violated subsection (3) of section  
21 60-6,294.02.

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

25 (6) The department shall make available applications for permits  
26 authorized pursuant to subdivisions (1)(a)(ii) and (1)(a)(iii) of this  
27 section in the office of each county treasurer. The department may make  
28 available applications for all other permits authorized by this section  
29 to the office of the county treasurer and may make available applications  
30 for all permits authorized by this section to any other location chosen  
31 by the department.

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

3 (a) The fee for a continuous or continuing permit shall ~~may~~ not  
4 exceed fifty ~~twenty-five~~ dollars for a ninety-day period, one hundred  
5 fifty dollars for a one-hundred-eighty-day period, or two hundred ~~one~~  
6 hundred dollars for a one-year period; ~~and~~

7 (b) The fee for permits issued pursuant to subdivision (1)(a)(ii) of  
8 this section shall not exceed fifty ~~be twenty-five~~ dollars. Permits  
9 issued pursuant to such subdivision shall be valid for thirty days and  
10 shall be renewable four times for a total number of days not to exceed  
11 one hundred fifty days per calendar year; ~~and -~~

12 (c)(i) The fee for a single trip permit for a superload shall not  
13 exceed:

14 (A) Two hundred fifty dollars for a superload that weighs three  
15 hundred thousand pounds or less;

16 (B) Four hundred dollars for a superload that weighs more than three  
17 hundred thousand pounds, but not more than five hundred thousand pounds;  
18 and

19 (C) Eight hundred dollars for a superload that weighs more than five  
20 hundred thousand pounds.

21 (ii) In addition to the permit fee that may be required under  
22 subdivision (c)(i) of this subsection, the department may charge a fee  
23 equal to the direct costs incurred by the department for issuing the  
24 permit. Such direct costs may include compensation for the time spent by  
25 department personnel in issuing the permit, and any third-party expense  
26 related to the issuance of the permit.

27 (8) A vehicle or combination of vehicles for which an application  
28 for a permit is requested pursuant to this section shall be registered  
29 under section 60-3,147 or 60-3,198 for the maximum gross vehicle weight  
30 that is permitted pursuant to section 60-6,294 before a permit shall be  
31 issued.

1           **Sec. 86.** Section 60-6,299, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           60-6,299 (1) The Department of Transportation may issue permits for  
4 vehicles moving a building or objects requiring specialized moving  
5 dollies. Such permits shall allow the vehicles transporting buildings or  
6 objects requiring specialized dollies to operate on highways under the  
7 jurisdiction of the department, excluding any portion of the National  
8 System of Interstate and Defense Highways. Such permit shall specify the  
9 maximum allowable width, length, height, and weight of the building to be  
10 transported, the route to be used, and the hours during which such  
11 building or object may be transported. Such permit shall clearly state  
12 that the applicant is not authorized to manipulate overhead high voltage  
13 lines or conductors or other such components, including electric utility  
14 poles, and that the applicant shall be guilty of a Class II misdemeanor  
15 for any violation of this section or of the notification requirements of  
16 section 60-6,288.01. Any vehicle moving a building or object requiring  
17 specialized moving dollies shall be escorted by another vehicle or  
18 vehicles in the manner determined by the department. Such vehicles shall  
19 travel at a speed which is not in excess of five miles per hour when  
20 carrying loads which are in excess of the maximum gross weight specified  
21 by law by more than twenty-five percent. The permit shall not be issued  
22 for travel on a state highway containing a bridge or structure which is  
23 structurally inadequate to carry such building or object as determined by  
24 the department. The department may prescribe conditions of operation of  
25 such vehicle when necessary to assure against damage to the road  
26 foundations, surfaces, or structures and require such security as may be  
27 deemed necessary to compensate for any injury to any roadway or road  
28 structure.

29           (2) The application for any such permit shall (a) specifically  
30 describe the vehicle, (b) specifically describe the load to be moved, (c)  
31 include a signed affirmation under oath that, for any load sixteen feet

1 high or higher, the applicant has contacted any and all electric  
2 utilities that have high voltage conductors and infrastructure that cross  
3 over the roadway affected by the move and made arrangements with such  
4 electric utilities for the safe movement of the load under any high  
5 voltage conductors owned by such electric utilities, and (d) whenever  
6 possible, describe the particular highways for which the permit is  
7 requested. The company or individual shall maintain a copy of the permit  
8 in each vehicle moving a building or object requiring specialized moving  
9 dollies which shall be open to inspection by any peace officer, carrier  
10 enforcement officer, or authorized agent of any authority granting such  
11 permit. The fee for such permit shall not exceed fifty ~~be ten~~ dollars.

12 (3) The department shall adopt and promulgate rules and regulations  
13 governing the issuance of the permits. Such rules and regulations shall  
14 include, but not be limited to, driver qualifications, equipment  
15 selection, hours of operation, weather conditions, road conditions,  
16 determination of any damage caused to highways or bridges, cutting or  
17 trimming of trees, removal or relocation of signs or other property of  
18 the state, raising or lowering of electric supply and communication  
19 lines, and such other safety considerations as the department deems  
20 necessary.

21 (4) Any person who violates the terms of a permit issued pursuant to  
22 this section or otherwise violates this section shall be guilty of a  
23 Class II misdemeanor.

24 **Sec. 87.** Section 75-118, Revised Statutes Cumulative Supplement,  
25 2024, is amended to read:

26 75-118 The commission shall:

27 ~~(1) Until July 1, 2021, fix all necessary rates, charges, and~~  
28 ~~regulations governing and regulating the transportation, storage, or~~  
29 ~~handling of household goods by any common carrier in Nebraska intrastate~~  
30 ~~commerce;~~

31 (1) (2) Fix all necessary rates, charges, and regulations governing

1 and regulating the transportation of passengers by any common carrier in  
2 Nebraska intrastate commerce;

3 ~~(3) Until July 1, 2021, make all necessary classifications of~~  
4 ~~household goods that may be transported, stored, or handled by any common~~  
5 ~~carrier in Nebraska intrastate commerce, such classifications applying to~~  
6 ~~and being the same for all common carriers;~~

7 ~~(2) (4)~~ Authorize the transportation of (a) household goods under a  
8 license issued pursuant to section 75-304.03 or (b) employees of a  
9 railroad carrier under a license issued pursuant to section 75-304.04;

10 ~~(3) (5)~~ Prevent and correct the unjust discriminations set forth in  
11 section 75-126;

12 ~~(4) (6)~~ Enforce all statutes and commission regulations pertaining  
13 to rates and, if necessary, institute actions in the appropriate court of  
14 any county in which the common carrier involved operates except actions  
15 instituted pursuant to sections 75-140 and 75-156 to 75-158. All suits  
16 shall be brought and penalties recovered in the name of the state by or  
17 under the direction of the Attorney General; ~~and~~

18 ~~(5) (7)~~ Enforce the Major Oil Pipeline Siting Act and the State  
19 Natural Gas Regulation Act; ~~and -~~

20 ~~(6) Issue licenses that authorize intrastate medicaid nonemergency~~  
21 ~~medical transportation services pursuant to section 75-311.~~

22 **Sec. 88.** Section 75-126, Revised Statutes Supplement, 2025, is  
23 amended to read:

24 75-126 (1) Except as otherwise provided in this section, no common  
25 carrier shall:

26 (a) Charge, demand, collect, or receive from any person a greater or  
27 lesser compensation for any services rendered than it charges, demands,  
28 collects, or receives from any other person for doing a like or  
29 contemporaneous service;

30 (b) Make or give any undue or unreasonable preference or advantage  
31 to any particular person;

1 (c) Subject any type of traffic to any undue or unreasonable  
2 prejudice, delay, or disadvantage in any respect whatsoever;

3 (d) Charge or receive any greater compensation in the aggregate for  
4 the transportation of a like kind of property or passengers for a shorter  
5 than for a longer distance over the same line or route, except as the  
6 commission may prescribe in special cases to prevent manifest injuries,  
7 except that no manifest injustice shall be imposed upon any person at  
8 intermediate points. This section shall not prevent the commission from  
9 making group or emergency rates;

10 (e) Demand, charge, or collect, by any device whatsoever, a lesser  
11 or greater compensation for any service rendered than that filed with or  
12 prescribed by the commission; or

13 (f) Change any rate, schedule, or classification in any manner  
14 whatsoever before application has been made to the commission and  
15 permission granted for that purpose, except as otherwise provided in  
16 section 86-155.

17 (2) This section shall not prohibit any common carrier from, and a  
18 common carrier shall not be subject to any fine, penalty, or forfeiture  
19 for, performing services free or at reduced rates to:

20 (a) The United States, the State of Nebraska, or any governmental  
21 subdivision thereof;

22 (b) The employees, both present and retired, of such common carrier;

23 (c) Any person when the object is to provide relief in case of any  
24 disaster;

25 (d) Any person who transports property for charitable purposes;

26 (e) Ministers and others giving their entire time to religious or  
27 charitable work;

28 (f) Any person who is legally blind or visually handicapped; or

29 (g) Any person who is sixty-five years of age or older.

30 (3) The rates for services that are provided by motor carriers,  
31 regulated motor carriers, and transportation network companies, as such

1 terms are defined in section 75-302, are not subject to regulation by the  
2 commission for any rate that is determined by an agreement with a state  
3 agency.

4 **Sec. 89.** Section 75-302, Revised Statutes Cumulative Supplement,  
5 2024, is amended to read:

6 75-302 For purposes of sections 75-301 to 75-343 and in all rules  
7 and regulations adopted and promulgated by the commission pursuant to  
8 such sections, unless the context otherwise requires:

9 (1) Attended services means an attendant or caregiver accompanying a  
10 minor or a person who has a physical, mental, or developmental disability  
11 and is unable to travel or wait without assistance or supervision;

12 (2) Carrier enforcement division means the carrier enforcement  
13 division of the Nebraska State Patrol or the Nebraska State Patrol;

14 (3) Certificate means a certificate of public convenience and  
15 necessity issued under Chapter 75, article 3, to common carriers by motor  
16 vehicle;

17 (4) Civil penalty means any monetary penalty assessed by the  
18 commission or carrier enforcement division due to a violation of Chapter  
19 75, article 3, or section 75-126 as such section applies to any person or  
20 carrier specified in Chapter 75, article 3; any term, condition, or  
21 limitation of any certificate or permit issued pursuant to Chapter 75,  
22 article 3; or any rule, regulation, or order of the commission, the  
23 Division of Motor Carrier Services, or the carrier enforcement division  
24 issued pursuant to Chapter 75, article 3;

25 (5) Commission means the Public Service Commission;

26 (6) Common carrier means any person who or which undertakes to  
27 transport passengers ~~or, until July 1, 2021, household goods,~~ for the  
28 general public in intrastate commerce by motor vehicle for hire, whether  
29 over regular or irregular routes, upon the highways of this state. Common  
30 Beginning July 1, 2021, common carrier does not include:

31 (a) A a motor carrier operating under a license issued pursuant to

1 section 75-304.03; and

2 (b) A motor carrier that is engaged in intrastate medicaid  
3 nonemergency medical transportation services under a license that was  
4 issued pursuant to section 75-311;

5 (7) Contract carrier means any motor carrier ~~that which~~ transports  
6 passengers ~~or, until July 1, 2021, household goods,~~ for hire other than  
7 as a common carrier designed to meet the distinct needs of each  
8 individual customer or a specifically designated class of customers  
9 without any limitation as to the number of customers it can serve within  
10 the class. ~~Contract Beginning on January 1, 2021, contract~~ carrier does  
11 not include;

12 (a) A a motor carrier operating under a license issued pursuant to  
13 section 75-304.04; and

14 (b) A motor carrier that is engaged in intrastate medicaid  
15 nonemergency medical transportation services under a license that was  
16 issued pursuant to section 75-311;

17 (8) Division of Motor Carrier Services means the Division of Motor  
18 Carrier Services of the Department of Motor Vehicles;

19 (9) Highway means the roads, highways, streets, and ways in this  
20 state;

21 (10) Household goods means personal effects and property used or to  
22 be used in a dwelling, when a part of the equipment or supply of such  
23 dwelling, and similar property as the commission may provide by  
24 regulation if the transportation of such effects or property, is:

25 (a) Arranged and paid for by the householder, including  
26 transportation of property from a factory or store when the property is  
27 purchased by the householder with the intent to use in his or her  
28 dwelling; or

29 (b) Arranged and paid for by another party;

30 (11) Intrastate commerce means commerce between any place in this  
31 state and any other place in this state and not in part through any other

1 state;

2 (12) License means a license issued to:

3 (a) A a motor carrier engaged in the for-hire, intrastate  
4 transportation of {a} household goods under section 75-304.03; or

5 (b) A motor carrier engaged in the for-hire, intrastate  
6 transportation of employees of a railroad carrier engaged in interstate  
7 commerce to or from their work locations under section 75-304.04; or

8 (c) A motor carrier, or person, engaged in the for-hire intrastate  
9 transportation of individuals, including contractors and agents of the  
10 Department of Health and Human Services, for the purpose of providing  
11 intrastate medicaid nonemergency medical transportation services under a  
12 license that was issued pursuant to section 75-311;

13 (13) Licensed care transportation services means transportation  
14 provided by an entity licensed by the Department of Health and Human  
15 Services as a residential child-caring agency as defined in section  
16 71-1926 or child-placing agency as defined in section 71-1926 or a child  
17 care facility licensed under the Child Care Licensing Act to a client of  
18 the entity or facility when the person providing transportation services  
19 also assists and supervises the passenger or, if the client is a minor,  
20 to a family member of a minor when it is necessary for agency or facility  
21 staff to accompany or facilitate the transportation in order to provide  
22 necessary services and support to the minor. Licensed care transportation  
23 services must be incidental to and in furtherance of the social services  
24 provided by the entity or facility to the transported client;

25 (14) Motor carrier means any person other than a regulated motor  
26 carrier who or which owns, controls, manages, operates, or causes to be  
27 operated any motor vehicle used to transport passengers or property over  
28 any public highway in this state;

29 (15) Motor vehicle means any vehicle, machine, tractor, trailer, or  
30 semitrailer propelled or drawn by mechanical power and used upon the  
31 highways in the transportation of passengers or property but does not

1 include any vehicle, locomotive, or car operated exclusively on a rail or  
2 rails;

3 (16) Permit means a permit issued under Chapter 75, article 3, to  
4 contract carriers by motor vehicle;

5 (17) Person means any individual, firm, partnership, limited  
6 liability company, corporation, company, association, or joint-stock  
7 association and includes any trustee, receiver, assignee, or personal  
8 representative thereof;

9 (18) Private carrier means any motor carrier which owns, controls,  
10 manages, operates, or causes to be operated a motor vehicle to transport  
11 passengers or property to or from its facility, plant, or place of  
12 business or to deliver to purchasers its products, supplies, or raw  
13 materials (a) when such transportation is within the scope of and  
14 furthers a primary business of the carrier other than transportation and  
15 (b) when not for hire. Nothing in sections 75-301 to 75-322 shall apply  
16 to private carriers;

17 (19) Regulated motor carrier means any person who or which owns,  
18 controls, manages, operates, or causes to be operated any motor vehicle  
19 used to transport passengers, other than those excepted under section  
20 75-303, ~~or, until July 1, 2021, household goods,~~ over any public highway  
21 in this state. Regulated ~~Beginning July 1, 2021, regulated~~ motor carrier  
22 does not include:

23 (a) A a motor carrier operating under a license issued pursuant to  
24 section 75-304.03; ~~-~~

25 (b) A ~~Beginning on January 1, 2021, regulated motor carrier does not~~  
26 ~~include~~ a motor carrier operating under a license issued pursuant to  
27 section 75-304.04; and

28 (c) A motor carrier that is engaged in intrastate medicaid  
29 nonemergency medical transportation services under a license that was  
30 issued pursuant to section 75-311;

31 (20) Residential care means care for a minor or a person who is

1 physically, mentally, or developmentally disabled who resides in a  
2 residential home or facility regulated by the Department of Health and  
3 Human Services, including, but not limited to, a foster home, treatment  
4 facility, residential child-caring agency, or shelter;

5 (21) Residential care transportation services means transportation  
6 services to persons in residential care when such residential care  
7 transportation services and residential care are provided as part of a  
8 services contract with the Department of Health and Human Services or  
9 pursuant to a subcontract entered into incident to a services contract  
10 with the department;

11 (22) Supported transportation services means transportation services  
12 to a minor or for a person who is physically, mentally, or  
13 developmentally disabled when the person providing transportation  
14 services also assists and supervises the passenger or transportation  
15 services to a family member of a minor when it is necessary for provider  
16 staff to accompany or facilitate the transportation in order to provide  
17 necessary services and support to the minor. Supported transportation  
18 services must be provided as part of a services contract with the  
19 Department of Health and Human Services or pursuant to a subcontract  
20 entered into incident to a services contract with the department, and the  
21 driver must meet department requirements for (a) training or experience  
22 working with minors or persons who are physically, mentally, or  
23 developmentally disabled, (b) training with regard to the specific needs  
24 of the client served, (c) reporting to the department, and (d) age.  
25 Assisting and supervising the passenger shall not necessarily require the  
26 person providing transportation services to stay with the passenger after  
27 the transportation services have been provided; and

28 (23) Transportation network company has the definition found in  
29 section 75-323. A transportation network company shall not own, control,  
30 operate, or manage drivers' personal vehicles.

31 **Sec. 90.** Section 75-303.01, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 75-303.01 (1) The Department of Health and Human Services, a  
3 medicaid-managed care organization under contract with the department, or  
4 another agent working on the department's behalf may contract for  
5 nonemergency medical transportation for medicaid clients with a motor  
6 carrier or regulated motor carrier holding:

7 (a) A a designation of authority issued pursuant to subsection (3)  
8 of section 75-311 to provide medicaid nonemergency medical transportation  
9 services; or

10 (b) A license that was issued pursuant to section 75-311 to engage  
11 in intrastate medicaid nonemergency medical transportation services. that  
12 has been authorized to provide such services by the commission prior to  
13 April 28, 2017.

14 (2) While operating under such a designation of authority or such  
15 license issued pursuant to subsection (3) of section 75-311, a motor  
16 carrier or regulated motor carrier shall comply with:

17 (a) The the requirements of the Department of Health and Human  
18 Services to protect the safety and well-being of department clients,  
19 including training, driver standards, background checks, and the  
20 provision and quality of service; and

21 (b) The the rules and regulations adopted, promulgated, and enforced  
22 by the commission governing insurance requirements, equipment standards,  
23 and background checks.

24 **Sec. 91.** Section 75-303.02, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 75-303.02 (1) The Department of Health and Human Services or any  
27 agency organized under the Nebraska Community Aging Services Act may  
28 contract for the transportation of clients with a contractor which does  
29 not hold a certificate or which is not otherwise exempt under section  
30 75-303 only if:

31 (a) The proposed contractor is the individual who will personally

1 drive the vehicle in question;

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

6 (c)(i) There is no regulated motor carrier serving the area in which  
7 the client needs transportation, (ii) the regulated motor carrier serving  
8 the area is incapable of providing the specific service in question by  
9 its own written statement or as determined by the commission upon  
10 application of the regulated motor carrier or the department, or (iii)  
11 the regulated carrier cannot or will not provide such service at the rate  
12 specified in subsection (2) of section 75-303.03.

13 (2) This section does not apply to a motor carrier or regulated  
14 motor carrier holding:

15 (a) A a designation of authority issued pursuant to subsection (3)  
16 of section 75-311; or -

17 (b) A license that was issued pursuant to section 75-311 to engage  
18 in intrastate medicaid nonemergency medical transportation services.

19 **Sec. 92.** Section 75-303.03, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 75-303.03 (1) The commission, in consultation with the Department of  
22 Health and Human Services, shall adopt and promulgate rules and  
23 regulations governing minimum liability insurance requirements, equipment  
24 standards, driver qualification requirements, and the issuance and filing  
25 of notice for any contractor utilized by the department or any agency  
26 organized under the Nebraska Community Aging Services Act pursuant to  
27 section 75-303.02.

28 (2) The Department of Health and Human Services or any agency  
29 organized under the Nebraska Community Aging Services Act shall reimburse  
30 common and contract carriers for transportation of passengers at a rate  
31 not to exceed the rate of reimbursement pursuant to section 81-1176

1 multiplied by three. The maximum reimbursement rate provided for in this  
2 subsection shall not apply when the carrier (a) transports such person  
3 wholly within the corporate limits of the city or village where the  
4 transportation of the person originated, (b) transports a disabled person  
5 as defined by the federal Americans with Disabilities Act of 1990 in a  
6 vehicle that is compliant with the regulations providing for the  
7 transportation of such disabled person, or (c) provides nonemergency  
8 medical transportation of medicaid clients pursuant to subsection (3) of  
9 section 75-311.

10 ~~(3)(a) (3)~~ Rates for the following nonemergency medical  
11 transportation service providers are not subject to regulation by the  
12 commission:

13 (i) Any holder of with a designation of authority that was issued  
14 pursuant to subsection (3) of section 75-311 are not subject to  
15 commission regulation; and

16 (ii) Any holder of a license that was issued pursuant to section  
17 75-311 to engage in intrastate medicaid nonemergency medical  
18 transportation services.

19 (b) Regulated regulated motor carriers with such a designation  
20 reimbursed under this section are not subject to commission rate  
21 regulation for such reimbursement rates.

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

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

28 (ii) The eligible person has chosen the individual to provide the  
29 transportation.

30 (b) The department shall reimburse for the costs incurred in the  
31 transportation at a rate no greater than that provided for reimbursement

1 of state employees pursuant to section 81-1176.

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

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

6 **Sec. 93.** Section 75-307, Revised Statutes Cumulative Supplement,  
7 2024, is amended to read:

8 75-307 (1)(a) The following motor carriers and regulated motor  
9 carriers shall comply with the rules and regulations described in  
10 subdivision (b) of this subsection: (1) ~~Certificated intrastate motor~~  
11 carriers,

12 (i) Common ~~including common~~ and contract carriers; ~~τ~~

13 (ii) Any ~~any~~ motor carrier transporting household goods under a  
14 license issued pursuant to section 75-304.03; ~~τ~~

15 (iii) Any ~~and any~~ motor carrier transporting employees of a railroad  
16 carrier under a license issued pursuant to section 75-304.04; and

17 (iv) Any motor carrier holding a license that was issued pursuant to  
18 section 75-311 to engage in intrastate medicaid nonemergency medical  
19 transportation services.

20 (b) The commission may adopt and promulgate ~~shall comply with~~  
21 reasonable rules and regulations ~~prescribed by the commission~~ governing  
22 the filing with the commission, the approval of the filings, and the  
23 maintenance of proof at such carrier's principal place of business of  
24 surety bonds, policies of insurance, qualifications as a self-insurer, or  
25 other securities or agreements, in such reasonable amount as required by  
26 the commission, conditioned to pay, within the amount of such surety  
27 bonds, policies of insurance, qualifications as a self-insurer, or other  
28 securities or agreements, any final judgment recovered against such motor  
29 carrier for bodily injuries to or the death of any person resulting from  
30 the negligent operation, maintenance, or use of motor vehicles under such  
31 certificate, permit, or license or for loss or damage to property of

1 others.

2 ~~(c)(i) Any No certificate, or permit, or license shall not be issued~~  
3 ~~to any of the following that does not comply with this section or the~~  
4 ~~rules and regulations adopted and promulgated pursuant to this section:~~

5 ~~(A) Any a common or contract carrier;~~

6 ~~(B) Any , no license shall be issued to a motor carrier transporting~~  
7 ~~household goods under section 75-304.03;~~

8 ~~(C) Any motor carrier transporting or employees of a railroad~~  
9 ~~carrier under section 75-304.04; or ,~~

10 ~~(D) Any motor carrier engaging in intrastate medicaid nonemergency~~  
11 ~~medical transportation services pursuant to section 75-311.~~

12 ~~(ii) Any nor shall such certificate, permit, or license described in~~  
13 ~~this subdivision (c) that has been issued shall not remain in force~~  
14 ~~unless the such carrier complies with this section and the rules and~~  
15 ~~regulations adopted and promulgated prescribed by the commission pursuant~~  
16 ~~to this section.~~

17 ~~(2)(a) The following motor carriers shall comply with the rules and~~  
18 ~~regulations described in subdivision (b) of this subsection: (2) The~~  
19 ~~commission may, in its discretion and under its rules and regulations,~~  
20 ~~require~~

21 ~~(i) Any any certificated carrier;~~

22 ~~(ii) Any , any motor carrier transporting household goods under a~~  
23 ~~license issued pursuant to section 75-304.03;~~

24 ~~(iii) Any , and any motor carrier transporting employees of a~~  
25 ~~railroad carrier under a license issued pursuant to section 75-304.04;~~  
26 ~~and~~

27 ~~(iv) Any motor carrier holding a license that was issued pursuant to~~  
28 ~~section 75-311 to engage in intrastate medicaid nonemergency medical~~  
29 ~~transportation services.~~

30 ~~(b) The commission may adopt and promulgate rules and regulations~~  
31 ~~that require the motor carriers described in subdivision (a) of this~~

1 subsection to file a surety bond, policies of insurance, qualifications  
2 as a self-insurer, or other securities or agreements, in a sum to be  
3 determined by the commission, to be conditioned upon such carrier making  
4 compensation to shippers or consignees for all property belonging to  
5 shippers or consignees and coming into the possession of such carrier in  
6 connection with its transportation service.

7 (c) Any motor carrier that is ~~which may be~~ required by law to  
8 compensate a shipper or consignee for any loss, damage, or default for  
9 which a connecting motor common carrier is legally responsible shall be  
10 subrogated to the rights of such shipper or consignee under any such  
11 bond, policies of insurance, or other securities or agreements to the  
12 extent of the sum so paid.

13 (3) In carrying out this section, the commission may classify motor  
14 carriers and regulated motor carriers taking into consideration the  
15 hazards of the operations of such carriers and the value of the household  
16 goods carried. Nothing contained in this section shall be construed to  
17 authorize the commission to compel motor carriers other than those  
18 transporting household goods under section 75-309 or under a license  
19 issued pursuant to section 75-304.03 to carry cargo insurance.

20 (4) This section does not apply to transportation network companies.

21 **Sec. 94.** Section 75-311, Revised Statutes Supplement, 2025, is  
22 amended to read:

23 75-311 (1)(a) A certificate shall be issued to any qualified  
24 applicant authorizing the whole or any part of the operations covered by  
25 the application if it is found after notice and hearing that (i) the  
26 applicant is fit, willing, and able properly to perform the service  
27 proposed and to conform to the provisions of sections 75-301 to 75-322  
28 and the requirements, rules, and regulations of the commission under such  
29 sections and (ii) the proposed service, to the extent to be authorized by  
30 the certificate, whether regular or irregular, is or will be required by  
31 the present or future public convenience and necessity. Otherwise the

1 application shall be denied.

2 (b) The burden shall be on the applicant to show (i) that they are  
3 fit, willing, and able properly to perform the service proposed and to  
4 conform to the provisions of sections 75-301 to 75-322 and the  
5 requirements, rules, and regulations of the commission and (ii) that the  
6 proposed service will be responsive to a public demand or need.

7 (c) The burden shall be on any protestant to the application to show  
8 that (i) existing carriers are currently meeting, or will meet, the  
9 proposed need and (ii) ~~that~~ even if the applicant's service will be  
10 responsive to a public demand or need, the ~~that~~ applicant would not be  
11 able to serve this need in a specified manner without endangering or  
12 impairing the operations of existing carriers contrary to the public  
13 interest.

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

27 (b) Prior to January 1, 2027, for ~~For~~ a designation of authority to  
28 provide medicaid nonemergency medical transportation services pursuant to  
29 a contract with (i) the Department of Health and Human Services, (ii) a  
30 medicaid-managed care organization under contract with the department, or  
31 (iii) another agent working on the department's behalf as provided under

1 section 75-303.01, in determining whether the authorization will be  
2 consistent with the public interest, the commission shall consult with  
3 the Director of Medicaid and Long-Term Care of the Division of Medicaid  
4 and Long-Term Care of the department or his or her designee.

5 (3)(a) This subsection applies prior to January 1, 2027.

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

18 (c) ~~(b)~~ The burden shall be on the applicant to show that the  
19 proposed service will be responsive to a public demand or need. The  
20 burden shall be on any protestant to the application to show that (i)  
21 existing carriers are currently meeting, or will meet, the proposed need  
22 and (ii) ~~that~~ even if the applicant's service will be responsive to a  
23 public demand or need, the ~~that~~ applicant would not be able to serve this  
24 need in a specified manner without endangering or impairing the  
25 operations of existing carriers contrary to the public interest.

26 (d) ~~(c)~~ In determining whether the authorization is or will be  
27 required by the present or future convenience and necessity to serve the  
28 distinct needs of medicaid clients, the commission shall consult with the  
29 Director of Medicaid and Long-Term Care of the Division of Medicaid and  
30 Long-Term Care of the department or his or her designee.

31 (4)(a) Beginning January 1, 2027, a person shall not engage in

1 intrastate medicaid nonemergency medical transportation services with any  
2 of the following prior to being issued a license for such purpose by the  
3 commission:

4 (i) The Department of Health and Human Services;

5 (ii) A medicaid-managed care organization under contract with the  
6 Department of Health and Human Services; or

7 (iii) Any agent working on behalf of the Department of Health and  
8 Human Services.

9 (b) Any person may apply to the commission for a license to engage  
10 in intrastate medicaid nonemergency medical transportation services on a  
11 form prescribed by the commission. The commission may approve any such  
12 application if the commission determines that the applicant meets the  
13 following qualifications:

14 (i) The applicant is fit, willing, and able to properly perform  
15 intrastate medicaid nonemergency medical transportation services; and

16 (ii)(A) If the applicant is not a transportation network company,  
17 the applicant is able to conform to sections 75-301 to 75-322 and the  
18 rules and regulations that are adopted and promulgated by the commission  
19 under such sections; or

20 (B) If the applicant is a transportation network company, the  
21 applicant is able to conform to sections 75-323 to 75-342 and the rules  
22 and regulations that are adopted and promulgated by the commission under  
23 such sections.

24 (c) Prior to issuing a license to engage in intrastate medicaid  
25 nonemergency medical transportation services, the commission may hold a  
26 hearing to determine if the applicant meets the qualifications described  
27 in subdivision (b) of this subsection.

28 (d) A license to engage in intrastate medicaid nonemergency medical  
29 transportation services is valid for one year. Any such license may be  
30 renewed annually.

31 (e) The fee for a license or renewal of a license shall be

1 established by the commission, but shall not exceed two hundred fifty  
2 dollars. Such fee shall accompany the application for such license or  
3 renewal of such license.

4 (f)(i) The commission may suspend or revoke any license to engage in  
5 intrastate medicaid nonemergency medical transportation services of any:

6 (A) Motor carrier that does not comply with section 75-307;

7 (B) Transportation network company that does not comply with  
8 sections 75-332 to 75-341; or

9 (C) Any motor carrier or transportation network company that does  
10 not comply with any applicable rule or regulation that is adopted and  
11 promulgated by the commission or any applicable lawful order of the  
12 commission.

13 (ii) Any such suspension or revocation is not valid unless the  
14 commission:

15 (A) Provides to such person a written notice that describes such  
16 suspension or revocation. Such written notice shall be provided at least  
17 fifteen days prior to the hearing described in subdivision (f)(ii)(B) of  
18 this subsection; and

19 (B) Holds a hearing to determine if such license shall be suspended  
20 or revoked. Such person is not required to be present at the hearing.

21 (g) Except for a transportation network company holding a permit  
22 under section 75-324, any person that is issued a license to engage in  
23 intrastate medicaid nonemergency medical transportation services shall  
24 comply with section 75-307.

25 (5) Subsections (1) through (3) of this (4) This section shall not  
26 apply to transportation network companies holding a permit under section  
27 75-324 or operations pursuant to a contract authorized by sections  
28 75-303.02 and 75-303.03.

29 **Sec. 95.** Section 75-342, Revised Statutes Supplement, 2025, is  
30 amended to read:

31 75-342 (1) No transportation network company or participating driver

1 shall provide transportation for any person under contract with the  
2 Department of Health and Human Services or any contractors of the  
3 Department of Health and Human Services without specific authorization  
4 from the commission. The commission shall grant specific authorization to  
5 a requesting transportation network company or participating driver,  
6 unless a protestant shows that (a) ~~(1)~~ existing carriers are currently  
7 meeting, or will meet, the proposed need for the proposed service and (b)  
8 ~~(2)~~ that even if the applicant's service will be responsive to a public  
9 demand or need, the ~~that~~ applicant would not be able to serve such ~~this~~  
10 need in a specified manner without endangering or impairing the  
11 operations of existing carriers contrary to the public interest.

12 (2)(a) No transportation network company or participating driver  
13 shall engage in intrastate medicaid nonemergency medical transportation  
14 services unless such transportation network company or participating  
15 driver holds a license to engage in such services under subsection (4) of  
16 section 75-311.

17 (b) Subsection (1) of this section does not apply to a  
18 transportation network company or participating driver that holds a  
19 license under subsection (4) of section 75-311.

20 **Sec. 96.** Section 86-903, Revised Statutes Supplement, 2025, is  
21 amended to read:

22 86-903 (1) The Department of Revenue shall determine the prepaid  
23 wireless surcharge annually, effective January 1, based on the charges  
24 described in subsection (2) of this section as in effect on the preceding  
25 July 1. The department shall provide not less than ninety days' advance  
26 notice of any change in the prepaid wireless surcharge on the  
27 department's website.

28 (2) The rate of the prepaid wireless surcharge shall be the sum of  
29 the following three percentages, rounded up to the nearest tenth of one  
30 percent:

31 (a) The percentage obtained by dividing (i) the amount of the

1 wireless surcharge authorized under subsection (1) subdivision (1)(b) of  
2 section 86-1070 by (ii) fifty;

3 (b) The percentage obtained by dividing (i) the amount of the  
4 Nebraska Telecommunications Relay System Fund surcharge set by the Public  
5 Service Commission pursuant to the Telecommunications Relay System Act by  
6 (ii) fifty; and

7 (c) The percentage obtained by multiplying (i) the Nebraska  
8 Telecommunications Universal Service Fund surcharge percentage rate set  
9 by the Public Service Commission by (ii) one minus the Federal  
10 Communications Commission safe harbor percentage for determining the  
11 interstate portion of a fixed monthly wireless charge.

12 (3) The Department of Revenue shall provide the Public Service  
13 Commission with prepaid wireless surcharge calculation and collection  
14 data upon request by the commission.

15 (4) Beginning January 1, 2013, each seller shall collect the prepaid  
16 wireless surcharge from the consumer with respect to each retail  
17 transaction occurring in this state. The seller shall disclose the amount  
18 of the prepaid wireless surcharge either separately on an invoice,  
19 receipt, or other similar document that is provided to the consumer by  
20 the seller or otherwise. A retail transaction that is effected in person  
21 by a consumer at a business location of the seller shall be treated as  
22 occurring in this state if that business location is in this state, and  
23 any other retail transaction shall be treated as occurring in this state  
24 if the retail transaction is treated as occurring in this state for  
25 purposes of section 77-2703.

26 (5) The prepaid wireless surcharge is the liability of the consumer  
27 and not of the seller or of any provider, except that the seller shall be  
28 liable to remit all prepaid wireless surcharges that the seller collects  
29 from consumers as provided in section 86-904, including all such charges  
30 that the seller is deemed to collect when the amount of the charge has  
31 not been separately stated on an invoice, receipt, or other similar

1 document provided to the consumer by the seller.

2 (6) The amount of the prepaid wireless surcharge that is collected  
3 by a seller from a consumer, whether or not such amount is separately  
4 stated on an invoice, receipt, or other similar document provided to the  
5 consumer by the seller, shall not be included in the base for measuring  
6 any tax, fee, surcharge, or other charge that is imposed by this state,  
7 any political subdivision of this state, or any intergovernmental agency.

8 (7) For purposes of subsection (4) of this section, when prepaid  
9 wireless telecommunications service is sold with one or more other  
10 products or services for a single, non-itemized price, the seller shall  
11 elect to treat the price of the prepaid wireless telecommunications  
12 service (a) as such entire non-itemized price, (b) if the amount of  
13 prepaid wireless telecommunications service is disclosed to the consumer  
14 as a dollar amount, as such dollar amount, or (c) if the retailer can  
15 identify the portion of the price that is attributable to the prepaid  
16 wireless telecommunications service by reasonable and verifiable  
17 standards from its books and records that are kept in the regular course  
18 of business for other purposes, including, but not limited to, nontax  
19 purposes, as such portion. If the amount of prepaid wireless  
20 telecommunications service is denominated as ten minutes or less or as  
21 five dollars or less, the seller may elect not to collect any prepaid  
22 wireless surcharge with respect to the retail transaction.

23 **Sec. 97.** Section 86-1070, Revised Statutes Supplement, 2025, is  
24 amended to read:

25 86-1070 (1) Each wireless carrier shall collect a ÷ ~~(a)~~ A surcharge  
26 of up to seventy cents ~~, except as provided in subdivision (1)(b) of this~~  
27 ~~subsection,~~ on all active telephone numbers or functional equivalents  
28 every month from users of wireless service and shall remit the surcharge  
29 in accordance with section 86-1072 ~~; or (b) A surcharge of up to fifty~~  
30 ~~cents on all active telephone numbers or functional equivalents every~~  
31 ~~month from users of wireless service whose primary place of use is in a~~

1 ~~county containing a city of the metropolitan class and shall remit the~~  
2 ~~surcharge in accordance with section 86-1072.~~ The wireless carrier is not  
3 liable for any surcharge not paid by a customer and is not required to  
4 collect the wireless surcharge for any customers receiving services under  
5 the Nebraska Telephone Assistance Program who do not receive a monthly  
6 charge for service through a billing statement.

7 (2) Except as otherwise provided in this section, the wireless  
8 carrier shall add the surcharge to each user's billing statement. The  
9 surcharge shall appear as a separate line-item charge on the user's  
10 billing statement and shall be labeled as "Wireless 911 Surcharge" or a  
11 reasonable abbreviation of such phrase.

12 (3) If a wireless carrier, except as otherwise provided in this  
13 section, resells its service through other entities, each reseller shall  
14 collect the surcharge from its customers and shall remit the surcharge in  
15 accordance with section 86-1072.

16 (4) The surcharges authorized by this section shall not apply to  
17 prepaid wireless telecommunications service as defined in section 86-902.

18 **Sec. 98.** Section 86-1071, Revised Statutes Supplement, 2025, is  
19 amended to read:

20 86-1071 The commission shall hold a public hearing annually to  
21 determine the amount of revenue necessary to carry out the 911 Service  
22 System Act. After the hearing, the commission shall determine the amount  
23 of money to be deposited in the 911 Service System Fund for the following  
24 year to maximize operational support for all public safety answering  
25 points in the state and shall set the surcharge subject to the limitation  
26 in section 86-1070.

27 **Sec. 99.** Original sections 13-2901, 13-2902, 13-2903, 13-2904,  
28 13-2905, 13-2911, 13-2912, 13-2914, 39-1638, 39-1639, 39-1640, 39-1641,  
29 39-1642, 39-1643, 39-1644, 39-1645, 39-1646, 39-1647, 39-1648, 39-1649,  
30 39-1650, 39-1651, 39-1652, 39-1653, 39-1655, 60-507, 60-513, 60-695,  
31 60-6,299, 75-303.01, 75-303.02, and 75-303.03, Reissue Revised Statutes

1 of Nebraska, sections 39-1351, 39-2801, 39-2802, 39-2811, 39-2814,  
2 39-2824, 39-2825, 60-462, 60-699, 60-6,123, 75-118, 75-302, and 75-307,  
3 Revised Statutes Cumulative Supplement, 2024, and sections 60-4,131,  
4 60-601, 60-605, 60-6,298, 75-126, 75-311, 75-342, 86-903, 86-1070, and  
5 86-1071, Revised Statutes Supplement, 2025, are repealed.

6       **Sec. 100.** The following section is outright repealed: Section  
7 39-1654, Reissue Revised Statutes of Nebraska.