

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 944**

Introduced by Geist, 25.

Read first time January 13, 2020

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend  
2 sections 18-1214, 60-3,137, 60-3,203, 60-3,212, 66-1406.02, 66-1424,  
3 75-369.03, 75-386, 75-398, and 75-399, Reissue Revised Statutes of  
4 Nebraska, sections 60-3,205, 60-4,113, and 60-4,114, Revised  
5 Statutes Cumulative Supplement, 2018, and sections 60-395, 60-3,198,  
6 60-3,238, 60-3,240, 60-3,242, and 75-392, Revised Statutes  
7 Supplement, 2019; to change provisions relating to certain motor  
8 vehicle fees imposed by cities and villages; to provide for a refund  
9 or credit of fees for a loss of possession due to natural disaster;  
10 to change provisions relating to the International Fuel Tax  
11 Agreement Act; to authorize temporary license stickers as  
12 prescribed; to eliminate provisions relating to certain replacement  
13 permanent plates; to provide for electronic delivery of an  
14 operator's license or state identification card and for a remote  
15 knowledge inquiry; to provide powers for the director relating to  
16 the unified carrier registration plan and agreement; to harmonize  
17 provisions; and to repeal the original sections.  
18 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 18-1214, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 18-1214 (1)(a) ~~(1)~~ Except as otherwise provided in subsection (3)  
4 of this section, the governing body of any city or village shall have  
5 power to require any individual whose primary residence or person who  
6 owns a place of business which is within the limits of the city or  
7 village and that owns and operates a motor vehicle within such limits to  
8 pay an annual motor vehicle fee and to require the payment of such fee  
9 upon the change of ownership of such vehicle. All such fees which may be  
10 provided for under this subsection shall be used exclusively for  
11 constructing, repairing, maintaining, or improving streets, roads,  
12 alleys, public ways, or parts thereof or for the amortization of bonded  
13 indebtedness when created for such purposes.

14 (b) To ensure compatibility with the Vehicle Title and Registration  
15 System maintained by the Department of Motor Vehicles:

16 (i) Any city or village that collects the annual motor vehicle fee  
17 authorized under this section shall use the plate types listed under  
18 section 60-3,104 and, as applicable, weight categories listed under the  
19 Motor Vehicle Registration Act when reporting information to the Vehicle  
20 Title and Registration System; and

21 (ii) Any city or village that adopts an annual motor vehicle fee  
22 under this section or that modifies an existing motor vehicle fee shall  
23 notify the Department of Motor Vehicles of such new or modified fee  
24 within ten business days after the passage of the ordinance authorizing  
25 such new or modified fee and at least sixty days prior to the  
26 implementation of such new or modified fee.

27 (2) No motor vehicle fee shall be required under this section if (a)  
28 a vehicle is used or stored but temporarily in such city or village for a  
29 period of six months or less in a twelve-month period, (b) an individual  
30 does not have a primary residence or a person does not own a place of  
31 business within the limits of the city or village and does not own and

1 operate a motor vehicle within the limits of the city or village, or (c)  
2 an individual is a full-time student attending a postsecondary  
3 institution within the limits of the city or village and the motor  
4 vehicle's situs under the Motor Vehicle Certificate of Title Act is  
5 different from the place at which he or she is attending such  
6 institution.

7 (3) After December 31, 2012, no motor vehicle fee shall be required  
8 of any individual whose primary residence is or person who owns a place  
9 of business within the extraterritorial zoning jurisdiction of such city  
10 or village.

11 (4) The fee shall be paid to the county treasurer of the county in  
12 which such city or village is located when the registration fees as  
13 provided in the Motor Vehicle Registration Act are paid. Such fees shall  
14 be credited by the county treasurer to the road fund of such city or  
15 village.

16 (5) For purposes of this section:

17 (a) Limits of the city or village includes the extraterritorial  
18 zoning jurisdiction of such city or village; and

19 (b) Person includes bodies corporate, societies, communities, the  
20 public generally, individuals, partnerships, limited liability companies,  
21 joint-stock companies, cooperatives, and associations. Person does not  
22 include any federal, state, or local government or any political  
23 subdivision thereof.

24 Sec. 2. Section 60-395, Revised Statutes Supplement, 2019, is  
25 amended to read:

26 60-395 (1) Except as otherwise provided in subsection (2) of this  
27 section and sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,  
28 60-3,224, 60-3,227, 60-3,231, 60-3,233, 60-3,235, 60-3,238, 60-3,240,  
29 60-3,242, and 60-3,244, the registration shall expire and the registered  
30 owner or lessee may, by returning the registration certificate, the  
31 license plates, and, when appropriate, the validation decals and by

1 either making application on a form prescribed by the department to the  
2 county treasurer of the occurrence of an event described in subdivisions  
3 (a) through (e) of this subsection or, in the case of a change in situs,  
4 displaying to the county treasurer the registration certificate of such  
5 other state as evidence of a change in situs, receive a refund of that  
6 part of the unused fees and taxes on motor vehicles or trailers based on  
7 the number of unexpired months remaining in the registration period from  
8 the date of any of the following events:

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

10 (b) In case of loss of possession because of fire, natural disaster,  
11 theft, dismantlement, or junking;

12 (c) When a salvage branded certificate of title is issued;

13 (d) Whenever a type or class of motor vehicle or trailer previously  
14 registered is subsequently declared by legislative act or court decision  
15 to be illegal or ineligible to be operated or towed on the public roads  
16 and no longer subject to registration fees, the motor vehicle tax imposed  
17 in section 60-3,185, the motor vehicle fee imposed in section 60-3,190,  
18 and the alternative fuel fee imposed in section 60-3,191;

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

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

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

26 (3) If the transferor or lessee acquires another motor vehicle at  
27 the time of the transfer, trade-in, or surrender, the transferor or  
28 lessee shall have the credit provided for in this section applied toward  
29 payment of the motor vehicle fees and taxes then owing. Otherwise, the  
30 transferor or lessee shall file a claim for refund with the county  
31 treasurer upon an application form prescribed by the department.

1 (4) The registered owner or lessee shall make a claim for refund or  
2 credit of the fees and taxes for the unexpired months in the registration  
3 period within sixty days after the date of the event or shall be deemed  
4 to have forfeited his or her right to such refund or credit.

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

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

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

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

26 Sec. 3. Section 60-3,137, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 60-3,137 Each insurance company doing business in this state shall  
29 provide information shown on each automobile liability policy issued in  
30 this state as required by the department pursuant to sections 60-3,136 to  
31 60-3,139 for inclusion in the motor vehicle insurance data base in a form

1 and manner acceptable to the department. Any person who qualifies as a  
2 self-insurer under sections 60-562 to 60-564 or any person who provides  
3 financial responsibility under sections 75-392 to 75-399 and section 20  
4 of this act shall not be required to provide information to the  
5 department for inclusion in the motor vehicle insurance data base.

6 Sec. 4. Section 60-3,198, Revised Statutes Supplement, 2019, is  
7 amended to read:

8 60-3,198 (1) Any owner engaged in operating a fleet of apportionable  
9 vehicles in this state in interjurisdiction commerce may, in lieu of  
10 registration of such apportionable vehicles under the general provisions  
11 of the Motor Vehicle Registration Act, register and license such fleet  
12 for operation in this state by filing a statement and the application  
13 required by section 60-3,203 with the Division of Motor Carrier Services  
14 of the department. The statement shall be in such form and contain such  
15 information as the division requires, declaring the total mileage  
16 operated by such vehicles in all jurisdictions and in this state during  
17 the preceding year and describing and identifying each such apportionable  
18 vehicle to be operated in this state during the ensuing license year.  
19 Upon receipt of such statement and application, the division shall  
20 determine the total fee payment, which shall be equal to the amount of  
21 fees due pursuant to section 60-3,203 and the amount obtained by applying  
22 the formula provided in section 60-3,204 to a fee of thirty-two dollars  
23 per ton based upon gross vehicle weight of the empty weights of a truck  
24 or truck-tractor and the empty weights of any trailer or combination  
25 thereof with which it is to be operated in combination at any one time  
26 plus the weight of the maximum load to be carried thereon at any one  
27 time, and shall notify the applicant of the amount of payment required to  
28 be made. Mileage operated in noncontracting reciprocity jurisdictions by  
29 apportionable vehicles based in Nebraska shall be applied to the portion  
30 of the formula for determining the Nebraska injurisdiction fleet  
31 distance.

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

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

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

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

29 When a nonresident fleet owner has registered his or her  
30 apportionable vehicles, his or her apportionable vehicles shall be  
31 considered as fully registered for both interjurisdiction and

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

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

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

29 (4) If the division claims that a greater amount of fee is due under  
30 this section than was paid, the division shall notify the owner of the  
31 additional amount claimed to be due. The owner may accept such claim and



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

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

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

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

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

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

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

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

1 governed by section 60-3,179.

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

14 Sec. 5. Section 60-3,203, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 60-3,203 (1) Upon application and payment of the fees required  
17 pursuant to this section and section 60-3,198, the Division of Motor  
18 Carrier Services of the department shall issue to the owner of any fleet  
19 of apportionable commercial vehicles with a base registration in Nebraska  
20 a permanent license plate for each truck, truck-tractor, and trailer in  
21 the fleet. The application shall be accompanied by a fee of three dollars  
22 for each truck or truck-tractor and six dollars per trailer. The  
23 application shall be on a form developed by the division.

24 (2) Fleets of apportionable vehicles license plates shall display a  
25 distinctive license plate provided by the department pursuant to this  
26 section.

27 (3) Any license plate issued pursuant to this section shall remain  
28 affixed to the front of the truck or truck-tractor or to the rear of the  
29 trailer or semitrailer as long as the apportionable vehicle is registered  
30 pursuant to section 60-3,198 by the owner making the original application  
31 pursuant to subsection (1) of this section. Upon transfer of ownership of

1 the truck, truck-tractor, or trailer or transfer of ownership of the  
2 fleet or at any time the truck, truck-tractor, or trailer is no longer  
3 registered pursuant to section 60-3,198, the license plate shall cease to  
4 be active and shall be processed according to the rules and regulations  
5 of the department.

6 (4) The renewal fee for each permanent plate shall be two dollars  
7 and shall be assessed and collected in each license year after the year  
8 in which the permanent license plates are initially issued at the time  
9 all other renewal fees are collected pursuant to section 60-3,198 unless  
10 a truck, truck-tractor, or trailer has been deleted from the fleet  
11 registration.

12 (5)(a) If a permanent license plate is lost or destroyed, the owner  
13 shall submit an affidavit to that effect to the division prior to any  
14 deletion of the truck, truck-tractor, or trailer from the fleet  
15 registration. If the truck, truck-tractor, or trailer is not deleted from  
16 the fleet registration, a replacement permanent license plate may be  
17 issued upon ~~application and~~ payment of a fee of three dollars for each  
18 truck or truck-tractor and six dollars per trailer. ~~The application for a~~  
19 ~~replacement permanent plate shall be on a form developed by the division.~~

20 (b) If the registration certificate for any fleet vehicle is lost or  
21 stolen, the division shall collect a fee of one dollar for replacement of  
22 such certificate.

23 (6) If a truck, truck-tractor, or trailer for which a permanent  
24 license plate has been issued pursuant to this section is deleted from  
25 the fleet registration due to loss of possession by the registrant, the  
26 plate shall be returned to the division.

27 (7) The registrant shall be liable for the full amount of the  
28 registration fee due for any truck, truck-tractor, or trailer not deleted  
29 from the fleet registration renewal.

30 (8) All fees collected pursuant to this section shall be remitted to  
31 the State Treasurer for credit to the Highway Cash Fund.

1           Sec. 6. Section 60-3,205, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

3           60-3,205 (1)(a) The director may suspend, revoke, cancel, or refuse  
4 to issue or renew a registration certificate under the International  
5 Registration Plan Act:

6           (i) If the applicant or certificate holder has had his or her  
7 license issued under the International Fuel Tax Agreement Act revoked or  
8 the director refused to issue or refused to renew such license; or

9           (ii) If the applicant or certificate holder is in violation of  
10 sections 75-392 to 75-399 and section 20 of this act.

11           (b) Prior to taking action under this section, the director shall  
12 notify and advise the applicant or certificate holder of the proposed  
13 action and the reasons for such action in writing, by regular United  
14 States mail, to his or her last-known business address as shown on the  
15 application for the certificate or renewal. The notice shall also include  
16 an advisement of the procedures in subdivision (c) of this subsection.

17           (c) The applicant or certificate holder may, within thirty days  
18 after the date of the mailing of the notice, petition the director for a  
19 hearing to contest the proposed action. The hearing shall be commenced in  
20 accordance with the rules and regulations adopted and promulgated by the  
21 department. If a petition is filed, the director shall, within twenty  
22 days after receipt of the petition, set a hearing date at which the  
23 applicant or certificate holder may show cause why the proposed action  
24 should not be taken. The director shall give the applicant or certificate  
25 holder reasonable notice of the time and place of the hearing. If the  
26 director's decision is adverse to the applicant or certificate holder,  
27 the applicant or certificate holder may appeal the decision in accordance  
28 with the Administrative Procedure Act.

29           (d) Except as provided in subsections (2) and (3) of this section,  
30 the filing of the petition shall stay any action by the director until a  
31 hearing is held and a final decision and order is issued.

1 (e) Except as provided in subsections (2) and (3) of this section,  
2 if no petition is filed at the expiration of thirty days after the date  
3 on which the notification was mailed, the director may take the proposed  
4 action described in the notice.

5 (f) If, in the judgment of the director, the applicant or  
6 certificate holder has complied with or is no longer in violation of the  
7 provisions for which the director took action under this subsection, the  
8 director may reinstate the registration certificate without delay.

9 (2)(a) The director may suspend, revoke, cancel, or refuse to issue  
10 or renew a registration certificate under the International Registration  
11 Plan Act or a license under the International Fuel Tax Agreement Act if  
12 the applicant, licensee, or certificate holder has issued to the  
13 department a check or draft which has been returned because of  
14 insufficient funds, no funds, or a stop-payment order. The director may  
15 take such action no sooner than seven days after the written notice  
16 required in subdivision (1)(b) of this section has been provided. Any  
17 petition to contest such action filed pursuant to subdivision (1)(c) of  
18 this section shall not stay such action of the director.

19 (b) If the director takes an action pursuant to this subsection, the  
20 director shall reinstate the registration certificate or license without  
21 delay upon the payment of certified funds by the applicant, licensee, or  
22 certificate holder for any fees due and reasonable administrative costs,  
23 not to exceed twenty-five dollars, incurred in taking such action.

24 (c) The rules, regulations, and orders of the director and the  
25 department that pertain to hearings commenced in accordance with this  
26 section and that are in effect prior to March 17, 2006, shall remain in  
27 effect, unless changed or eliminated by the director or the department,  
28 except for those portions involving a stay upon the filing of a petition  
29 to contest any action taken pursuant to this subsection, in which case  
30 this subsection shall supersede those provisions.

31 (3) Any person who receives notice from the director of action taken

1 pursuant to subsection (1) or (2) of this section shall, within three  
2 business days, return such registration certificate and license plates to  
3 the department as provided in this section. If any person fails to return  
4 the registration certificate and license plates to the department, the  
5 department shall notify the Nebraska State Patrol that any such person is  
6 in violation of this section.

7 Sec. 7. Section 60-3,212, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 60-3,212 Upon transfer of ownership of any snowmobile or in case of  
10 loss of possession because of fire, natural disaster, theft,  
11 dismantlement, or junking, its registration shall expire, and the  
12 registered owner may, by returning the registration certificate and after  
13 making affidavit of such transfer or loss to the county official who  
14 issued the certificate, receive a refund of that part of the unused fees  
15 based on the number of unexpired months remaining in the registration  
16 period, except that when such snowmobile is transferred within the same  
17 calendar month in which acquired, no refund shall be allowed for such  
18 month.

19 Sec. 8. Section 60-3,238, Revised Statutes Supplement, 2019, is  
20 amended to read:

21 60-3,238 (1) Beginning January 1, 2021, a person may apply to the  
22 department for Wildlife Conservation Plates in lieu of regular license  
23 plates on an application prescribed and provided by the department for  
24 any motor vehicle, trailer, or semitrailer, except for a motor vehicle,  
25 trailer, or semitrailer registered under section 60-3,198. An applicant  
26 receiving a Wildlife Conservation Plate for a farm truck with a gross  
27 weight of over sixteen tons or a commercial truck or truck-tractor with a  
28 gross weight of five tons or over shall affix the appropriate tonnage  
29 decal to the plate. The department shall make forms available for such  
30 applications through the county treasurers. The license plates shall be  
31 issued upon payment of the license fee described in subsection (2) of



1 this section.

2 (2)(a) In addition to all other fees required for registration under  
3 the Motor Vehicle Registration Act, each application for initial issuance  
4 of alphanumeric Wildlife Conservation Plates shall be accompanied by a  
5 fee of five dollars. An application for renewal of such plates shall be  
6 accompanied by a fee of five dollars. County treasurers collecting fees  
7 pursuant to this subdivision shall remit such fees to the State  
8 Treasurer. The State Treasurer shall credit five dollars of the fee to  
9 the Wildlife Conservation Fund.

10 (b) In addition to all other fees required for registration under  
11 the Motor Vehicle Registration Act, each application for initial issuance  
12 or renewal of personalized message Wildlife Conservation Plates shall be  
13 accompanied by a fee of forty dollars. County treasurers collecting fees  
14 pursuant to this subdivision shall remit such fees to the State  
15 Treasurer. The State Treasurer shall credit twenty-five percent of the  
16 fee for initial issuance and renewal of such plates to the Department of  
17 Motor Vehicles Cash Fund and seventy-five percent of the fee to the  
18 Wildlife Conservation Fund.

19 (3)(a) ~~(3)~~ When the department receives an application for Wildlife  
20 Conservation Plates, the department may deliver the plates and  
21 registration certificate to the applicant by United States mail or to the  
22 county treasurer of the county in which the motor vehicle, trailer, or  
23 semitrailer is registered and the delivery of the plates and registration  
24 certificate shall be made through a secure process and system. The county  
25 treasurer or the department shall issue Wildlife Conservation Plates in  
26 lieu of regular license plates when the applicant complies with the other  
27 provisions of the Motor Vehicle Registration Act for registration of the  
28 motor vehicle, trailer, or semitrailer. If Wildlife Conservation Plates  
29 are lost, stolen, or mutilated, the licensee shall be issued replacement  
30 license plates upon request pursuant to section 60-3,157.

31 (b) This subdivision applies beginning on an implementation date

1 designated by the director. The director shall designate an  
2 implementation date which is on or before January 1, 2021. The county  
3 treasurer or the department may issue temporary license stickers to the  
4 applicant under this section for the applicant to lawfully operate the  
5 vehicle pending receipt of the license plates. No charge in addition to  
6 the registration fee shall be made for the issuance of a temporary  
7 license sticker under this subdivision. The department shall furnish  
8 temporary license stickers for issuance by the county treasurer at no  
9 cost to the counties. The department may adopt and promulgate rules and  
10 regulations regarding the design and issuance of temporary license  
11 stickers.

12 (4) The owner of a motor vehicle, trailer, or semitrailer bearing  
13 Wildlife Conservation Plates may apply to the county treasurer to have  
14 such plates transferred to a motor vehicle or trailer other than the  
15 motor vehicle or trailer for which such plates were originally purchased  
16 if such motor vehicle or trailer is owned by the owner of the plates. The  
17 owner may have the unused portion of the fee for the plates credited to  
18 the other motor vehicle or trailer which will bear the plates at the rate  
19 of eight and one-third percent per month for each full month left in the  
20 registration period. Application for such transfer shall be accompanied  
21 by a fee of three dollars. Fees collected pursuant to this subsection  
22 shall be remitted to the State Treasurer for credit to the Department of  
23 Motor Vehicles Cash Fund.

24 (5) If the cost of manufacturing Wildlife Conservation Plates at any  
25 time exceeds the amount charged for license plates pursuant to section  
26 60-3,102, any money to be credited to the Wildlife Conservation Fund  
27 shall instead be credited first to the Highway Trust Fund in an amount  
28 equal to the difference between the manufacturing costs of Wildlife  
29 Conservation Plates and the amount charged pursuant to section 60-3,102  
30 with respect to such plates and the remainder shall be credited to the  
31 Wildlife Conservation Fund.

1           Sec. 9. Section 60-3,240, Revised Statutes Supplement, 2019, is  
2 amended to read:

3           60-3,240 (1) Beginning January 1, 2021, a person may apply to the  
4 department for Prostate Cancer Awareness Plates in lieu of regular  
5 license plates on an application prescribed and provided by the  
6 department for any motor vehicle, trailer, or semitrailer, except for a  
7 motor vehicle or trailer registered under section 60-3,198. An applicant  
8 receiving a plate under this section for a farm truck with a gross weight  
9 of over sixteen tons or a commercial truck or truck-tractor with a gross  
10 weight of five tons or over shall affix the appropriate tonnage decal to  
11 the plate. The department shall make forms available for such  
12 applications through the county treasurers. The license plates shall be  
13 issued upon payment of the license fee described in subsection (2) of  
14 this section.

15           (2)(a) In addition to all other fees required for registration under  
16 the Motor Vehicle Registration Act, each application for initial issuance  
17 of alphanumeric Prostate Cancer Awareness Plates shall be accompanied by  
18 a fee of five dollars. An application for renewal of such plates shall be  
19 accompanied by a fee of five dollars. County treasurers collecting fees  
20 pursuant to this subdivision shall remit such fees to the State  
21 Treasurer. The State Treasurer shall credit five dollars of the fee to  
22 the University of Nebraska Medical Center for the Nebraska Prostate  
23 Cancer Research Program.

24           (b) In addition to all other fees required for registration under  
25 the Motor Vehicle Registration Act, each application for initial issuance  
26 or renewal of personalized message Prostate Cancer Awareness Plates shall  
27 be accompanied by a fee of forty dollars. County treasurers collecting  
28 fees pursuant to this subdivision shall remit such fees to the State  
29 Treasurer. The State Treasurer shall credit seventy-five percent of the  
30 fee to the University of Nebraska Medical Center for the Nebraska  
31 Prostate Cancer Research Program and twenty-five percent of the fee to

1 the Department of Motor Vehicles Cash Fund.

2 ~~(3)(a) (3)~~ When the department receives an application for Prostate  
3 Cancer Awareness Plates, the department may deliver the plates and  
4 registration certificate to the applicant by United States mail or to the  
5 county treasurer of the county in which the motor vehicle, trailer, or  
6 semitrailer is registered and the delivery of the plates and registration  
7 certificate shall be made through a secure process and system. The county  
8 treasurer or the department shall issue plates under this section in lieu  
9 of regular license plates when the applicant complies with the other  
10 provisions of the Motor Vehicle Registration Act for registration of the  
11 motor vehicle, trailer, or semitrailer. If Prostate Cancer Awareness  
12 Plates are lost, stolen, or mutilated, the licensee shall be issued  
13 replacement license plates upon request pursuant to section 60-3,157.

14 (b) This subdivision applies beginning on an implementation date  
15 designated by the director. The director shall designate an  
16 implementation date which is on or before January 1, 2021. The county  
17 treasurer or the department may issue temporary license stickers to the  
18 applicant under this section for the applicant to lawfully operate the  
19 vehicle pending receipt of the license plates. No charge in addition to  
20 the registration fee shall be made for the issuance of a temporary  
21 license sticker under this subdivision. The department shall furnish  
22 temporary license stickers for issuance by the county treasurer at no  
23 cost to the counties. The department may adopt and promulgate rules and  
24 regulations regarding the design and issuance of temporary license  
25 stickers.

26 (4) The owner of a motor vehicle, trailer, or semitrailer bearing  
27 Prostate Cancer Awareness Plates may apply to the county treasurer to  
28 have such plates transferred to a motor vehicle or trailer other than the  
29 motor vehicle or trailer for which such plates were originally purchased  
30 if such motor vehicle or trailer is owned by the owner of the plates. The  
31 owner may have the unused portion of the fee for the plates credited to

1 the other motor vehicle or trailer which will bear the plates at the rate  
2 of eight and one-third percent per month for each full month left in the  
3 registration period. Application for such transfer shall be accompanied  
4 by a fee of three dollars. Fees collected pursuant to this subsection  
5 shall be remitted to the State Treasurer for credit to the Department of  
6 Motor Vehicles Cash Fund.

7 (5) If the cost of manufacturing Prostate Cancer Awareness Plates at  
8 any time exceeds the amount charged for license plates pursuant to  
9 section 60-3,102, any money to be credited to the University of Nebraska  
10 Medical Center for the Nebraska Prostate Cancer Research Program shall  
11 instead be credited first to the Highway Trust Fund in an amount equal to  
12 the difference between the manufacturing costs of Prostate Cancer  
13 Awareness Plates and the amount charged pursuant to section 60-3,102 with  
14 respect to such plates and the remainder shall be credited to the  
15 University of Nebraska Medical Center for the Nebraska Prostate Cancer  
16 Research Program.

17 Sec. 10. Section 60-3,242, Revised Statutes Supplement, 2019, is  
18 amended to read:

19 60-3,242 (1) Beginning January 1, 2021, a person may apply to the  
20 department for Sammy's Superheroes license plates for childhood cancer  
21 awareness in lieu of regular license plates on an application prescribed  
22 and provided by the department for any motor vehicle, trailer, or  
23 semitrailer, except for a motor vehicle, trailer, or semitrailer  
24 registered under section 60-3,198. An applicant receiving a Sammy's  
25 Superheroes license plate for childhood cancer awareness for a farm truck  
26 with a gross weight of over sixteen tons or a commercial truck or truck-  
27 tractor with a gross weight of five tons or over shall affix the  
28 appropriate tonnage decal to the plate. The department shall make forms  
29 available for such applications through the county treasurers. The  
30 license plates shall be issued upon payment of the license fee described  
31 in subsection (2) of this section.

1           (2)(a) In addition to all other fees required for registration under  
2 the Motor Vehicle Registration Act, each application for initial issuance  
3 of alphanumeric Sammy's Superheroes license plates for childhood cancer  
4 awareness shall be accompanied by a fee of five dollars. An application  
5 for renewal of such plates shall be accompanied by a fee of five dollars.  
6 County treasurers collecting fees pursuant to this subdivision shall  
7 remit such fees to the State Treasurer. The State Treasurer shall credit  
8 five dollars of the fee to the University of Nebraska Medical Center for  
9 pediatric cancer research.

10           (b) In addition to all other fees required for registration under  
11 the Motor Vehicle Registration Act, each application for initial issuance  
12 or renewal of personalized message Sammy's Superheroes license plates for  
13 childhood cancer awareness shall be accompanied by a fee of forty  
14 dollars. County treasurers collecting fees pursuant to this subdivision  
15 shall remit such fees to the State Treasurer. The State Treasurer shall  
16 credit twenty-five percent of the fee for initial issuance and renewal of  
17 such plates to the Department of Motor Vehicles Cash Fund and seventy-  
18 five percent of the fee to the University of Nebraska Medical Center for  
19 pediatric cancer research.

20           (3)(a) ~~(3)~~ When the department receives an application for Sammy's  
21 Superheroes license plates for childhood cancer awareness, the department  
22 may deliver the plates and registration certificate to the applicant by  
23 United States mail or to the county treasurer of the county in which the  
24 motor vehicle, trailer, or semitrailer is registered, and the delivery of  
25 the plates and registration certificate shall be made through a secure  
26 process and system. The county treasurer or the department shall issue  
27 Sammy's Superheroes license plates for childhood cancer awareness in lieu  
28 of regular license plates when the applicant complies with the other  
29 provisions of the Motor Vehicle Registration Act for registration of the  
30 motor vehicle, trailer, or semitrailer. If Sammy's Superheroes license  
31 plates for childhood cancer awareness are lost, stolen, or mutilated, the

1 licensee shall be issued replacement license plates upon request pursuant  
2 to section 60-3,157.

3 (b) This subdivision applies beginning on an implementation date  
4 designated by the director. The director shall designate an  
5 implementation date which is on or before January 1, 2021. The county  
6 treasurer or the department may issue temporary license stickers to the  
7 applicant under this section for the applicant to lawfully operate the  
8 vehicle pending receipt of the license plates. No charge in addition to  
9 the registration fee shall be made for the issuance of a temporary  
10 license sticker under this subdivision. The department shall furnish  
11 temporary license stickers for issuance by the county treasurer at no  
12 cost to the counties. The department may adopt and promulgate rules and  
13 regulations regarding the design and issuance of temporary license  
14 stickers.

15 (4) The owner of a motor vehicle, trailer, or semitrailer bearing  
16 Sammy's Superheroes license plates for childhood cancer awareness may  
17 apply to the county treasurer to have such plates transferred to a motor  
18 vehicle other than the vehicle for which such plates were originally  
19 purchased if such vehicle is owned by the owner of the plates. The owner  
20 may have the unused portion of the fee for the plates credited to the  
21 other vehicle which will bear the plates at the rate of eight and one-  
22 third percent per month for each full month left in the registration  
23 period. Application for such transfer shall be accompanied by a fee of  
24 three dollars. Fees collected pursuant to this subsection shall be  
25 remitted to the State Treasurer for credit to the Department of Motor  
26 Vehicles Cash Fund.

27 (5) If the cost of manufacturing Sammy's Superheroes license plates  
28 for childhood cancer awareness at any time exceeds the amount charged for  
29 license plates pursuant to section 60-3,102, any money to be credited to  
30 the University of Nebraska Medical Center for pediatric cancer research  
31 shall instead be credited first to the Highway Trust Fund in an amount

1 equal to the difference between the manufacturing costs of Sammy's  
2 Superheroes license plates for childhood cancer awareness and the amount  
3 charged pursuant to section 60-3,102 with respect to such plates and the  
4 remainder shall be credited to the University of Nebraska Medical Center  
5 for pediatric cancer research.

6 Sec. 11. Section 60-4,113, Revised Statutes Cumulative Supplement,  
7 2018, is amended to read:

8 60-4,113 (1) The director shall appoint as his or her agents one or  
9 more department personnel who shall examine all applicants for a state  
10 identification card or an operator's license as provided in section  
11 60-4,114, except as otherwise provided in subsection (8) of section  
12 60-4,122. The same department personnel may be assigned to one or more  
13 counties by the director. In counties in which the county treasurer  
14 collects the fees and issues receipts, the county shall furnish office  
15 space for the administration of the operator's license examination.  
16 Department personnel shall conduct the examination of applicants and  
17 deliver to each successful applicant an issuance certificate or receipt.  
18 The certificate may be presented to the county treasurer within ninety  
19 days after issuance, and the county treasurer shall collect the fee and  
20 surcharge as provided in section 60-4,115 and issue a receipt which is  
21 valid for up to thirty days. If an operator's license is being issued,  
22 the receipt shall also authorize driving privileges for such thirty-day  
23 period. If department personnel refuse to issue an issuance certificate  
24 or receipt, the department personnel shall state such cause in writing  
25 and deliver such written cause to the applicant.

26 (2) The department may provide for the central production and  
27 issuance of operators' licenses and state identification cards.  
28 Production shall take place at a secure production facility designated by  
29 the director. The licenses and cards shall be of such a design and  
30 produced in such a way as to discourage, to the maximum extent possible,  
31 fraud in applicant enrollment, identity theft, and the forgery and



1 counterfeiting of such licenses and cards. Delivery of an operator's  
2 license or state identification card shall be to the mailing address  
3 provided by the applicant at the time of application and may be provided  
4 by secure electronic delivery to specified contact information at the  
5 request of the applicant.

6 Sec. 12. Section 60-4,114, Revised Statutes Cumulative Supplement,  
7 2018, is amended to read:

8 60-4,114 (1) The county treasurer may employ such additional  
9 clerical help as may be necessary to assist him or her in the performance  
10 of the ministerial duties required of him or her under the Motor Vehicle  
11 Operator's License Act and, for such additional expense, shall be  
12 reimbursed as set out in section 60-4,115.

13 (2) The director may, in his or her discretion, appoint department  
14 personnel to examine all applicants who apply for an initial license or  
15 whose licenses have been revoked or canceled to ascertain such person's  
16 ability to operate a motor vehicle properly and safely.

17 (3) Except as otherwise provided in section 60-4,122, the  
18 application process, in addition to the other requisites of the act,  
19 shall include the following:

20 (a) An inquiry into the medical condition and visual ability of the  
21 applicant to operate a motor vehicle;

22 (b) An inquiry into the applicant's ability to drive and maneuver a  
23 motor vehicle, except that no driving skills test shall be conducted  
24 using an autocycle; and

25 (c) An inquiry touching upon the applicant's knowledge of the motor  
26 vehicle laws of this state, which shall include sufficient questions to  
27 indicate familiarity with the provisions thereof. Such knowledge inquiry  
28 may be performed remotely if proctored by an agent approved by the  
29 director.

30 (4) If an applicant is denied or refused a certificate for license  
31 or a license is canceled, such applicant or licensee shall have the right

1 to an immediate appeal to the director from the decision. It shall be the  
2 duty of the director to review the appeal and issue a final order, to be  
3 made not later than ten days after the receipt of the appeal by the  
4 director. The director shall issue a final order not later than ten days  
5 following receipt of the medical opinion if the applicant or licensee  
6 submits reports from a physician of his or her choice for the director's  
7 consideration as provided in section 60-4,118.03. The applicant or  
8 licensee who files an appeal pursuant to this section shall notify the  
9 director in writing if he or she intends to submit records or reports for  
10 consideration. Such notice must be received by the director not later  
11 than ten days after an appeal is filed pursuant to this section to stay  
12 the director's decision until after the consideration of such records or  
13 reports as provided in section 60-4,118.03. After consideration of  
14 evidence in the records of the applicant or licensee, including any  
15 records submitted by the applicant or licensee, the director shall make a  
16 determination of the physical or mental ability of the applicant or  
17 licensee to operate a motor vehicle and shall issue a final order. The  
18 order shall be in writing, shall be accompanied by findings of fact and  
19 conclusions of law, and shall be sent by regular United States mail to  
20 the last-known address of the applicant or licensee. The order may be  
21 appealed as provided in section 60-4,105.

22 Sec. 13. Section 66-1406.02, Reissue Revised Statutes of Nebraska,  
23 is amended to read:

24 66-1406.02 (1) The director may suspend, revoke, cancel, or refuse  
25 to issue or renew a license under the International Fuel Tax Agreement  
26 Act:

27 (a) If the applicant's or licensee's registration certificate issued  
28 pursuant to the International Registration Plan Act has been suspended,  
29 revoked, or canceled or the director refused to issue or renew such  
30 certificate;

31 (b) If the applicant or licensee is in violation of sections 75-392

1 to 75-399 and section 20 of this act;

2 (c) If the applicant's or licensee's security has been canceled;

3 (d) If the applicant or licensee failed to provide additional  
4 security as required;

5 (e) If the applicant or licensee failed to file any report or return  
6 required by the motor fuel laws, filed an incomplete report or return  
7 required by the motor fuel laws, did not file any report or return  
8 required by the motor fuel laws electronically, or did not file a report  
9 or return required by the motor fuel laws on time;

10 (f) If the applicant or licensee failed to pay taxes required by the  
11 motor fuel laws due within the time provided;

12 (g) If the applicant or licensee filed any false report, return,  
13 statement, or affidavit, required by the motor fuel laws, knowing it to  
14 be false;

15 (h) If the applicant or licensee would no longer be eligible to  
16 obtain a license; or

17 (i) If the applicant or licensee committed any other violation of  
18 the International Fuel Tax Agreement Act or the rules and regulations  
19 adopted and promulgated under the act.

20 (2) Prior to taking any action pursuant to subsection (1) of this  
21 section, the director shall notify and advise the applicant or licensee  
22 of the proposed action and the reasons for such action in writing, by  
23 regular United States mail, to his or her last-known business address as  
24 shown on the application or license. The notice shall also include an  
25 advisement of the procedures in subsection (3) of this section.

26 (3) The applicant or licensee may, within thirty days after the  
27 mailing of the notice, petition the director in writing for a hearing to  
28 contest the proposed action. The hearing shall be commenced in accordance  
29 with the rules and regulations adopted and promulgated by the Department  
30 of Motor Vehicles. If a petition is filed, the director shall, within  
31 twenty days after receipt of the petition, set a hearing date at which

1 the applicant or licensee may show cause why the proposed action should  
2 not be taken. The director shall give the applicant or licensee  
3 reasonable notice of the time and place of the hearing. If the director's  
4 decision is adverse to the applicant or licensee, the applicant or  
5 licensee may appeal the decision in accordance with the Administrative  
6 Procedure Act.

7 (4) Except as provided in subsection (2) of section 60-3,205 and  
8 subsection (8) of this section, the filing of the petition shall stay any  
9 action by the director until a hearing is held and a final decision and  
10 order is issued.

11 (5) Except as provided in subsection (2) of section 60-3,205 and  
12 subsection (8) of this section, if no petition is filed at the expiration  
13 of thirty days after the date on which the notification was mailed, the  
14 director may take the proposed action described in the notice.

15 (6) Except as provided in subsection (2) of section 60-3,205 and  
16 subsection (8) of this section, if, in the judgment of the director, the  
17 applicant or licensee has complied with or is no longer in violation of  
18 the provisions for which the director took action under this section, the  
19 director may reinstate the license without delay. An applicant for  
20 reinstatement, issuance, or renewal of a license within three years after  
21 the date of suspension, revocation, cancellation, or refusal to issue or  
22 renew shall submit a fee of one hundred dollars to the director. The  
23 director shall remit the fee to the State Treasurer for credit to the  
24 Highway Cash Fund.

25 (7) Suspension of, revocation of, cancellation of, or refusal to  
26 issue or renew a license by the director shall not relieve any person  
27 from making or filing the reports or returns required by the motor fuel  
28 laws in the manner or within the time required.

29 (8) Any person who receives notice from the director of action taken  
30 pursuant to subsection (1) of this section shall, within three business  
31 days, return such registration certificate and license plates issued

1 pursuant to section 60-3,198 to the department. If any person fails to  
2 return the registration certificate and license plates to the department,  
3 the department shall notify the Nebraska State Patrol that any such  
4 person is in violation of this section.

5 Sec. 14. Section 66-1424, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 66-1424 (1) As soon as practical after a return is filed, the  
8 department shall examine it to determine the correct amount of tax. If  
9 the department finds that the amount of tax shown on the return is less  
10 than the correct amount, it shall notify the taxpayer of the amount of  
11 the deficiency determined.

12 (2) If any person fails to file a return or has improperly purchased  
13 motor fuel without the payment of tax, the department ~~may shall~~ estimate  
14 the person's liability from any available information and notify the  
15 person of the amount of the deficiency determined.

16 (3) The amount of the deficiency determined shall constitute a final  
17 assessment together with interest and penalties thirty days after the  
18 date on which notice was mailed to the taxpayer at his or her last-known  
19 address unless a written protest is filed with the department within such  
20 thirty-day period.

21 (4) The final assessment provisions of this section shall constitute  
22 a final decision of the agency for purposes of the Administrative  
23 Procedure Act.

24 (5) An assessment made by the department shall be presumed to be  
25 correct. In any case when the validity of the assessment is questioned,  
26 the burden shall be on the person who challenges the assessment to  
27 establish by a preponderance of the evidence that the assessment is  
28 erroneous or excessive.

29 (6)(a) Except in the case of a fraudulent return or of neglect or  
30 refusal to make a return, the notice of a proposed deficiency  
31 determination shall be mailed within three years after the last day of

1 the month following the end of the period for which the amount proposed  
2 is to be determined or within three years after the return is filed,  
3 whichever period expires later.

4 (b) The taxpayer and the department may agree, prior to the  
5 expiration of the period in subdivision (a) of this subsection, to extend  
6 the period during which the notice of a deficiency determination can be  
7 mailed. The extension of the period for the mailing of a deficiency  
8 determination shall also extend the period during which a refund can be  
9 claimed.

10 Sec. 15. Section 75-369.03, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 75-369.03 (1) The Superintendent of Law Enforcement and Public  
13 Safety may issue an order imposing a civil penalty against a motor  
14 carrier transporting persons or property in interstate commerce for a  
15 violation of sections 75-392 to 75-399 and section 20 of this act or  
16 against a motor carrier transporting persons or property in intrastate  
17 commerce for a violation or violations of section 75-363 or 75-364 based  
18 upon an inspection conducted pursuant to section 75-366 in an amount  
19 which shall not exceed eight hundred dollars for any single violation in  
20 any proceeding or series of related proceedings against any person or  
21 motor carrier as defined in 49 C.F.R. 390.5 as adopted in section 75-363.

22 (2) The superintendent shall issue an order imposing a civil penalty  
23 in an amount not to exceed fifteen thousand seven hundred twenty-seven  
24 dollars against a motor carrier transporting persons or property in  
25 interstate commerce for a violation of subdivision (2)(e) of section  
26 60-4,162 based upon a conviction of such a violation.

27 (3) The superintendent shall issue an order imposing a civil penalty  
28 against a driver operating a commercial motor vehicle, as defined in  
29 section 60-465, that requires a commercial driver's license or CLP-  
30 commercial learner's permit, in violation of an out-of-service order. The  
31 civil penalty shall be in an amount not less than three thousand thirty-

1 four dollars for a first violation and not less than six thousand sixty-  
2 eight dollars for a second or subsequent violation.

3 (4) The superintendent shall issue an order imposing a civil penalty  
4 against a motor carrier who knowingly allows, requires, permits, or  
5 authorizes the operation of a commercial motor vehicle, as defined in  
6 section 60-465, that requires a commercial driver's license or CLP-  
7 commercial learner's permit, in violation of an out-of-service order. The  
8 civil penalty shall be not less than five thousand four hundred seventy-  
9 nine dollars but not more than thirty thousand three hundred thirty-seven  
10 dollars per violation.

11 (5) Upon the discovery of any violation by a motor carrier  
12 transporting persons or property in interstate commerce of section  
13 75-307, 75-363, or 75-364 or sections 75-392 to 75-399 and section 20 of  
14 this act based upon an inspection conducted pursuant to section 75-366,  
15 the superintendent shall immediately refer such violation to the  
16 appropriate federal agency for disposition, and upon the discovery of any  
17 violation by a motor carrier transporting persons or property in  
18 intrastate commerce of section 75-307 based upon such inspection, the  
19 superintendent shall refer such violation to the Public Service  
20 Commission for disposition.

21 Sec. 16. Section 75-386, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 75-386 The Division of Motor Carrier Services shall:

24 (1) Foster, promote, and preserve the motor carrier industry of the  
25 State of Nebraska;

26 (2) Protect and promote the public health and welfare of the  
27 citizens of the state by ensuring that the motor carrier industry is  
28 operated in an efficient and safe manner;

29 (3) Promote and provide for efficient and uniform governmental  
30 oversight of the motor carrier industry;

31 (4) Promote financial responsibility on the part of motor carriers

1 operating in and through the State of Nebraska;

2 (5) Administer all provisions of the International Fuel Tax  
3 Agreement Act, the International Registration Plan Act, and the unified  
4 carrier registration plan and agreement pursuant to sections 75-392 to  
5 75-399 and section 20 of this act;

6 (6) Provide for the issuance of certificates of title to apportioned  
7 registered motor vehicles as provided for by subsection (6) of section  
8 60-144; and

9 (7) Carry out such other duties and responsibilities as directed by  
10 the Legislature.

11 Sec. 17. Section 75-392, Revised Statutes Supplement, 2019, is  
12 amended to read:

13 75-392 For purposes of sections 75-392 to 75-399 and section 20 of  
14 this act:

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

16 (2) Division means the Division of Motor Carrier Services of the  
17 Department of Motor Vehicles; and

18 (3) Unified carrier registration plan and agreement means the plan  
19 and agreement established and authorized pursuant to 49 U.S.C. 14504a, as  
20 such section existed on January 1, 2019.

21 Sec. 18. Section 75-398, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 75-398 Any foreign or domestic motor carrier, private carrier,  
24 leasing company, broker, or freight forwarder operating any motor vehicle  
25 in violation of sections 75-392 to 75-399 and section 20 of this act, any  
26 rule or regulation adopted and promulgated pursuant to such sections, or  
27 any order of the division issued pursuant to such sections is guilty of a  
28 Class IV misdemeanor and shall also be subject to section 75-369.03. Each  
29 day of the violation constitutes a separate offense.

30 Sec. 19. Section 75-399, Reissue Revised Statutes of Nebraska, is  
31 amended to read:



1           75-399 Sections 75-392 to 75-399 and section 20 of this act do not  
2 apply to a foreign or domestic motor carrier, private carrier, leasing  
3 company, broker, or freight forwarder, including a transporter of waste  
4 or recyclable materials, engaged exclusively in intrastate commerce.

5           Sec. 20. (1) The director may suspend, revoke, cancel, or refuse to  
6 issue or renew a registration pursuant to the unified carrier  
7 registration plan and agreement:

8           (a) If the applicant or registrant has had his or her license issued  
9 under the International Fuel Tax Agreement Act revoked or the director  
10 refused to issue or refused to renew such license;

11           (b) If the applicant's or registrant's registration certificate  
12 issued pursuant to the International Registration Plan Act has been  
13 suspended, revoked, or canceled or the director refused to issue or renew  
14 such certificate; or

15           (c) If the applicant or registrant is in violation of sections  
16 75-392 to 75-399 and section 20 of this act.

17           (2) Prior to taking any action pursuant to subsection (1) of this  
18 section, the director shall notify and advise the applicant or registrant  
19 of the proposed action and the reasons for such action in writing, by  
20 regular United States mail, to the last-known business address as shown  
21 on the application for the registration or renewal. The notice shall also  
22 include an advisement of the procedures in subsection (3) of this  
23 section.

24           (3) The applicant or registrant may, within thirty days after the  
25 mailing of the notice, petition the director in writing for a hearing to  
26 contest the proposed action. The hearing shall be commenced in accordance  
27 with the Administrative Procedure Act. If a petition is filed, the  
28 director shall, within twenty days after receipt of the petition, set a  
29 hearing date at which the applicant or registrant may show cause why the  
30 proposed action should not be taken. The director shall give the  
31 applicant or registrant reasonable notice of the time and place of the

1 hearing. If the director's decision is adverse to the applicant or  
2 registrant, such person may appeal the decision in accordance with the  
3 Administrative Procedure Act.

4 (4) The filing of the petition shall stay any action by the director  
5 until a hearing is held and a final decision and order is issued.

6 (5) If no petition is filed at the expiration of thirty days after  
7 the date on which the notification was mailed, the director may take the  
8 proposed action described in the notice.

9 (6) If, in the judgment of the director, the applicant or registrant  
10 has complied with or is no longer in violation of the provisions for  
11 which the director took action under this section, the director may  
12 reinstate the registration without delay. An applicant for reinstatement,  
13 issuance, or renewal of a registration within three years after the date  
14 of suspension, revocation, cancellation, or refusal to issue or renew  
15 shall submit a fee of one hundred dollars to the director. The director  
16 shall remit the fee to the State Treasurer for credit to the Highway Cash  
17 Fund.

18 Sec. 21. Original sections 18-1214, 60-3,137, 60-3,203, 60-3,212,  
19 66-1406.02, 66-1424, 75-369.03, 75-386, 75-398, and 75-399, Reissue  
20 Revised Statutes of Nebraska, sections 60-3,205, 60-4,113, and 60-4,114,  
21 Revised Statutes Cumulative Supplement, 2018, and sections 60-395,  
22 60-3,198, 60-3,238, 60-3,240, 60-3,242, and 75-392, Revised Statutes  
23 Supplement, 2019, are repealed.