

AMENDMENTS TO LB814

(Amendments to Standing Committee amendments, AM1876)

Introduced by Avery

1 1. Insert the following new sections:

2 Sec. 3. Section 60-103, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 60-103 All-terrain vehicle means any motorized
5 off-highway device which (1) is fifty inches or less in width, (2)
6 has a dry weight of ~~nine~~ twelve hundred pounds or less, (3) travels
7 on three or more ~~low-pressure~~ nonhighway tires, and (4) is designed
8 for operator use only with no passengers or is specifically
9 designed by the original manufacturer for the operator and one
10 passenger. 7 ~~(5) has a seat or saddle designed to be straddled by~~
11 ~~the operator, and (6) has handlebars or any other steering assembly~~
12 ~~for steering control.~~

13 Sec. 4. Section 60-135.01, Revised Statutes Supplement,
14 2013, is amended to read:

15 60-135.01 (1) Utility-type vehicle means any motorized
16 off-highway device which (a) is ~~not less than forty-eight inches~~
17 ~~nor more than seventy-four inches in width~~ or less, (b) is not more
18 than one hundred eighty inches, including the bumper, in length,
19 (c) has a dry weight of ~~not less than nine hundred pounds nor~~
20 ~~more than two thousand pounds~~ or less, and (d) travels on four or
21 more ~~low-pressure~~ nonhighway tires. 7 ~~and (e) is equipped with a~~
22 ~~steering wheel and bench or bucket-type seating designed for at~~

1 ~~least two people to sit side-by-side.~~

2 (2) Utility-type vehicle does not include all-terrain
3 vehicles, golf car vehicles, or low-speed vehicles.

4 Sec. 5. Section 60-305, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 60-305 All-terrain vehicle means any motorized
7 off-highway vehicle which (1) is fifty inches or less in width,
8 (2) has a dry weight of ~~nine~~ twelve hundred pounds or less,
9 (3) travels on three or more ~~low-pressure~~ nonhighway tires, and
10 (4) is designed for operator use only with no passengers or is
11 specifically designed by the original manufacturer for the operator
12 and one passenger. All-terrain vehicles which have been modified or
13 retrofitted with after-market parts to include additional equipment
14 not required by sections 60-6,357 and 60-6,358 shall not be
15 registered under the Motor Vehicle Registration Act, nor shall such
16 modified or retrofitted vehicles be eligible for registration in
17 any other category of vehicle defined in the act. ~~7~~ ~~(5)~~ has a seat
18 ~~or saddle designed to be straddled by the operator,~~ and ~~(6)~~ has
19 ~~handlebars or any other steering assembly for steering control.~~

20 Sec. 6. Section 60-358.01, Revised Statutes Supplement,
21 2013, is amended to read:

22 60-358.01 (1) Utility-type vehicle means any motorized
23 off-highway vehicle which (a) is ~~not less than forty-eight inches~~
24 ~~nor more than seventy-four inches in width~~ or less, (b) is not more
25 than one hundred eighty inches, including the bumper, in length,
26 (c) has a dry weight of ~~not less than nine hundred pounds nor more~~
27 ~~than two thousand pounds~~ or less, and (d) travels on four or more

1 ~~low-pressure nonhighway tires. Utility-type vehicles which have~~
2 ~~been modified or retrofitted with after-market parts to include~~
3 ~~additional equipment not required by sections 60-6,357 and 60-6,358~~
4 ~~shall not be registered under the Motor Vehicle Registration Act,~~
5 ~~nor shall such modified or retrofitted vehicles be eligible for~~
6 ~~registration in any other category of vehicle defined in the act. 7~~
7 ~~and (e) is equipped with a steering wheel and bench or bucket-type~~
8 ~~seating designed for at least two people to sit side-by-side.~~

9 (2) Utility-type vehicle does not include all-terrain
10 vehicles, golf car vehicles, or low-speed vehicles.

11 Sec. 7. Section 60-6,355, Revised Statutes Supplement,
12 2013, is amended to read:

13 60-6,355 (1) For purposes of sections 60-6,355 to
14 60-6,362:

15 (a) All-terrain vehicle means any motorized off-highway
16 vehicle which (i) is fifty inches or less in width, (ii) has a
17 dry weight of ~~nine~~ twelve hundred pounds or less, (iii) travels on
18 three or more ~~low-pressure nonhighway tires, and~~ (iv) is designed
19 for operator use only with no passengers or is specifically
20 designed by the original manufacturer for the operator and one
21 passenger. ~~7 (v) has a seat or saddle designed to be straddled~~
22 ~~by the operator, and (vi) has handlebars or any other steering~~
23 ~~assembly for steering control; and~~

24 (b) (i) Utility-type vehicle means any motorized
25 off-highway vehicle which (A) is ~~not less than forty-eight inches~~
26 ~~nor more than seventy-four inches in width or less,~~ (B) is not
27 more than one hundred eighty inches, including the bumper, in

1 length, (C) has a dry weight of ~~not less than nine hundred pounds~~
2 ~~nor more than two thousand pounds~~ or less, (D) travels on four
3 or more ~~low-pressure nonhighway tires.~~ 7 and ~~(E) is equipped with~~
4 ~~a steering wheel and bench or bucket-type seating designed for at~~
5 ~~least two people to sit side-by-side.~~

6 (ii) Utility-type vehicle does not include all-terrain
7 vehicles, golf car vehicles, or low-speed vehicles.

8 (2) All-terrain vehicles and utility-type vehicles which
9 have been modified or retrofitted with after-market parts to
10 include additional equipment not required by sections 60-6,357 and
11 60-6,358 shall not be ~~required to be~~ registered under the Motor
12 Vehicle Registration Act nor shall such modified or retrofitted
13 vehicles be eligible for registration in any other category of
14 vehicle defined in the act.

15 2. On page 13, after line 8 insert the following new
16 subdivision:

17 "(iii) County treasurers are appointed as sales and
18 use tax collectors for all sales of all-terrain vehicles or
19 utility-type vehicles made outside of this state to purchasers or
20 users of all-terrain vehicles or utility-type vehicles which are
21 required to have a certificate of title in this state. The county
22 treasurer shall collect the applicable use tax from the purchaser
23 of an all-terrain vehicle or a utility-type vehicle purchased
24 outside of this state at the time application for a certificate of
25 title is made. The full use tax on the purchase price shall be
26 collected by the county treasurer if a sales or occupation tax was
27 not paid by the purchaser in the state of purchase. If a sales or

1 occupation tax was lawfully paid in the state of purchase at a rate
2 less than the tax imposed in this state, use tax must be collected
3 on the difference as a condition for obtaining a certificate of
4 title in this state.".

5 3. Renumber the remaining sections and correct the
6 repealer accordingly.