

ONE HUNDRED SECOND LEGISLATURE - SECOND SESSION - 2012
COMMITTEE STATEMENT
LB751

Hearing Date: Tuesday January 17, 2012
Committee On: Transportation and Telecommunications
Introducer: Fischer
One Liner: Update state motor carrier laws with federal law, change provisions relating to enforcement of such laws, and change provisions relating to ignition interlocks

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Campbell, Dubas, Fischer, Hadley, Janssen, Lautenbaugh, Price
Nay:		
Absent:	1	Senator Louden
Present Not Voting:		

Proponents:

Dusty Vaughan
Beverly Neth
Gerald Krolikowski

Representing:

Introducer- Senator Fischer
DMV
NE State Patrol

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

The bill is an annual updating of dates that reference federal law in the motor vehicle statutes. These updates are necessary for Nebraska to remain in compliance with federal law.

Section by Section Summary

Section 1 amends sec. 18-1739 to adopt the 23 CFR part 1235 pertaining to handicapped permit specifications as such regulation existed on January 1, 2012.

Section 2 amends sec. 60-3,113.04 to adopt the handicapped parking permit physical standards outlined in 23 CFR part 1235 as such regulation existed on January 1, 2012.

Section 3 amends sec. 60-3,193.01 to adopt the International Registration Plan for apportioned vehicles in interstate commerce as it existed on January 1, 2012.

Sections 4 and 7 amend sec. 60-462.01 and 60-4,147.02 to adopt federal rules and regulations pertaining to commercial motor vehicles and commercial driver licenses as they existed on January 1, 2012.

Sections 5, 6, and 8 amend sec. 60-498.02, 60-4,118.06, and 60-6,211.05 to change the restrictions on an ignition interlock permit for an offender with a previous conviction. The amendments mirror federal language and include driving to an ignition interlock service facility as an authorized use.

Section 9 amends sec. 75-363 by adopting the parts, subparts, and sections of Title 49 of the Code of Federal Regulations in existence and effective as of January 1, 2012. The regulations are applicable to all motor carriers, drivers and vehicles to which federal regulations apply and all motor carriers transporting persons or property in intrastate commerce.

Section 10 amends sec. 75-364 by adopting parts, subparts, and sections of Title 49 of the Code of Federal Regulations in existence and effective as of January 1, 2012, pertaining to hazardous materials, agricultural operations, and exceptions for nonspecification packagings used in intrastate transportation.

Section 11 amends sec. 75-366 by striking language pertaining to the State Patrol's enforcement of Chapter 75 and its officers having the authority of federal special agents , and replacing it with more specific language on what federal provisions the State Patrol is authorized to enforce. The Patrol is also required to cooperate with the Public Service Commission and Division of Motor Carrier Services to promote unity of enforcement.

Section 12 amends sec. 75-393 to authorize the director of DMV to participate in the Unified Carrier Registration Act (UCR) as the act existed on January 1, 2012.

Explanation of amendments:

The committee amendment, AM 1939, includes several bills that were before the Transportation & Telecommunications Committee. A summary of each bill follows:

LB 718 (Sections 2 - 9, & 13)

The bill authorizes the handling of certificates of title in any county or the DMV, and changes the distribution of title fees.

Section 2 amends sec. 37-1283 to authorize issuance of a title for the transfer of ownership of a motorboat in ANY county. Current law requires the title must be surrendered and issued in the county where it was originally issued.

Section 3 amends sec. 37-1284 to authorize issuance of a title for a motorboat in ANY county when the title has been lost or destroyed. Current law requires the new title must be issued in the county where the original title was issued.

Section 4 amends sec. 37-1285 to authorize the surrender of a motorboat title in ANY county for a boat that has been dismantled or destroyed. Current law requires the title must be surrendered in the county where the original title was issued.

Section 5 amends sec. 60-154 to change the distribution of the motor vehicle title fee with \$4 going to the DMV Cash Fund, and the remaining \$6 to the Motor Carrier Division Cash Fund. Current law distributes all \$10 to the Motor Carrier Division Cash Fund.

Section 6 amends sec. 60-166 to authorize the DMV to handle the title of any transfer of ownership for any vehicle, regardless of where the last title was issued. The section also authorizes ANY county to issue the title.

Section 7 amends sec. 60-168 to authorize the DMV to handle any lost or mutilated vehicle title, regardless if the DMV issued the original title.

Section 8 amends sec. 60-169 to authorize the surrender of a title to ANY county for a vehicle that has been dismantled or destroyed. Current law requires the title must be surrendered in the county where the original title was issued.

The section also requires the surrender of a mobile home or manufactured home title for cancellation to be done in the county where the home will be affixed.

Section 9 amends sec. 60-180 to harmonize the provision with the bill's changes.

Section 13 amends sec. 60-3,198(9) to strike a confusing phrase with regard to adding a registration to a vehicle fleet. The registration fee for the additional vehicle will be administered from the date the prior registration expired or the date Nebraska becomes the base jurisdiction, regardless if it was previously registered outside of Nebraska.

LB 724 (Sections 25, 26, 30, 32, 36, & 37)

The bill makes corrections to the medical certification program for commercial motor vehicle drivers and prohibits texting while driving a commercial motor vehicle.

Sections 25 and 26 of the bill make changes to the categories of medical certification requirements to include provisions for drivers operating in interstate commerce and not subject to medical certification requirements, and for drivers operating in intrastate commerce and subject to medical certification requirements.

Section 30 of the bill makes testing while driving a new category for disqualification from driving a commercial motor vehicle.

Section 32 adds texting while driving a commercial motor vehicle a 3 point violation within the point system.

Section 36 excludes the operation of a commercial motor vehicle from the current texting while driving prohibition.

Section 37 adds a new section that, beginning 10/27/13, prohibits texting while driving a commercial motor vehicle. A violator is subject to disqualification, an assessment of points, and a fine of \$200 for a first offense, \$300 for a second offense, and \$500 for a third or subsequent offense.

The section also provides definitions of "driving," "electronic device," and "texting."

LB 726 (Sections 14, 16, 18, 19, 23, 28, 29, 31, 33, 34, & 39)

The bill eliminates the requirement for the DMV to send out certain notices by certified or registered mail.

The bill amends several statutes that deal with notices sent out by the DMV by registered or certified mail. The affected notices include:

failure to comply; point suspensions for persons under 21 years of age;
commercial driver license disqualifications;
point revocations (12 or more points within 2 years); and
suspensions for failure to have maintained financial responsibility involved in a motor vehicle accident.

The DMV would be authorized to send the notices by regular United States mail.

LB 748 (Section 49)

The bill repeals two sections of statute requiring the courts to remit a list of outstanding arrest warrants to the DMV each month.

The bill outright repeals sec. 60-3,163 and 60-485. Both of these statutes prohibit a person from registering a motor vehicle or obtaining a license if there is an outstanding warrant for the arrest of that person and the alleged violation involved the use of a motor vehicle.

In addition, the statutes require each court in the state to submit to the county treasurer and DMV a list of all persons who have such an outstanding warrant for the preceding month.

LB 769 (Section 20, 22, & 24)

The bill removes the authority of the county treasurers to issue duplicate or replacement driver licenses.

The bill amends the Motor Vehicle Operator's License Act to strike language pertaining to a county treasurer issuing a duplicate or replacement driver license or state identification card. In such a situation, the DMV would have the sole authority to issue the document. The bill has an operative date of May 1, 2012.

In addition, two new sections are included in the committee amendment.

Section 10 amends sec. 60-365 to make it clear that a person who purchases a motor vehicle in a private transaction must have the bill of sale as proof of ownership. The bill of sale must be furnished upon demand of the proper authorities.

Section 40 amends sec. 70-4603 to expand the definition of a "fifth wheel trailer" to be manufactured with an area of 430 square feet. Current law has a maximum of 400 square feet.

Deb Fischer, Chairperson