

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 79**

FINAL READING

Introduced by Friesen, 34.

Read first time January 10, 2019

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to transportation; to amend sections 60-107,  
2 60-2705, 75-363, 75-364, 75-366, 75-392, and 75-393, Reissue Revised  
3 Statutes of Nebraska, and sections 60-119.01, 60-302.01, 60-336.01,  
4 60-363, 60-386, 60-3,113.04, 60-3,193.01, 60-3,198, 60-3,202,  
5 60-462.01, 60-479.01, 60-4,111.01, 60-4,132, 60-4,134, 60-4,147.02,  
6 60-501, 60-628.01, 60-6,265, and 60-2909.01, Revised Statutes  
7 Cumulative Supplement, 2018; to allow for electronic images of  
8 registration certificates; to change provisions relating to the  
9 distribution of certain registration fees; to adopt and update  
10 references to certain federal provisions relating to cabin trailers,  
11 low-speed vehicles, handicapped or disabled parking, motor vehicle  
12 and trailer registration, the International Registration Plan,  
13 operators' licenses and state identification cards, persons handling  
14 source documents, commercial motor vehicles, hazardous materials,  
15 occupant protection systems and three-point safety belt systems,  
16 motor vehicle consumer informal dispute settlement procedures,  
17 disclosure of motor vehicle records, motor carrier and hazardous  
18 material regulations and their enforcement, and the unified carrier  
19 registration plan and agreement; to harmonize provisions; to repeal  
20 the original sections; and to declare an emergency.  
21 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-107, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 60-107 Cabin trailer means a trailer or a semitrailer, which is  
4 designed, constructed, and equipped as a dwelling place, living abode, or  
5 sleeping place, whether used for such purposes or instead permanently or  
6 temporarily for the advertising, sale, display, or promotion of  
7 merchandise or services or for any other commercial purpose except  
8 transportation of property for hire or transportation of property for  
9 distribution by a private carrier. Cabin trailer does not mean a trailer  
10 or semitrailer which is permanently attached to real estate. There are  
11 four classes of cabin trailers:

12 (1) Camping trailer which includes cabin trailers one hundred two  
13 inches or less in width and forty feet or less in length and adjusted  
14 mechanically smaller for towing;

15 (2) Mobile home which includes cabin trailers more than one hundred  
16 two inches in width or more than forty feet in length;

17 (3) Travel trailer which includes cabin trailers not more than one  
18 hundred two inches in width nor more than forty feet in length from front  
19 hitch to rear bumper, except as provided in subdivision (2)(k) of section  
20 60-6,288; and

21 (4) Manufactured home means a structure, transportable in one or  
22 more sections, which in the traveling mode is eight body feet or more in  
23 width or forty body feet or more in length or when erected on site is  
24 three hundred twenty or more square feet and which is built on a  
25 permanent frame and designed to be used as a dwelling with or without a  
26 permanent foundation when connected to the required utilities and  
27 includes the plumbing, heating, air conditioning, and electrical systems  
28 contained in the structure, except that manufactured home includes any  
29 structure that meets all of the requirements of this subdivision other  
30 than the size requirements and with respect to which the manufacturer  
31 voluntarily files a certification required by the United States Secretary

1 of Housing and Urban Development and complies with the standards  
2 established under the National Manufactured Housing Construction and  
3 Safety Standards Act of 1974, as such act existed on January 1, 2019  
4 ~~September 1, 2001~~, 42 U.S.C. 5401 et seq.

5 Sec. 2. Section 60-119.01, Revised Statutes Cumulative Supplement,  
6 2018, is amended to read:

7 60-119.01 Low-speed vehicle means a (1) four-wheeled motor vehicle  
8 (a) whose speed attainable in one mile is more than twenty miles per hour  
9 and not more than twenty-five miles per hour on a paved, level surface,  
10 (b) whose gross vehicle weight rating is less than three thousand pounds,  
11 and (c) that complies with 49 C.F.R. part 571, as such part existed on  
12 January 1, 2019 ~~2018~~, or (2) three-wheeled motor vehicle (a) whose  
13 maximum speed attainable is not more than twenty-five miles per hour on a  
14 paved, level surface, (b) whose gross vehicle weight rating is less than  
15 three thousand pounds, (c) which is equipped with a windshield and an  
16 occupant protection system, and (d) that complies with 49 C.F.R. part  
17 571, as such part existed on January 1, 2019 ~~2018~~. A motorcycle with a  
18 sidecar attached is not a low-speed vehicle.

19 Sec. 3. Section 60-302.01, Revised Statutes Cumulative Supplement,  
20 2018, is amended to read:

21 60-302.01 Access aisle means a space adjacent to a handicapped  
22 parking space or passenger loading zone which is constructed and designed  
23 in compliance with the federal Americans with Disabilities Act of 1990  
24 and the federal regulations adopted in response to the act, as the act  
25 and the regulations existed on January 1, 2019 ~~2011~~.

26 Sec. 4. Section 60-336.01, Revised Statutes Cumulative Supplement,  
27 2018, is amended to read:

28 60-336.01 Low-speed vehicle means a (1) four-wheeled motor vehicle  
29 (a) whose speed attainable in one mile is more than twenty miles per hour  
30 and not more than twenty-five miles per hour on a paved, level surface,  
31 (b) whose gross vehicle weight rating is less than three thousand pounds,

1 and (c) that complies with 49 C.F.R. part 571, as such part existed on  
2 January 1, 2019 ~~2018~~, or (2) three-wheeled motor vehicle (a) whose  
3 maximum speed attainable is not more than twenty-five miles per hour on a  
4 paved, level surface, (b) whose gross vehicle weight rating is less than  
5 three thousand pounds, (c) which is equipped with a windshield and an  
6 occupant protection system, and (d) that complies with 49 C.F.R. part  
7 571, as such part existed on January 1, 2019 ~~2018~~. A motorcycle with a  
8 sidecar attached is not a low-speed vehicle.

9       Sec. 5. Section 60-363, Revised Statutes Cumulative Supplement,  
10 2018, is amended to read:

11       60-363 (1) No person shall operate or park a motor vehicle on the  
12 highways unless such motor vehicle at all times carries in or upon it,  
13 subject to inspection by any peace officer, the registration certificate  
14 issued for it.

15       (2) No person shall tow or park a trailer on the highways unless the  
16 registration certificate issued for the trailer or a copy thereof is  
17 carried in or upon the trailer or in or upon the motor vehicle that is  
18 towing or parking the trailer, subject to inspection by any peace  
19 officer, except as provided in subsections (4) and (5) of this section  
20 and except fertilizer trailers as defined in section 60-326. The  
21 registration certificate for a fertilizer trailer shall be kept at the  
22 principal place of business of the owner of the fertilizer trailer.

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

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

31       (5) Beginning January 1, 2023, in the case of a motor vehicle or

1 trailer operated by a metropolitan utilities district registered pursuant  
2 to section 60-3,228, the registration certificate shall be kept at the  
3 principal place of business of the metropolitan utilities district.

4 (6) In the case of an apportionable vehicle registered under section  
5 60-3,198, the registration certificate may be displayed as a legible  
6 paper copy or electronically as authorized by the department.

7 Sec. 6. Section 60-386, Revised Statutes Cumulative Supplement,  
8 2018, is amended to read:

9 60-386 (1) Each new application shall contain, in addition to other  
10 information as may be required by the department, the name and  
11 residential and mailing address of the applicant and a description of the  
12 motor vehicle or trailer, including the color, the manufacturer, the  
13 identification number, the United States Department of Transportation  
14 number if required by 49 C.F.R. 390.5 to 390.21 and ~~390.19~~, as such  
15 regulations existed on January 1, 2019 ~~2018~~, and the weight of the motor  
16 vehicle or trailer required by the Motor Vehicle Registration Act.  
17 Beginning on the implementation date designated by the director pursuant  
18 to subsection (4) of section 60-1508, for trailers which are not required  
19 to have a certificate of title under section 60-137 and which have no  
20 identification number, the assignment of an identification number shall  
21 be required and the identification number shall be issued by the county  
22 treasurer or department. With the application the applicant shall pay the  
23 proper registration fee and shall state whether the motor vehicle is  
24 propelled by alternative fuel and, if alternative fuel, the type of fuel.  
25 The application shall also contain a notification that bulk fuel  
26 purchasers may be subject to federal excise tax liability. The department  
27 shall include such notification in the notices required by section  
28 60-3,186.

29 (2) This subsection applies beginning on an implementation date  
30 designated by the director. The director shall designate an  
31 implementation date which is on or before January 1, 2020. In addition to

1 the information required under subsection (1) of this section, the  
2 application for registration shall contain (a) the full legal name as  
3 defined in section 60-468.01 of each owner and (b)(i) the motor vehicle  
4 operator's license number or state identification card number of each  
5 owner, if applicable, and one or more of the identification elements as  
6 listed in section 60-484 of each owner, if applicable, and (ii) if any  
7 owner is a business entity, a nonprofit organization, an estate, a trust,  
8 or a church-controlled organization, its tax identification number.

9 Sec. 7. Section 60-3,113.04, Revised Statutes Cumulative Supplement,  
10 2018, is amended to read:

11 60-3,113.04 (1) A handicapped or disabled parking permit shall be of  
12 a design, size, configuration, color, and construction and contain such  
13 information as specified in the regulations adopted by the United States  
14 Department of Transportation in 23 C.F.R. part 1235, UNIFORM SYSTEM FOR  
15 PARKING FOR PERSONS WITH DISABILITIES, as such regulations existed on  
16 January 1, 2019 ~~2018~~.

17 (2) No handicapped or disabled parking permit shall be issued to any  
18 person or for any motor vehicle if any permit has been issued to such  
19 person or for such motor vehicle and such permit has been suspended  
20 pursuant to section 18-1741.02. At the expiration of such suspension, a  
21 permit may be renewed in the manner provided for renewal in sections  
22 60-3,113.02, 60-3,113.03, and 60-3,113.05.

23 (3) A duplicate handicapped or disabled parking permit may be  
24 provided up to two times during any single permit period if a permit is  
25 destroyed, lost, or stolen. Such duplicate permit shall be issued as  
26 provided in section 60-3,113.02 or 60-3,113.03, whichever is applicable,  
27 except that a new certification by a physician, a physician assistant, or  
28 an advanced practice registered nurse need not be provided. A duplicate  
29 permit shall be valid for the remainder of the period for which the  
30 original permit was issued. If a person has been issued two duplicate  
31 permits under this subsection and needs another permit, such person shall

1 reapply for a new permit under section 60-3,113.02 or 60-3,113.03,  
2 whichever is applicable.

3 Sec. 8. Section 60-3,193.01, Revised Statutes Cumulative Supplement,  
4 2018, is amended to read:

5 60-3,193.01 For purposes of the Motor Vehicle Registration Act, the  
6 International Registration Plan is adopted and incorporated by reference  
7 as the plan existed on January 1, 2019 ~~2018~~.

8 Sec. 9. Section 60-3,198, Revised Statutes Cumulative Supplement,  
9 2018, is amended to read:

10 60-3,198 (1) Any owner engaged in operating a fleet of apportionable  
11 vehicles in this state in interjurisdiction commerce may, in lieu of  
12 registration of such apportionable vehicles under the general provisions  
13 of the Motor Vehicle Registration Act, register and license such fleet  
14 for operation in this state by filing a statement and the application  
15 required by section 60-3,203 with the Division of Motor Carrier Services  
16 of the department. The statement shall be in such form and contain such  
17 information as the division requires, declaring the total mileage  
18 operated by such vehicles in all jurisdictions and in this state during  
19 the preceding year and describing and identifying each such apportionable  
20 vehicle to be operated in this state during the ensuing license year.  
21 Upon receipt of such statement and application, the division shall  
22 determine the total fee payment, which shall be equal to the amount of  
23 fees due pursuant to section 60-3,203 and the amount obtained by applying  
24 the formula provided in section 60-3,204 to a fee of thirty-two dollars  
25 per ton based upon gross vehicle weight of the empty weights of a truck  
26 or truck-tractor and the empty weights of any trailer or combination  
27 thereof with which it is to be operated in combination at any one time  
28 plus the weight of the maximum load to be carried thereon at any one  
29 time, and shall notify the applicant of the amount of payment required to  
30 be made. Mileage operated in noncontracting reciprocity jurisdictions by  
31 apportionable vehicles based in Nebraska shall be applied to the portion

1 of the formula for determining the Nebraska injurisdiction fleet  
2 distance.

3 Temporary authority which permits the operation of a fleet or an  
4 addition to a fleet in this state while the application is being  
5 processed may be issued upon application to the division if necessary to  
6 complete processing of the application.

7 Upon completion of such processing and receipt of the appropriate  
8 fees, the division shall issue to the applicant a sufficient number of  
9 distinctive registration certificates which provide a list of the  
10 jurisdictions in which the apportionable vehicle has been apportioned,  
11 the weight for which registered, and such other evidence of registration  
12 for display on the apportionable vehicle as the division determines  
13 appropriate for each of the apportionable vehicles of his or her fleet,  
14 identifying it as a part of an interjurisdiction fleet proportionately  
15 registered. Such registration certificates may be displayed as a legible  
16 paper copy or electronically as authorized by the department. All fees  
17 received as provided in this section shall be remitted to the State  
18 Treasurer for credit to the Motor Carrier Services Division Distributive  
19 Fund.

20 The apportionable vehicles so registered shall be exempt from all  
21 further registration and license fees under the Motor Vehicle  
22 Registration Act for movement or operation in the State of Nebraska  
23 except as provided in section 60-3,203. The proportional registration and  
24 licensing provision of this section shall apply to apportionable vehicles  
25 added to such fleets and operated in this state during the license year  
26 except with regard to permanent license plates issued under section  
27 60-3,203.

28 The right of applicants to proportional registration under this  
29 section shall be subject to the terms and conditions of any reciprocity  
30 agreement, contract, or consent made by the division.

31 When a nonresident fleet owner has registered his or her



1 apportionable vehicles, his or her apportionable vehicles shall be  
2 considered as fully registered for both interjurisdiction and  
3 intrajurisdiction commerce when the jurisdiction of base registration for  
4 such fleet accords the same consideration for fleets with a base  
5 registration in Nebraska. Each apportionable vehicle of a fleet  
6 registered by a resident of Nebraska shall be considered as fully  
7 registered for both interjurisdiction and intrajurisdiction commerce.

8 (2) Mileage proportions for interjurisdiction fleets not operated in  
9 this state during the preceding year shall be determined by the division  
10 upon the application of the applicant on forms to be supplied by the  
11 division which shall show the operations of the preceding year in other  
12 jurisdictions and estimated operations in Nebraska or, if no operations  
13 were conducted the previous year, a full statement of the proposed method  
14 of operation.

15 (3) Any owner complying with and being granted proportional  
16 registration shall preserve the records on which the application is made  
17 for a period of three years following the current registration year. Upon  
18 request of the division, the owner shall make such records available to  
19 the division at its office for audit as to accuracy of computation and  
20 payments or pay the costs of an audit at the home office of the owner by  
21 a duly appointed representative of the division if the office where the  
22 records are maintained is not within the State of Nebraska. The division  
23 may enter into agreements with agencies of other jurisdictions  
24 administering motor vehicle registration laws for joint audits of any  
25 such owner. All payments received to cover the costs of an audit shall be  
26 remitted by the division to the State Treasurer for credit to the Motor  
27 Carrier Division Cash Fund. No deficiency shall be assessed and no claim  
28 for credit shall be allowed for any license registration year for which  
29 records on which the application was made are no longer required to be  
30 maintained.

31 (4) If the division claims that a greater amount of fee is due under

1 this section than was paid, the division shall notify the owner of the  
2 additional amount claimed to be due. The owner may accept such claim and  
3 pay the amount due, or he or she may dispute the claim and submit to the  
4 division any information which he or she may have in support of his or  
5 her position. If the dispute cannot otherwise be resolved within the  
6 division, the owner may petition for an appeal of the matter. The  
7 director shall appoint a hearing officer who shall hear the dispute and  
8 issue a written decision. Any appeal shall be in accordance with the  
9 Administrative Procedure Act. Upon expiration of the time for perfecting  
10 an appeal if no appeal is taken or upon final judicial determination if  
11 an appeal is taken, the division shall deny the owner the right to  
12 further registration for a fleet license until the amount finally  
13 determined to be due, together with any costs assessed against the owner,  
14 has been paid.

15 (5) Every applicant who licenses any apportionable vehicles under  
16 this section and section 60-3,203 shall have his or her registration  
17 certificates issued only after all fees under such sections are paid and,  
18 if applicable, proof has been furnished of payment, in the form  
19 prescribed by the director as directed by the United States Secretary of  
20 the Treasury, of the federal heavy vehicle use tax imposed by 26 U.S.C.  
21 4481 of the Internal Revenue Code as defined in section 49-801.01.

22 (6)(a) In the event of the transfer of ownership of any registered  
23 apportionable vehicle, (b) in the case of loss of possession because of  
24 fire, theft, or wrecking, junking, or dismantling of any registered  
25 apportionable vehicle, (c) when a salvage branded certificate of title is  
26 issued for any registered apportionable vehicle, (d) whenever a type or  
27 class of registered apportioned vehicle is subsequently declared by  
28 legislative act or court decision to be illegal or ineligible to be  
29 operated or towed on the public roads and no longer subject to  
30 registration fees and taxes, (e) upon trade-in or surrender of a  
31 registered apportionable vehicle under a lease, or (f) in case of a

1 change in the situs of a registered apportionable vehicle to a location  
2 outside of this state, its registration shall expire, except that if the  
3 registered owner or lessee applies to the division after such transfer or  
4 loss of possession and accompanies the application with a fee of one  
5 dollar and fifty cents, he or she may have any remaining credit of  
6 vehicle fees and taxes from the previously registered apportionable  
7 vehicle applied toward payment of any vehicle fees and taxes due and  
8 owing on another registered apportionable vehicle. If such registered  
9 apportionable vehicle has a greater gross vehicle weight than that of the  
10 previously registered apportionable vehicle, the registered owner or  
11 lessee of the registered apportionable vehicle shall additionally pay  
12 only the registration fee for the increased gross vehicle weight for the  
13 remaining months of the registration year based on the factors determined  
14 by the division in the original fleet application.

15 (7) Whenever a Nebraska-based fleet owner files an application with  
16 the division to delete a registered apportionable vehicle from a fleet of  
17 registered apportionable vehicles (a) because of a transfer of ownership  
18 of the registered apportionable vehicle, (b) because of loss of  
19 possession due to fire, theft, or wrecking, junking, or dismantling of  
20 the registered apportionable vehicle, (c) because a salvage branded  
21 certificate of title is issued for the registered apportionable vehicle,  
22 (d) because a type or class of registered apportioned vehicle is  
23 subsequently declared by legislative act or court decision to be illegal  
24 or ineligible to be operated or towed on the public roads and no longer  
25 subject to registration fees and taxes, (e) because of a trade-in or  
26 surrender of the registered apportionable vehicle under a lease, or (f)  
27 because of a change in the situs of the registered apportionable vehicle  
28 to a location outside of this state, the registered owner may, by  
29 returning the registration certificate or certificates and such other  
30 evidence of registration used by the division or, if such certificate or  
31 certificates or such other evidence of registration is unavailable, then

1 by making an affidavit to the division of such transfer or loss, receive  
2 a refund of that portion of the unused registration fee based upon the  
3 number of unexpired months remaining in the registration year from the  
4 date of transfer or loss. No refund shall be allowed for any fees paid  
5 under section 60-3,203. When such apportionable vehicle is transferred or  
6 lost within the same month as acquired, no refund shall be allowed for  
7 such month. Such refund may be in the form of a credit against any  
8 registration fees that have been incurred or are, at the time of the  
9 refund, being incurred by the registered apportionable vehicle owner. The  
10 Nebraska-based fleet owner shall make a claim for a refund under this  
11 subsection within the registration period or shall be deemed to have  
12 forfeited his or her right to the refund.

13 (8) In case of addition to the registered fleet during the  
14 registration year, the owner engaged in operating the fleet shall pay the  
15 proportionate registration fee from the date the vehicle was placed into  
16 service or, if the vehicle was previously registered, the date the prior  
17 registration expired or the date Nebraska became the base jurisdiction  
18 for the fleet, whichever is first, for the remaining balance of the  
19 registration year. The fee for any permanent license plate issued for  
20 such addition pursuant to section 60-3,203 shall be the full fee required  
21 by such section, regardless of the number of months remaining in the  
22 license year.

23 (9) In lieu of registration under subsections (1) through (8) of  
24 this section, the title holder of record may apply to the division for  
25 special registration, to be known as an unladen-weight registration, for  
26 any commercial motor vehicle or combination of vehicles which have been  
27 registered to a Nebraska-based fleet owner within the current or previous  
28 registration year. Such registration shall be valid only for a period of  
29 thirty days and shall give no authority to operate the vehicle except  
30 when empty. The fee for such registration shall be twenty dollars for  
31 each vehicle, which fee shall be remitted to the State Treasurer for

1 credit to the Highway Trust Fund. The issuance of such permits shall be  
2 governed by section 60-3,179.

3 (10) Any person may, in lieu of registration under subsections (1)  
4 through (8) of this section or for other jurisdictions as approved by the  
5 director, purchase a trip permit for any nonresident truck, truck-  
6 tractor, bus, or truck or truck-tractor combination. A trip permit shall  
7 be issued before any person required to obtain a trip permit enters this  
8 state with such vehicle. The trip permit shall be issued by the director  
9 through Internet sales from the department's web site. The trip permit  
10 shall be valid for a period of seventy-two hours. The fee for the trip  
11 permit shall be twenty-five dollars for each truck, truck-tractor, bus,  
12 or truck or truck-tractor combination. The fee collected by the director  
13 shall be remitted to the State Treasurer for credit to the Highway Cash  
14 Fund.

15 Sec. 10. Section 60-3,202, Revised Statutes Cumulative Supplement,  
16 2018, is amended to read:

17 60-3,202 (1) Registration fees credited to the Motor Carrier  
18 Services Division Distributive Fund pursuant to section 60-3,198 and  
19 remaining in such fund at the close of each calendar month shall be  
20 remitted to the State Treasurer for credit as follows: (a) Three percent  
21 of thirty percent of such amount shall be credited to the Department of  
22 Revenue Property Assessment Division Cash Fund; (b) the remainder of such  
23 thirty percent shall be credited to the Motor Vehicle Tax Fund; and (c)  
24 seventy percent of such amount shall be credited to the Highway Trust  
25 Fund. As registration fees are received by the Division of Motor Carrier  
26 Services of the department pursuant to section 60-3,198, the division  
27 shall remit the fees to the State Treasurer, less a collection fee of  
28 three percent of thirty percent of the registration fees collected. The  
29 collection fee shall be credited to the Department of Revenue Property  
30 Assessment Division Cash Fund. The State Treasurer shall credit the  
31 remainder of the thirty percent of the fees collected to the Motor

1 ~~Vehicle Tax Fund and the remaining seventy percent of the fees collected~~  
2 ~~to the Highway Trust Fund.~~

3 (2) On or before the last day of each quarter of the calendar year,  
4 the State Treasurer shall distribute all funds in the Motor Vehicle Tax  
5 Fund to the county treasurer of each county in the same proportion as the  
6 number of original motor vehicle registrations in each county bears to  
7 the total of all original registrations within the state in the  
8 registration year immediately preceding.

9 (3) Upon receipt of motor vehicle tax funds from the State  
10 Treasurer, the county treasurer shall distribute such funds to taxing  
11 agencies within the county in the same proportion that the levy of each  
12 such taxing agency bears to the total of such levies of all taxing  
13 agencies in the county.

14 (4) In the event any taxing district has been annexed, merged,  
15 dissolved, or in any way absorbed into another taxing district, any  
16 apportionment of motor vehicle tax funds to which such taxing district  
17 would have been entitled shall be apportioned to the successor taxing  
18 district which has assumed the functions of the annexed, merged,  
19 dissolved, or absorbed taxing district.

20 (5) On or before March 1 of each year, the department shall furnish  
21 to the State Treasurer a tabulation showing the total number of original  
22 motor vehicle registrations in each county for the immediately preceding  
23 calendar year, which shall be the basis for computing the distribution of  
24 motor vehicle tax funds as provided in subsection (2) of this section.

25 (6) The Motor Vehicle Tax Fund is created. Any money in the fund  
26 available for investment shall be invested by the state investment  
27 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
28 State Funds Investment Act.

29 Sec. 11. Section 60-462.01, Revised Statutes Cumulative Supplement,  
30 2018, is amended to read:

31 60-462.01 For purposes of the Motor Vehicle Operator's License Act,

1 the following federal regulations are adopted as Nebraska law as they  
2 existed on January 1, 2019 ~~2018~~:

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

5 Sec. 12. Section 60-479.01, Revised Statutes Cumulative Supplement,  
6 2018, is amended to read:

7 60-479.01 (1) All persons handling source documents or engaged in  
8 the issuance of new, renewed, or reissued operators' licenses or state  
9 identification cards shall have periodic fraudulent document recognition  
10 training.

11 (2) All persons and agents of the department involved in the  
12 recording of verified application information or verified operator's  
13 license and state identification card information, involved in the  
14 manufacture or production of licenses or cards, or who have the ability  
15 to affect information on such licenses or cards shall be subject to a  
16 criminal history record information check, including a check of prior  
17 employment references, and a lawful status check as required by 6 C.F.R.  
18 part 37, as such part existed on January 1, 2019 ~~2018~~. Such persons and  
19 agents shall provide fingerprints which shall be submitted to the Federal  
20 Bureau of Investigation. The bureau shall use its records for the  
21 criminal history record information check.

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

1 information concerning the applicant. The cost of any background check  
2 shall be borne by the employer of the person or agent.

3 (4) Any person convicted of any disqualifying offense as provided in  
4 6 C.F.R. part 37, as such part existed on January 1, 2019 ~~2018~~, shall not  
5 be involved in the recording of verified application information or  
6 verified operator's license and state identification card information,  
7 involved in the manufacture or production of licenses or cards, or  
8 involved in any capacity in which such person would have the ability to  
9 affect information on such licenses or cards. Any employee or prospective  
10 employee of the department shall be provided notice that he or she will  
11 undergo such criminal history record information check prior to  
12 employment or prior to any involvement with the issuance of operators'  
13 licenses or state identification cards.

14 Sec. 13. Section 60-4,111.01, Revised Statutes Cumulative  
15 Supplement, 2018, is amended to read:

16 60-4,111.01 (1) The Department of Motor Vehicles, the courts, or law  
17 enforcement agencies may store or compile information acquired from an  
18 operator's license or a state identification card for their statutorily  
19 authorized purposes.

20 (2) Except as otherwise provided in subsection (3) or (4) of this  
21 section, no person having use of or access to machine-readable  
22 information encoded on an operator's license or a state identification  
23 card shall compile, store, preserve, trade, sell, or share such  
24 information. Any person who trades, sells, or shares such information  
25 shall be guilty of a Class IV felony. Any person who compiles, stores, or  
26 preserves such information except as authorized in subsection (3) or (4)  
27 of this section shall be guilty of a Class IV felony.

28 (3)(a) For purposes of compliance with and enforcement of  
29 restrictions on the purchase of alcohol, lottery tickets, and tobacco  
30 products, a retailer who sells any of such items pursuant to a license  
31 issued or a contract under the applicable statutory provision may scan



1 machine-readable information encoded on an operator's license or a state  
2 identification card presented for the purpose of such a sale. The  
3 retailer may store only the following information obtained from the  
4 license or card: Age and license or card identification number. The  
5 retailer shall post a sign at the point of sale of any of such items  
6 stating that the license or card will be scanned and that the age and  
7 identification number will be stored. The stored information may only be  
8 used by a law enforcement agency for purposes of enforcement of the  
9 restrictions on the purchase of alcohol, lottery tickets, and tobacco  
10 products and may not be shared with any other person or entity.

11 (b) For purposes of compliance with the provisions of sections  
12 28-458 to 28-462, a seller who sells methamphetamine precursors pursuant  
13 to such sections may scan machine-readable information encoded on an  
14 operator's license or a state identification card presented for the  
15 purpose of such a sale. The seller may store only the following  
16 information obtained from the license or card: Name, age, address, type  
17 of identification presented by the customer, the governmental entity that  
18 issued the identification, and the number on the identification. The  
19 seller shall post a sign at the point of sale stating that the license or  
20 card will be scanned and stating what information will be stored. The  
21 stored information may only be used by law enforcement agencies,  
22 regulatory agencies, and the exchange for purposes of enforcement of the  
23 restrictions on the sale or purchase of methamphetamine precursors  
24 pursuant to sections 28-458 to 28-462 and may not be shared with any  
25 other person or entity. For purposes of this subsection, the terms  
26 exchange, methamphetamine precursor, and seller have the same meanings as  
27 in section 28-458.

28 (c) The retailer or seller shall utilize software that stores only  
29 the information allowed by this subsection. A programmer for computer  
30 software designed to store such information shall certify to the retailer  
31 that the software stores only the information allowed by this subsection.

1 Intentional or grossly negligent programming by the programmer which  
2 allows for the storage of more than the age and identification number or  
3 wrongfully certifying the software shall be a Class IV felony.

4 (d) A retailer or seller who knowingly stores more information than  
5 authorized under this subsection from the operator's license or state  
6 identification card shall be guilty of a Class IV felony.

7 (e) Information scanned, compiled, stored, or preserved pursuant to  
8 subdivision (a) of this subsection may not be retained longer than  
9 eighteen months unless required by state or federal law.

10 (4) In order to approve a negotiable instrument, an electronic funds  
11 transfer, or a similar method of payment, a person having use of or  
12 access to machine-readable information encoded on an operator's license  
13 or a state identification card may:

14 (a) Scan, compile, store, or preserve such information in order to  
15 provide the information to a check services company subject to and in  
16 compliance with the federal Fair Credit Reporting Act, 15 U.S.C. 1681 et  
17 seq., as such act existed on January 1, 2019 ~~2010~~, for the purpose of  
18 effecting, administering, or enforcing a transaction requested by the  
19 holder of the license or card or preventing fraud or other criminal  
20 activity; or

21 (b) Scan and store such information only as necessary to protect  
22 against or prevent actual or potential fraud, unauthorized transactions,  
23 claims, or other liability or to resolve a dispute or inquiry by the  
24 holder of the license or card.

25 (5) Except as provided in subdivision (4)(a) of this section,  
26 information scanned, compiled, stored, or preserved pursuant to this  
27 section may not be traded or sold to or shared with a third party; used  
28 for any marketing or sales purpose by any person, including the retailer  
29 who obtained the information; or, unless pursuant to a court order,  
30 reported to or shared with any third party. A person who violates this  
31 subsection shall be guilty of a Class IV felony.

1           Sec. 14. Section 60-4,132, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

3           60-4,132 The purposes of sections 60-462.01, 60-4,133, and 60-4,137  
4 to 60-4,172 are to implement the requirements mandated by the federal  
5 Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31100 et seq., the  
6 federal Motor Carrier Safety Improvement Act of 1999, Public Law 106-159,  
7 section 1012 of the federal Uniting and Strengthening America by  
8 Providing Appropriate Tools Required to Intercept and Obstruct Terrorism  
9 Act of 2001, USA PATRIOT Act, 49 U.S.C. 5103a, and federal regulations as  
10 such acts and regulations existed on January 1, 2019, and to reduce or  
11 prevent commercial motor vehicle accidents, fatalities, and injuries by:  
12 (1) Permitting drivers to hold only one operator's license; (2)  
13 disqualifying drivers for specified offenses and serious traffic  
14 violations; and (3) strengthening licensing and testing standards.

15           Sec. 15. Section 60-4,134, Revised Statutes Cumulative Supplement,  
16 2018, is amended to read:

17           60-4,134 In conformance with section 7208 of the federal Fixing  
18 America's Surface Transportation Act and 49 C.F.R. 383.3(i), as such  
19 section and regulation existed on January 1, 2019 ~~2018~~, no hazardous  
20 materials endorsement authorizing the holder of a Class A commercial  
21 driver's license to operate a commercial motor vehicle transporting  
22 diesel fuel shall be required if such driver is (1) operating within the  
23 state and acting within the scope of his or her employment as an employee  
24 of a custom harvester operation, an agrichemical business, a farm retail  
25 outlet and supplier, or a livestock feeder and (2) operating a service  
26 vehicle that is (a) transporting diesel in a quantity of one thousand  
27 gallons or less and (b) clearly marked with a flammable or combustible  
28 placard, as appropriate.

29           Sec. 16. Section 60-4,147.02, Revised Statutes Cumulative  
30 Supplement, 2018, is amended to read:

31           60-4,147.02 No endorsement authorizing the driver to operate a

1 commercial motor vehicle transporting hazardous materials shall be  
2 issued, renewed, or transferred by the Department of Motor Vehicles  
3 unless the endorsement is issued, renewed, or transferred in conformance  
4 with the requirements of section 1012 of the federal Uniting and  
5 Strengthening America by Providing Appropriate Tools Required to  
6 Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C.  
7 5103a, including all amendments and federal regulations adopted pursuant  
8 thereto as of January 1, 2019 ~~2018~~, for the issuance of licenses to  
9 operate commercial motor vehicles transporting hazardous materials.

10 Sec. 17. Section 60-501, Revised Statutes Cumulative Supplement,  
11 2018, is amended to read:

12 60-501 For purposes of the Motor Vehicle Safety Responsibility Act,  
13 unless the context otherwise requires:

14 (1) Department means Department of Motor Vehicles;

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

22 (3) Judgment means any judgment which shall have become final by the  
23 expiration of the time within which an appeal might have been perfected  
24 without being appealed, or by final affirmation on appeal, rendered by a  
25 court of competent jurisdiction of any state or of the United States, (a)  
26 upon a cause of action arising out of the ownership, maintenance, or use  
27 of any motor vehicle for damages, including damages for care and loss of  
28 services, because of bodily injury to or death of any person or for  
29 damages because of injury to or destruction of property, including the  
30 loss of use thereof, or (b) upon a cause of action on an agreement of  
31 settlement for such damages;

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

3 (5) Low-speed vehicle means a (a) four-wheeled motor vehicle (i)  
4 whose speed attainable in one mile is more than twenty miles per hour and  
5 not more than twenty-five miles per hour on a paved, level surface, (ii)  
6 whose gross vehicle weight rating is less than three thousand pounds, and  
7 (iii) that complies with 49 C.F.R. part 571, as such part existed on  
8 January 1, 2019 ~~2018~~, or (b) three-wheeled motor vehicle (i) whose  
9 maximum speed attainable is not more than twenty-five miles per hour on a  
10 paved, level surface, (ii) whose gross vehicle weight rating is less than  
11 three thousand pounds, (iii) which is equipped with a windshield and an  
12 occupant protection system, and (iv) that complies with 49 C.F.R. part  
13 571, as such part existed on January 1, 2019 ~~2018~~. A motorcycle with a  
14 sidecar attached is not a low-speed vehicle;

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

26 (7) Motor vehicle means any self-propelled vehicle which is designed  
27 for use upon a highway, including trailers designed for use with such  
28 vehicles, minitrucks, and low-speed vehicles. Motor vehicle does not  
29 include (a) mopeds as defined in section 60-637, (b) traction engines,  
30 (c) road rollers, (d) farm tractors, (e) tractor cranes, (f) power  
31 shovels, (g) well drillers, (h) every vehicle which is propelled by

1 electric power obtained from overhead wires but not operated upon rails,  
2 (i) electric personal assistive mobility devices as defined in section  
3 60-618.02, (j) off-road designed vehicles, including, but not limited to,  
4 golf car vehicles, go-carts, riding lawnmowers, garden tractors, all-  
5 terrain vehicles and utility-type vehicles as defined in section  
6 60-6,355, minibikes as defined in section 60-636, and snowmobiles as  
7 defined in section 60-663, and (k) bicycles as defined in section 60-611;

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

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

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

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

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

26 (13) Proof of financial responsibility means evidence of ability to  
27 respond in damages for liability, on account of accidents occurring  
28 subsequent to the effective date of such proof, arising out of the  
29 ownership, maintenance, or use of a motor vehicle, (a) in the amount of  
30 twenty-five thousand dollars because of bodily injury to or death of one  
31 person in any one accident, (b) subject to such limit for one person, in

1 the amount of fifty thousand dollars because of bodily injury to or death  
2 of two or more persons in any one accident, and (c) in the amount of  
3 twenty-five thousand dollars because of injury to or destruction of  
4 property of others in any one accident;

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

8 (15) State means any state, territory, or possession of the United  
9 States, the District of Columbia, or any province of the Dominion of  
10 Canada; and

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

14 Sec. 18. Section 60-628.01, Revised Statutes Cumulative Supplement,  
15 2018, is amended to read:

16 60-628.01 Low-speed vehicle means a (1) four-wheeled motor vehicle  
17 (a) whose speed attainable in one mile is more than twenty miles per hour  
18 and not more than twenty-five miles per hour on a paved, level surface,  
19 (b) whose gross vehicle weight rating is less than three thousand pounds,  
20 and (c) that complies with 49 C.F.R. part 571, as such part existed on  
21 January 1, 2019 ~~2018~~, or (2) three-wheeled motor vehicle (a) whose  
22 maximum speed attainable is not more than twenty-five miles per hour on a  
23 paved, level surface, (b) whose gross vehicle weight rating is less than  
24 three thousand pounds, (c) which is equipped with a windshield and an  
25 occupant protection system, and (d) that complies with 49 C.F.R. part  
26 571, as such part existed on January 1, 2019 ~~2018~~. A motorcycle with a  
27 sidecar attached is not a low-speed vehicle.

28 Sec. 19. Section 60-6,265, Revised Statutes Cumulative Supplement,  
29 2018, is amended to read:

30 60-6,265 For purposes of sections 60-6,266 to 60-6,273:

31 (1) Occupant protection system means a system utilizing a lap belt,

1 a shoulder belt, or any combination of belts installed in a motor vehicle  
2 which (a) restrains drivers and passengers and (b) conforms to Federal  
3 Motor Vehicle Safety Standards, 49 C.F.R. 571.207, 571.208, 571.209, and  
4 571.210, as such standards existed on January 1, 2019 ~~2009~~, or, as a  
5 minimum standard, to the federal motor vehicle safety standards for  
6 passenger restraint systems applicable for the motor vehicle's model  
7 year; and

8 (2) Three-point safety belt system means a system utilizing a  
9 combination of a lap belt and a shoulder belt installed in a motor  
10 vehicle which restrains drivers and passengers.

11 Sec. 20. Section 60-2705, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 60-2705 The Director of Motor Vehicles shall adopt standards for an  
14 informal dispute settlement procedure which substantially comply with the  
15 provisions of 16 C.F.R. part 703, as such part existed on January 1, 2019  
16 ~~in existence as of February 22, 1983.~~

17 If a manufacturer has established or participates in a dispute  
18 settlement procedure certified by the Director of Motor Vehicles within  
19 the guidelines of such standards, the provisions of section 60-2703  
20 concerning refunds or replacement shall not apply to any consumer who has  
21 not first resorted to such a procedure.

22 Sec. 21. Section 60-2909.01, Revised Statutes Cumulative Supplement,  
23 2018, is amended to read:

24 60-2909.01 The department and any officer, employee, agent, or  
25 contractor of the department having custody of a motor vehicle record  
26 shall, upon the verification of identity and purpose of a requester,  
27 disclose and make available the requested motor vehicle record, including  
28 the sensitive personal information in the record, other than the social  
29 security number, for the following purposes:

30 (1) For use by any federal, state, or local governmental agency,  
31 including any court or law enforcement agency, in carrying out the



1 agency's functions or by a private person or entity acting on behalf of a  
2 governmental agency in carrying out the agency's functions;

3 (2) For use in connection with any civil, criminal, administrative,  
4 or arbitral proceeding in any federal, state, or local court or  
5 governmental agency or before any self-regulatory body, including service  
6 of process, investigation in anticipation of litigation, and execution or  
7 enforcement of judgments and orders, or pursuant to an order of a  
8 federal, state, or local court, an administrative agency, or a self-  
9 regulatory body;

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

14 (4) For use by an employer or the employer's agent or insurer to  
15 obtain or verify information relating to a holder of a commercial  
16 driver's license or CLP-commercial learner's permit that is required  
17 under the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31301 et  
18 seq., as such act existed on January 1, 2019, or pursuant to sections  
19 60-4,132 and 60-4,141; and

20 (5) For use by employers of a holder of a commercial driver's  
21 license or CLP-commercial learner's permit and by the Commercial Driver  
22 License Information System as provided in section 60-4,144.02 and 49  
23 C.F.R. 383.73, as such regulation existed on January 1, 2019.

24 Sec. 22. Section 75-363, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 75-363 (1) The parts, subparts, and sections of Title 49 of the Code  
27 of Federal Regulations listed below, as modified in this section, or any  
28 other parts, subparts, and sections referred to by such parts, subparts,  
29 and sections, in existence and effective as of January 1, 2019 ~~2018~~, are  
30 adopted as Nebraska law.

31 (2) Except as otherwise provided in this section, the regulations

1 shall be applicable to:

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

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

6 (i) All vehicles of such motor carriers with a gross vehicle weight  
7 rating, gross combination weight rating, gross vehicle weight, or gross  
8 combination weight over ten thousand pounds;

9 (ii) All vehicles of such motor carriers designed or used to  
10 transport more than eight passengers, including the driver, for  
11 compensation, or designed or used to transport more than fifteen  
12 passengers, including the driver, and not used to transport passengers  
13 for compensation;

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

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

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

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

22 (b) Part 385 - SAFETY FITNESS PROCEDURES;

23 (c) Part 386 - RULES OF PRACTICE FOR FMCSA PROCEEDINGS;

24 (d) Part 387 - MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR  
25 CARRIERS;

26 (e) Part 390 - FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL;

27 (f) Part 391 - QUALIFICATIONS OF DRIVERS AND LONGER COMBINATION  
28 VEHICLE (LCV) DRIVER INSTRUCTORS;

29 (g) Part 392 - DRIVING OF COMMERCIAL MOTOR VEHICLES;

30 (h) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION;

31 (i) Part 395 - HOURS OF SERVICE OF DRIVERS;

1 (j) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE;

2 (k) Part 397 - TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND  
3 PARKING RULES; and

4 (l) Part 398 - TRANSPORTATION OF MIGRANT WORKERS.

5 (4) The provisions of subpart E - Physical Qualifications And  
6 Examinations of 49 C.F.R. part 391 - QUALIFICATIONS OF DRIVERS AND LONGER  
7 COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS shall not apply to any  
8 driver subject to this section who: (a) Operates a commercial motor  
9 vehicle exclusively in intrastate commerce; and (b) holds, or has held, a  
10 commercial driver's license issued by this state prior to July 30, 1996.

11 (5) The regulations adopted in subsection (3) of this section shall  
12 not apply to farm trucks registered pursuant to section 60-3,146 with a  
13 gross weight of sixteen tons or less. The following parts and sections of  
14 49 C.F.R. chapter III shall not apply to drivers of farm trucks  
15 registered pursuant to section 60-3,146 and operated solely in intrastate  
16 commerce:

17 (a) All of part 391;

18 (b) Section 395.8 of part 395; and

19 (c) Section 396.11 of part 396.

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

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

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

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

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

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

31 (8) For purposes of this section, intrastate motor carriers shall

1 not include any motor carrier or driver excepted from 49 C.F.R. chapter  
2 III by section 390.3(f) of part 390.

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

8 (i) More than twelve hours following ten consecutive hours off duty;  
9 or

10 (ii) For any period after having been on duty sixteen hours  
11 following ten consecutive hours off duty.

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

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

18 (ii) Having been on duty eighty hours in any period of eight  
19 consecutive days if the employing motor carrier operates motor vehicles  
20 every day of the week.

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

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

28 (b) The transportation of such farm supplies is from a wholesale or  
29 retail distribution point of the farm supplies to a farm or other  
30 location where the farm supplies are intended to be used which is within  
31 a one-hundred-fifty-air-mile radius of the wholesale or retail

1 distribution point; or

2 (c) The transportation of such farm supplies is from a wholesale  
3 distribution point of the farm supplies to a retail distribution point of  
4 the farm supplies which is within a one-hundred-fifty-air-mile radius of  
5 the wholesale distribution point.

6 (11) 49 C.F.R. 390.21 - Marking of self-propelled CMVs and  
7 intermodal equipment shall not apply to farm trucks and farm truck-  
8 tractors registered pursuant to section 60-3,146 and operated solely in  
9 intrastate commerce.

10 (12) 49 C.F.R. 392.9a - Operating authority shall not apply to  
11 Nebraska motor carriers operating commercial motor vehicles solely in  
12 intrastate commerce.

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

16 Sec. 23. Section 75-364, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 75-364 The parts, subparts, and sections of Title 49 of the Code of  
19 Federal Regulations listed below, or any other parts, subparts, and  
20 sections referred to by such parts, subparts, and sections, in existence  
21 and effective as of January 1, 2019 ~~2018~~, are adopted as part of Nebraska  
22 law and shall be applicable to all motor carriers whether engaged in  
23 interstate or intrastate commerce, drivers of such motor carriers, and  
24 vehicles of such motor carriers:

25 (1) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart F -  
26 Registration of Cargo Tank and Cargo Tank Motor Vehicle Manufacturers,  
27 Assemblers, Repairers, Inspectors, Testers, and Design Certifying  
28 Engineers;

29 (2) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart G -  
30 Registration of Persons Who Offer or Transport Hazardous Materials;

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

1 (4) Part 172 - HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS,  
2 HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION,  
3 TRAINING REQUIREMENTS, AND SECURITY PLANS;

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

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

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

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

10 Sec. 24. Section 75-366, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 75-366 For the purpose of enforcing Chapter 75, article 3, any  
13 officer of the Nebraska State Patrol may, upon demand, inspect the  
14 accounts, records, and equipment of any motor carrier or shipper. Any  
15 officer of the Nebraska State Patrol shall have the authority to enforce  
16 the federal motor carrier safety regulations, as such regulations existed  
17 on January 1, 2019 ~~2018~~, and federal hazardous materials regulations, as  
18 such regulations existed on January 1, 2019 ~~2018~~, and is authorized to  
19 enter upon, inspect, and examine any and all lands, buildings, and  
20 equipment of any motor carrier, any shipper, and any other person subject  
21 to the federal Interstate Commerce Act, the federal Department of  
22 Transportation Act, and other related federal laws and to inspect and  
23 copy any and all accounts, books, records, memoranda, correspondence, and  
24 other documents of a motor carrier, a shipper, and any other person  
25 subject to Chapter 75, article 3, for the purposes of enforcing Chapter  
26 75, article 3. To promote uniformity of enforcement, the carrier  
27 enforcement division of the Nebraska State Patrol shall cooperate and  
28 consult with the Public Service Commission and the Division of Motor  
29 Carrier Services.

30 Sec. 25. Section 75-392, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           75-392 For purposes of sections 75-392 to 75-399:

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

3           (2) Division means the Division of Motor Carrier Services of the  
4 Department of Motor Vehicles; and

5           (3) Unified carrier registration plan and agreement means the plan  
6 and agreement established and authorized pursuant to 49 U.S.C. 14504a, as  
7 such section existed on January 1, 2019 ~~2018~~.

8           Sec. 26. Section 75-393, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10           75-393 The director may participate in the unified carrier  
11 registration plan and agreement pursuant to the Unified Carrier  
12 Registration Act of 2005, 49 U.S.C. 13908, as the act existed on January  
13 1, 2019 ~~2018~~, and may file on behalf of this state the plan required by  
14 such plan and agreement for enforcement of the act in this state.

15           Sec. 27. Original sections 60-107, 60-2705, 75-363, 75-364, 75-366,  
16 75-392, and 75-393, Reissue Revised Statutes of Nebraska, and sections  
17 60-119.01, 60-302.01, 60-336.01, 60-363, 60-386, 60-3,113.04,  
18 60-3,193.01, 60-3,198, 60-3,202, 60-462.01, 60-479.01, 60-4,111.01,  
19 60-4,132, 60-4,134, 60-4,147.02, 60-501, 60-628.01, 60-6,265, and  
20 60-2909.01, Revised Statutes Cumulative Supplement, 2018, are repealed.

21           Sec. 28. Since an emergency exists, this act takes effect when  
22 passed and approved according to law.