

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 289

Introduced by Mello, 5.

Read first time January 12, 2011

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections 39-2215,
2 39-2215.01, 39-2216, 60-101, 60-119.01, 60-123, 60-137,
3 60-301, 60-302, 60-306, 60-336.01, 60-339, 60-386,
4 60-388, 60-393, 60-395, 60-398, 60-3,113, 60-3,166,
5 60-3,200, 60-471, 60-501, 60-601, 60-605, 60-6,348, and
6 60-6,349, Reissue Revised Statutes of Nebraska, and
7 section 23-187, Revised Statutes Cumulative Supplement,
8 2010; to allow operation of low-speed vehicles on
9 highways as prescribed; to define and redefine terms; to
10 require titling and registration for low-speed vehicles;
11 to provide powers for counties; to change and eliminate
12 provisions relating to the use of alternative fuels; to
13 change provisions relating to motor vehicle registration;
14 to change and provide fees relating to the use of
15 alternative fuels; to harmonize provisions; to provide an
16 operative date; to repeal the original sections; and to
17 outright repeal sections 66-684, 66-685, 66-686, 66-687,

1 66-688, 66-691, 66-694, and 66-695, Reissue Revised
2 Statutes of Nebraska.
3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 23-187, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 23-187 (1) In addition to the powers granted by section
4 23-104, a county may, in the manner specified by sections 23-187 to
5 23-193, regulate the following subjects by ordinance:

6 (a) Parking of motor vehicles on public roads, highways,
7 and rights-of-way as it pertains to snow removal for and access by
8 emergency vehicles to areas within the county;

9 (b) Motor vehicles as defined in section 60-339 that are
10 abandoned on public or private property;

11 (c) Low-speed vehicles as described and operated pursuant
12 to section 31 of this act;

13 ~~(e)-(d)~~ Graffiti on public or private property;

14 ~~(d)-(e)~~ False alarms from electronic security systems
15 that result in requests for emergency response from law enforcement
16 or other emergency responders; and

17 ~~(e)-(f)~~ Violation of the public peace and good order of
18 the county by disorderly conduct, lewd or lascivious behavior, or
19 public nudity.

20 (2) For the enforcement of any ordinance authorized by
21 this section, a county may impose fines, forfeitures, or penalties
22 and provide for the recovery, collection, and enforcement of such
23 fines, forfeitures, or penalties. A county may also authorize such
24 other measures for the enforcement of ordinances as may be necessary
25 and proper. A fine enacted pursuant to this section shall not exceed

1 five hundred dollars for each offense.

2 Sec. 2. Section 39-2215, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 39-2215 (1) There is hereby created in the state treasury
5 a special fund to be known as the Highway Trust Fund.

6 (2) All funds credited to the Highway Trust Fund pursuant
7 to sections 66-489.02, 66-499, 66-4,140, 66-4,147, 66-6,108, and
8 66-6,109.02, and related penalties and interest, shall be allocated
9 as provided in such sections.

10 (3) All other motor vehicle fuel taxes, diesel fuel
11 taxes, compressed fuel taxes, and alternative fuel ~~taxes~~ fees related
12 to highway use retained by the state, all motor vehicle registration
13 fees retained by the state other than those fees credited to the
14 State Recreation Road Fund pursuant to subdivision (3) of section
15 60-3,156, and other highway-user taxes imposed by state law and
16 allocated to the Highway Trust Fund, except for the proceeds of the
17 sales and use taxes derived from motor vehicles, trailers, and
18 semitrailers credited to the fund pursuant to section 77-27,132, are
19 hereby irrevocably pledged for the terms of the bonds issued prior to
20 January 1, 1988, to the payment of the principal, interest, and
21 redemption premium, if any, of such bonds as they mature and become
22 due at maturity or prior redemption and for any reserves therefor and
23 shall, as received by the State Treasurer, be deposited in the fund
24 for such purpose.

25 (4) Of the money in the fund specified in subsection (3)

1 of this section which is not required for the use specified in such
2 subsection, (a) an amount equal to three dollars times the number of
3 motorcycles registered during the previous month shall be placed in
4 the Motorcycle Safety Education Fund, (b) an amount to be determined
5 annually by the Legislature through the appropriations process may be
6 transferred to the Motor Fuel Tax Enforcement and Collection Cash
7 Fund for use as provided in section 66-738 on a monthly or other less
8 frequent basis as determined by the appropriation language, (c) an
9 amount to be determined annually by the Legislature through the
10 appropriations process shall be transferred to the License Plate Cash
11 Fund as certified by the Director of Motor Vehicles, and (d) the
12 remaining money may be used for the purchase for retirement of the
13 bonds issued prior to January 1, 1988, in the open market.

14 (5) The State Treasurer shall monthly transfer, from the
15 proceeds of the sales and use taxes credited to the Highway Trust
16 Fund and any money remaining in the fund after the requirements of
17 subsections (2) through (4) of this section are satisfied, thirty
18 thousand dollars to the Grade Crossing Protection Fund.

19 (6) Except as provided in subsection (7) of this section,
20 the balance of the Highway Trust Fund shall be allocated fifty-three
21 and one-third percent, less the amount provided for in section
22 39-847.01, to the Department of Roads, twenty-three and one-third
23 percent, less the amount provided for in section 39-847.01, to the
24 various counties for road purposes, and twenty-three and one-third
25 percent to the various municipalities for street purposes. If bonds

1 are issued pursuant to subsection (2) of section 39-2223, the portion
2 allocated to the Department of Roads shall be credited monthly to the
3 Highway Restoration and Improvement Bond Fund, and if no bonds are
4 issued pursuant to such subsection, the portion allocated to the
5 department shall be credited monthly to the Highway Cash Fund. The
6 portions allocated to the counties and municipalities shall be
7 credited monthly to the Highway Allocation Fund and distributed
8 monthly as provided by law. Vehicles accorded prorated registration
9 pursuant to section 60-3,198 shall not be included in any formula
10 involving motor vehicle registrations used to determine the
11 allocation and distribution of state funds for highway purposes to
12 political subdivisions.

13 (7) If it is determined by December 20 of any year that a
14 county will receive from its allocation of state-collected highway
15 revenue and from any funds relinquished to it by municipalities
16 within its boundaries an amount in such year which is less than such
17 county received in state-collected highway revenue in calendar year
18 1969, based upon the 1976 tax rates for highway-user fuels and
19 registration fees, the Department of Roads shall notify the State
20 Treasurer that an amount equal to the sum necessary to provide such
21 county with funds equal to such county's 1969 highway allocation for
22 such year shall be transferred to such county from the Highway Trust
23 Fund. Such makeup funds shall be matched by the county as provided in
24 sections 39-2501 to 39-2510. The balance remaining in the fund after
25 such transfer shall then be reallocated as provided in subsection (6)

1 of this section.

2 (8) The State Treasurer shall disburse the money in the
3 Highway Trust Fund as directed by resolution of the commission. All
4 disbursements from the fund shall be made upon warrants drawn by the
5 Director of Administrative Services. Any money in the fund available
6 for investment shall be invested by the state investment officer
7 pursuant to the Nebraska Capital Expansion Act and the Nebraska State
8 Funds Investment Act and the earnings, if any, credited to the fund.

9 Sec. 3. Section 39-2215.01, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 39-2215.01 (1) There is hereby created in the state
12 treasury a fund to be known as the Highway Restoration and
13 Improvement Bond Fund.

14 (2) If bonds are issued pursuant to subsection (2) of
15 section 39-2223, all motor vehicle fuel taxes, diesel fuel taxes,
16 compressed fuel taxes, and alternative fuel ~~taxes~~fees related to
17 highway use, motor vehicle registration fees, and other highway-user
18 taxes which are retained by the state and allocated to the bond fund
19 from the Highway Trust Fund shall be hereby irrevocably pledged for
20 the terms of the bonds issued after July 1, 1988, to the payment of
21 the principal, interest, and redemption premium, if any, of such
22 bonds as they mature and become due at maturity or prior redemption
23 and for any reserves therefor and shall, as received by the State
24 Treasurer, be deposited directly in the bond fund for such purpose.
25 Of the money in the bond fund not required for such purpose, such

1 remaining money may be used for the purchase for retirement of the
2 bonds in the open market or for any other lawful purpose related to
3 the issuance of bonds, and the balance, if any, shall be transferred
4 monthly to the Highway Cash Fund for such use as may be provided by
5 law.

6 (3) The State Treasurer shall disburse the money in the
7 bond fund as directed by resolution of the commission. All
8 disbursements from the bond fund shall be made upon warrants drawn by
9 the Director of Administrative Services. Any money in the bond fund
10 available for investment shall be invested by the state investment
11 officer pursuant to the Nebraska Capital Expansion Act and the
12 Nebraska State Funds Investment Act.

13 Sec. 4. Section 39-2216, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 39-2216 The Legislature hereby irrevocably pledges and
16 agrees with the holders of the bonds issued under the Nebraska
17 Highway Bond Act that so long as such bonds remain outstanding and
18 unpaid it shall not repeal, diminish, or apply to any other purposes
19 the motor vehicle fuel taxes, diesel fuel taxes, compressed fuel
20 taxes, and alternative fuel ~~taxes~~fees related to highway use, motor
21 vehicle registration fees, and such other highway-user taxes which
22 may be imposed by state law and allocated to the fund or bond fund,
23 as the case may be, if to do so would result in fifty percent of the
24 amount deposited in the fund or bond fund in each year being less
25 than the amount equal to the maximum annual principal and interest

1 requirements of such bonds.

2 Sec. 5. Section 60-101, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 60-101 Sections 60-101 to 60-197 and section 9 of this
5 act shall be known and may be cited as the Motor Vehicle Certificate
6 of Title Act.

7 Sec. 6. Section 60-119.01, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 60-119.01 Low-speed vehicle means a four-wheeled motor
10 vehicle that~~(1) cannot travel whose speed attainable in one mile is~~
11 more than twenty miles per hour and not more than twenty-five miles
12 per hour on a paved, level surface, (2) whose gross vehicle weight
13 rating is less than three thousand pounds, and (3) that complies with
14 49 C.F.R. part 571, as such part existed on January 1, 2007, ~~or (3)~~
15 ~~is designated by the manufacturer as an off road or low speed~~
16 ~~vehicle.~~ 2011.

17 Sec. 7. Section 60-123, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 60-123 Motor vehicle means any vehicle propelled by any
20 power other than muscular power. Motor vehicle does not include (1)
21 mopeds, (2) farm tractors, (3) self-propelled equipment designed and
22 used exclusively to carry and apply fertilizer, chemicals, or related
23 products to agricultural soil and crops, agricultural floater-
24 spreader implements, and other implements of husbandry designed for
25 and used primarily for tilling the soil and harvesting crops or

1 feeding livestock, (4) power unit hay grinders or a combination which
2 includes a power unit and a hay grinder when operated without cargo,
3 (5) vehicles which run only on rails or tracks, (6) off-road designed
4 vehicles not used on a highway, including, but not limited to, golf
5 carts, go-carts, riding lawnmowers, garden tractors, all-terrain
6 vehicles, utility-type vehicles, snowmobiles registered or exempt
7 from registration under sections 60-3,207 to 60-3,219, and minibikes,
8 (7) road and general-purpose construction and maintenance machinery
9 not designed or used primarily for the transportation of persons or
10 property, including, but not limited to, ditchdigging apparatus,
11 asphalt spreaders, bucket loaders, leveling graders, earthmoving
12 carryalls, power shovels, earthmoving equipment, and crawler
13 tractors, (8) self-propelled chairs used by persons who are disabled,
14 and (9) electric personal assistive mobility devices. ~~and (10) low-~~
15 ~~speed vehicles.~~

16 Sec. 8. Section 60-137, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 60-137 (1) The Motor Vehicle Certificate of Title Act
19 applies to all vehicles as defined in the act, except:

20 (a) Farm trailers;

21 ~~(b) Low speed vehicles;~~

22 ~~(c)~~ ~~(b)~~ Well-boring apparatus, backhoes, bulldozers, and
23 front-end loaders; and

24 ~~(d)~~ ~~(c)~~ Trucks and buses from other jurisdictions
25 required to pay registration fees under the Motor Vehicle

1 Registration Act, except a vehicle registered or eligible to be
2 registered as part of a fleet of apportionable vehicles under section
3 60-3,198.

4 ~~(2)~~ (2)(a) All new all-terrain vehicles and minibikes
5 sold on or after January 1, 2004, shall be required to have a
6 certificate of title. An owner of an all-terrain vehicle or minibike
7 sold prior to such date may apply for a certificate of title for such
8 all-terrain vehicle or minibike as provided in rules and regulations
9 of the department.

10 (b) All new low-speed vehicles sold on or after January
11 1, 2012, shall be required to have a certificate of title. An owner
12 of a low-speed vehicle sold prior to such date may apply for a
13 certificate of title for such low-speed vehicle as provided in rules
14 and regulations of the department.

15 (3) An owner of a utility trailer may apply for a
16 certificate of title upon compliance with the Motor Vehicle
17 Certificate of Title Act.

18 (4)(a) Every owner of a manufactured home or mobile home
19 shall obtain a certificate of title for the manufactured home or
20 mobile home prior to affixing it to real estate.

21 (b) If a manufactured home or mobile home has been
22 affixed to real estate and a certificate of title was not issued
23 before it was so affixed, the owner of such manufactured home or
24 mobile home shall apply for and be issued a certificate of title at
25 any time for surrender and cancellation as provided in section

1 60-169.

2 (5) All new utility-type vehicles sold on or after
3 January 1, 2011, shall be required to have a certificate of title. An
4 owner of a utility-type vehicle sold prior to such date may apply for
5 a certificate of title for such utility-type vehicle as provided in
6 rules and regulations of the department.

7 Sec. 9. If a low-speed vehicle does not have a
8 manufacturer's vehicle identification number, the owner of the low-
9 speed vehicle may apply for a certificate of title by presenting a
10 manufacturer's statement of origin for the low-speed vehicle, a
11 statement that an inspection has been conducted on the low-speed
12 vehicle, and a vehicle identification number as described in section
13 60-148. The certificate of title shall indicate the year of the low-
14 speed vehicle as the year application for title was made and the make
15 of the low-speed vehicle.

16 Sec. 10. Section 60-301, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 60-301 Sections 60-301 to 60-3,222 and sections 13, 16,
19 and 25 of this act shall be known and may be cited as the Motor
20 Vehicle Registration Act.

21 Sec. 11. Section 60-302, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 60-302 For purposes of the Motor Vehicle Registration
24 Act, unless the context otherwise requires, the definitions found in
25 sections 60-303 to 60-360 and section 13 of this act shall be used.

1 Sec. 12. Section 60-306, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-306 Alternative fuel ~~has the same meaning as in~~
4 ~~section 66-686.~~ includes electricity, solar power, and any other
5 source of energy not otherwise taxed under the motor fuel laws which
6 is used to power a motor vehicle. Alternative fuel does not include
7 motor vehicle fuel as defined in section 66-482, diesel fuel as
8 defined in section 66-482, or compressed fuel as defined in section
9 66-6,100.

10 Sec. 13. Person means any individual, firm, partnership,
11 limited liability company, company, agency, association, corporation,
12 state, county, municipality, or other political subdivision.

13 Sec. 14. Section 60-336.01, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 60-336.01 Low-speed vehicle means a four-wheeled motor
16 vehicle that~~(1) cannot travel whose speed attainable in one mile is~~
17 more than twenty miles per hour and not more than twenty-five miles
18 per hour on a paved, level surface, (2) whose gross vehicle weight
19 rating is less than three thousand pounds, and (3) that complies with
20 49 C.F.R. part 571, as such part existed on January 1, 2007, or (3)
21 is designated by the manufacturer as an off road or low speed
22 vehicle. 2011.

23 Sec. 15. Section 60-339, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 60-339 Motor vehicle means any vehicle propelled by any

1 power other than muscular power. Motor vehicle does not include (1)
2 mopeds, (2) farm tractors, (3) self-propelled equipment designed and
3 used exclusively to carry and apply fertilizer, chemicals, or related
4 products to agricultural soil and crops, agricultural floater-
5 spreader implements, and other implements of husbandry designed for
6 and used primarily for tilling the soil and harvesting crops or
7 feeding livestock, (4) power unit hay grinders or a combination which
8 includes a power unit and a hay grinder when operated without cargo,
9 (5) vehicles which run only on rails or tracks, (6) off-road designed
10 vehicles not used on a highway, including, but not limited to, golf
11 carts, go-carts, riding lawnmowers, garden tractors, all-terrain
12 vehicles, utility-type vehicles, snowmobiles registered or exempt
13 from registration under sections 60-3,207 to 60-3,219, and minibikes,
14 (7) road and general-purpose construction and maintenance machinery
15 not designed or used primarily for the transportation of persons or
16 property, including, but not limited to, ditchdigging apparatus,
17 asphalt spreaders, bucket loaders, leveling graders, earthmoving
18 carryalls, power shovels, earthmoving equipment, and crawler
19 tractors, (8) self-propelled chairs used by persons who are disabled,
20 and (9) electric personal assistive mobility devices. ~~and (10) low-~~
21 ~~speed vehicles.~~

22 Sec. 16. For the registration of every low-speed vehicle,
23 the fee shall be fifteen dollars.

24 Sec. 17. Section 60-386, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 60-386 Each new application shall contain, in addition to
2 other information as may be required by the department, the name and
3 residential and mailing address of the applicant and a description of
4 the motor vehicle or trailer, including the color, the manufacturer,
5 the identification number, and the weight of the motor vehicle or
6 trailer required by the Motor Vehicle Registration Act. With the
7 application the applicant shall pay the proper registration fee and
8 shall state whether the motor vehicle is propelled by alternative
9 fuel and, if alternative fuel, the type of fuel. The form shall also
10 contain a notice that bulk fuel purchasers may be subject to federal
11 excise tax liability. The department shall prescribe a form,
12 containing the notice, for supplying the information for motor
13 vehicles to be registered. The county treasurer or designated county
14 official shall include the form in each mailing made pursuant to
15 section 60-3,186. ~~The county treasurer or designated county official~~
16 ~~or his or her agent shall notify the Motor Fuel Tax Enforcement and~~
17 ~~Collection Division of the Department of Revenue whenever a motor~~
18 ~~vehicle powered by an alternative fuel is registered. The~~
19 ~~notification shall include the name and address of the registrant,~~
20 ~~the date of registration, the type of motor vehicle registered, and~~
21 ~~the type of alternative fuel used to propel the motor vehicle as~~
22 ~~indicated on the registration application.~~

23 Sec. 18. Section 60-388, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 60-388 No county treasurer or designated county official

1 shall receive or accept an application or registration fee or issue
2 any registration certificate for any motor vehicle or trailer without
3 collection of the taxes and the fees imposed in sections 60-3,185,
4 60-3,190, and 77-2703 and section 25 of this act and any other
5 applicable taxes and fees upon such motor vehicle or trailer. If
6 applicable, the applicant shall furnish proof of payment, in the form
7 prescribed by the director as directed by the United States Secretary
8 of the Treasury, of the federal heavy vehicle use tax imposed by the
9 Internal Revenue Code, 26 U.S.C. 4481.

10 Sec. 19. Section 60-393, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 60-393 Any owner who has two or more motor vehicles or
13 trailers required to be registered under the Motor Vehicle
14 Registration Act may register all such motor vehicles or trailers on
15 a calendar-year basis or on an annual basis for the same registration
16 period beginning in a month chosen by the owner. When electing to
17 establish the same registration period for all such motor vehicles or
18 trailers, the owner shall pay the registration fee, the motor vehicle
19 tax imposed in section 60-3,185, ~~and~~ the motor vehicle fee imposed in
20 section 60-3,190, and the alternative fuel fee imposed in section 25
21 of this act on each motor vehicle for the number of months necessary
22 to extend its current registration period to the registration period
23 under which all such motor vehicles or trailers will be registered.
24 Credit shall be given for registration paid on each motor vehicle or
25 trailer when the motor vehicle or trailer has a later expiration date

1 than that chosen by the owner except as otherwise provided in
2 sections 60-3,121, 60-3,122.02, and 60-3,128. Thereafter all such
3 motor vehicles or trailers shall be registered on an annual basis
4 starting in the month chosen by the owner.

5 Sec. 20. Section 60-395, Reissue Revised Statutes of
6 Nebraska, is amended to read:

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

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

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

25 (c) When a salvage branded certificate of title is

1 issued;

2 (d) Whenever a type or class of motor vehicle or trailer
3 previously registered is subsequently declared by legislative act or
4 court decision to be illegal or ineligible to be operated or towed on
5 the public roads and no longer subject to registration fees, the
6 motor vehicle tax imposed in section 60-3,185, ~~and~~ the motor vehicle
7 fee imposed in section 60-3,190, and the alternative fuel fee imposed
8 in section 25 of this act;

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

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

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

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

23 (4) The registered owner or lessee shall make a claim for
24 refund or credit of the fees and taxes for the unexpired months in
25 the registration period within sixty days after the date of the event

1 or shall be deemed to have forfeited his or her right to such refund
2 or credit.

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

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

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

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

1 Sec. 21. Section 60-398, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-398 A nonresident may, if he or she applies within
4 ninety days from his or her original registration date and surrenders
5 the registration certificate and license plates which were assigned
6 to him or her, receive from the county treasurer or designated county
7 official, or the department if registration was pursuant to section
8 60-3,198, a refund in the amount of fifty percent of the original
9 license fee, fifty percent of the motor vehicle tax imposed in
10 section 60-3,185, ~~and~~ fifty percent of the motor vehicle fee imposed
11 in section 60-3,190, and fifty percent of the alternative fuel fee
12 imposed in section 25 of this act, except that no refunds shall be
13 made on any license surrendered after the ninth month of the
14 registration period for which the motor vehicle or trailer was
15 registered.

16 Sec. 22. Section 60-3,113, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 60-3,113 (1) The department shall, without the payment of
19 any fee except the taxes and fees required by sections ~~60-3,100,~~
20 60-3,102, 60-3,185, and 60-3,190, and section 25 of this act, issue
21 license plates for one motor vehicle not used for hire and a license
22 plate for one motorcycle not used for hire to:

23 (a) Any permanently handicapped or disabled person as
24 defined in section 18-1738 or his or her parent, legal guardian,
25 foster parent, or agent upon application and proof of a permanent

1 handicap or disability; or

2 (b) A trust which owns the motor vehicle or motorcycle if
3 a designated beneficiary of the trust qualifies under subdivision (a)
4 of this subsection.

5 Beginning January 1, 2005, an application and proof of
6 disability in the form and with the information required by section
7 18-1738 shall be filed before license plates are issued or reissued.

8 (2) The license plate or plates shall carry the
9 internationally accepted wheelchair symbol, which symbol is a
10 representation of a person seated in a wheelchair surrounded by a
11 border six units wide by seven units high, and such other letters or
12 numbers as the director prescribes. Such license plate or plates
13 shall be used by such person in lieu of the usual license plate or
14 plates.

15 (3) The department shall compile and maintain a registry
16 of the names, addresses, and license numbers of all persons who
17 obtain special license plates pursuant to this section and all
18 persons who obtain a handicapped or disabled parking permit as
19 described in section 18-1739.

20 Sec. 23. Section 60-3,166, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 60-3,166 It shall be the duty of all law enforcement
23 officers to arrest all violators of any of the provisions of sections
24 60-373, 60-374, 60-375, 60-376, 60-378, 60-379, and 60-3,114 to
25 60-3,116. Any person, firm, or corporation, including any motor

1 vehicle, trailer, or boat dealer or manufacturer, who fails to comply
2 with such provisions shall be guilty of a Class V misdemeanor and, in
3 addition thereto, shall pay the county treasurer or designated county
4 official any and all motor vehicle taxes and fees imposed in sections
5 60-3,185 and 60-3,190 and section 25 of this act, registration fees,
6 or certification fees due had the motor vehicle or trailer been
7 properly registered or certified according to law.

8 Sec. 24. Section 60-3,200, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 60-3,200 Whenever an apportionable vehicle is registered
11 by the owner under section 60-362 and the motor vehicle tax, and
12 motor vehicle fee, and alternative fuel fee, if any, imposed in
13 sections 60-3,185, and ~~60-3,190,~~ and section 25 of this act,
14 respectively, have been paid on that apportionable vehicle for the
15 registration period, and then the apportionable vehicle is registered
16 under section 60-3,198, the Division of Motor Carrier Services, upon
17 application of the owner of the apportionable vehicle on forms
18 prescribed by the division, shall certify that the apportionable
19 vehicle is registered under section 60-3,198 and that the owner is
20 entitled to receive the refunds of the unused fees for the balance of
21 the registration period as prescribed in sections 60-395 to 60-397.

22 Sec. 25. In addition to any other fee required under the
23 Motor Vehicle Registration Act, a fee for registration of each motor
24 vehicle powered by an alternative fuel shall be charged. The fee
25 shall be seventy-five dollars.

1 Sec. 26. Section 60-471, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-471 Motor vehicle means all vehicles propelled by any
4 power other than muscular power. Motor vehicle does not include (1)
5 self-propelled chairs used by persons who are disabled, (2) farm
6 tractors, (3) farm tractors used occasionally outside general farm
7 usage, (4) road rollers, (5) vehicles which run only on rails or
8 tracks, (6) electric personal assistive mobility devices as defined
9 in section 60-618.02, and (7) off-road designed vehicles not used on
10 a highway, including, but not limited to, golf carts, go-carts,
11 riding lawn mowers, garden tractors, all-terrain vehicles and
12 utility-type vehicles as defined in section 60-6,355, minibikes as
13 defined in section 60-636, and snowmobiles as defined in section
14 60-663.

15 Sec. 27. Section 60-501, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 60-501 For purposes of the Motor Vehicle Safety
18 Responsibility Act, unless the context otherwise requires:

19 (1) Department means Department of Motor Vehicles;

20 (2) Judgment means any judgment which shall have become
21 final by the expiration of the time within which an appeal might have
22 been perfected without being appealed, or by final affirmation on
23 appeal, rendered by a court of competent jurisdiction of any state or
24 of the United States, (a) upon a cause of action arising out of the
25 ownership, maintenance, or use of any motor vehicle for damages,

1 including damages for care and loss of services, because of bodily
2 injury to or death of any person or for damages because of injury to
3 or destruction of property, including the loss of use thereof, or (b)
4 upon a cause of action on an agreement of settlement for such
5 damages;

6 (3) License means any license issued to any person under
7 the laws of this state pertaining to operation of a motor vehicle
8 within this state;

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

20 (5) Motor vehicle means any self-propelled vehicle which
21 is designed for use upon a highway, including trailers designed for
22 use with such vehicles, and minitrucks. Motor vehicle does not
23 include (a) mopeds as defined in section 60-637, (b) traction
24 engines, (c) road rollers, (d) farm tractors, (e) tractor cranes, (f)
25 power shovels, (g) well drillers, (h) every vehicle which is

1 propelled by electric power obtained from overhead wires but not
2 operated upon rails, (i) electric personal assistive mobility devices
3 as defined in section 60-618.02, and (j) off-road designed vehicles
4 not used on a highway, including, but not limited to, golf carts, go-
5 carts, riding lawnmowers, garden tractors, all-terrain vehicles and
6 utility-type vehicles as defined in section 60-6,355, minibikes as
7 defined in section 60-636, and snowmobiles as defined in section
8 60-663;

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

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

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

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

25 (10) Person means every natural person, firm,

1 partnership, limited liability company, association, or corporation;

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

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

15 (13) State means any state, territory, or possession of
16 the United States, the District of Columbia, or any province of the
17 Dominion of Canada; and

18 (14) The forfeiture of bail, not vacated, or of
19 collateral deposited to secure an appearance for trial shall be
20 regarded as equivalent to conviction of the offense charged.

21 Sec. 28. Section 60-601, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 60-601 Sections 60-601 to 60-6,379 and sections 30 and 31
24 of this act shall be known and may be cited as the Nebraska Rules of
25 the Road.

1 Sec. 29. Section 60-605, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-605 For purposes of the Nebraska Rules of the Road,
4 the definitions found in sections 60-606 to 60-676 and section 30 of
5 this act shall be used.

6 Sec. 30. Low-speed vehicle means a four-wheeled motor
7 vehicle (1) whose speed attainable in one mile is more than twenty
8 miles per hour and not more than twenty-five miles per hour on a
9 paved, level surface, (2) whose gross vehicle weight rating is less
10 than three thousand pounds, and (3) that complies with 49 C.F.R. part
11 571, as such part existed on January 1, 2011.

12 Sec. 31. A low-speed vehicle may be operated on any
13 highway on which the speed limit is not more than thirty-five miles
14 per hour. A low-speed vehicle may cross a highway on which the speed
15 limit is more than thirty-five miles per hour. Nothing in this
16 section shall prevent a county, city, or village from adopting more
17 stringent ordinances governing low-speed vehicle operation if the
18 governing body of the county, city, or village determines that such
19 ordinances are necessary in the interest of public safety. Any person
20 operating a low-speed vehicle as authorized under this section shall
21 have a valid Class O operator's license and shall have liability
22 insurance coverage for the low-speed vehicle. The Department of Roads
23 may prohibit the operation of low-speed vehicles on any highway under
24 its jurisdiction if it determines that the prohibition is necessary
25 in the interest of public safety.

1 Sec. 32. Section 60-6,348, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-6,348 Minibikes and all off-road designed vehicles not
4 used on a highway, including, but not limited to, golf carts, go-
5 carts, riding lawnmowers, garden tractors, and snowmobiles, shall be
6 exempt from the provisions of sections 60-678 and 60-6,351 to
7 60-6,353 and section 31 of this act during any public emergency or
8 while being used in parades by regularly organized units of any
9 recognized charitable, social, educational, or community service
10 organization.

11 Sec. 33. Section 60-6,349, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 60-6,349 All minibikes and similar two-wheeled, three-
14 wheeled, and four-wheeled miniature vehicles offered for sale in this
15 state shall bear the following notice to the customer and user: This
16 vehicle as manufactured or sold is for off-road use only. This
17 section shall not apply to a low-speed vehicle, as applicable to its
18 design, or to an electric personal assistive mobility device.

19 Sec. 34. This act becomes operative on January 1, 2012.

20 Sec. 35. Original sections 39-2215, 39-2215.01, 39-2216,
21 60-101, 60-119.01, 60-123, 60-137, 60-301, 60-302, 60-306, 60-336.01,
22 60-339, 60-386, 60-388, 60-393, 60-395, 60-398, 60-3,113, 60-3,166,
23 60-3,200, 60-471, 60-501, 60-601, 60-605, 60-6,348, and 60-6,349,
24 Reissue Revised Statutes of Nebraska, and section 23-187, Revised
25 Statutes Cumulative Supplement, 2010, are repealed.

1 Sec. 36. The following sections are outright repealed:
2 Sections 66-684, 66-685, 66-686, 66-687, 66-688, 66-691, 66-694, and
3 66-695, Reissue Revised Statutes of Nebraska.