

AMENDMENTS TO LB750

(Amendments to Standing Committee amendments, AM1966)

Introduced by Albrecht, 17.

1           1. Insert the following new sections:

2           Sec. 5. Section 60-107, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

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

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

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

18           (3) Travel trailer which includes cabin trailers not more than one  
19 hundred two inches in width nor more than forty feet in length from front  
20 hitch to rear bumper, except as provided in subdivision (2)(k) of section  
21 60-6,288; and

22           (4) Manufactured home means a structure, transportable in one or  
23 more sections, which in the traveling mode is eight body feet or more in  
24 width or forty body feet or more in length or when erected on site is  
25 three hundred twenty or more square feet and which is built on a  
26 permanent frame and designed to be used as a dwelling with or without a

1 permanent foundation when connected to the required utilities and  
2 includes the plumbing, heating, air conditioning, and electrical systems  
3 contained in the structure, except that manufactured home includes any  
4 structure that meets all of the requirements of this subdivision other  
5 than the size requirements and with respect to which the manufacturer  
6 voluntarily files a certification required by the United States Secretary  
7 of Housing and Urban Development and complies with the standards  
8 established under the National Manufactured Housing Construction and  
9 Safety Standards Act of 1974, as such act existed on January 1, 2022  
10 ~~2021~~, 42 U.S.C. 5401 et seq.

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

13 60-119.01 Low-speed vehicle means a (1) four-wheeled motor vehicle  
14 (a) whose speed attainable in one mile is more than twenty miles per hour  
15 and not more than twenty-five miles per hour on a paved, level surface,  
16 (b) whose gross vehicle weight rating is less than three thousand pounds,  
17 and (c) that complies with 49 C.F.R. part 571, as such part existed on  
18 January 1, 2022 ~~2021~~, or (2) three-wheeled motor vehicle (a) whose  
19 maximum speed attainable is not more than twenty-five miles per hour on a  
20 paved, level surface, (b) whose gross vehicle weight rating is less than  
21 three thousand pounds, and (c) which is equipped with a windshield and an  
22 occupant protection system. A motorcycle with a sidecar attached is not a  
23 low-speed vehicle.

24 Sec. 10. Section 60-169, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 60-169 (1)(a) Except as otherwise provided in subdivision (c) of  
27 this subsection, each owner of a vehicle and each person mentioned as  
28 owner in the last certificate of title, when the vehicle is dismantled,  
29 destroyed, or changed in such a manner that it loses its character as a  
30 vehicle or changed in such a manner that it is not the vehicle described  
31 in the certificate of title, shall surrender his or her certificate of

1 title to any county treasurer or to the department. If the certificate of  
2 title is surrendered to a county treasurer, he or she shall, with the  
3 consent of any holders of any liens noted thereon, enter a cancellation  
4 upon the records and shall notify the department of such cancellation.  
5 Beginning on the implementation date designated by the director pursuant  
6 to subsection (3) of section 60-1508, a wrecker or salvage dealer shall  
7 report electronically to the department using the electronic reporting  
8 system. If the certificate is surrendered to the department, it shall,  
9 with the consent of any holder of any lien noted thereon, enter a  
10 cancellation upon its records.

11 (b) This subdivision applies to all licensed wrecker or salvage  
12 dealers and, except as otherwise provided in this subdivision, to each  
13 vehicle located on the premises of such dealer. For each vehicle required  
14 to be reported under 28 C.F.R. 25.56, as such regulation existed on  
15 January 1, 2022 ~~2019~~, the information obtained by the department under  
16 this section may be reported to the National Motor Vehicle Title  
17 Information System in a format that will satisfy the requirement for  
18 reporting under 28 C.F.R. 25.56, as such regulation existed on January 1,  
19 2022 ~~2019~~. Such report shall include:

20 (i) The name, address, and contact information for the reporting  
21 entity;

22 (ii) The vehicle identification number;

23 (iii) The date the reporting entity obtained such motor vehicle;

24 (iv) The name of the person from whom such motor vehicle was  
25 obtained, for use only by a law enforcement or other appropriate  
26 government agency;

27 (v) A statement of whether the motor vehicle was or will be crushed,  
28 disposed of, offered for sale, or used for another purpose; and

29 (vi) Whether the motor vehicle is intended for export outside of the  
30 United States.

31 The department may set and collect a fee, not to exceed the cost of

1 reporting to the National Motor Vehicle Title Information System, from  
2 wrecker or salvage dealers for electronic reporting to the National Motor  
3 Vehicle Title Information System, which shall be remitted to the State  
4 Treasurer for credit to the Department of Motor Vehicles Cash Fund. This  
5 subdivision does not apply to any vehicle reported by a wrecker or  
6 salvage dealer to the National Motor Vehicle Title Information System as  
7 required under 28 C.F.R. 25.56, as such regulation existed on January 1,  
8 2022 ~~2019~~.

9 (c)(i) In the case of a mobile home or manufactured home for which a  
10 certificate of title has been issued, if such mobile home or manufactured  
11 home is affixed to real property in which each owner of the mobile home  
12 or manufactured home has any ownership interest, the certificate of title  
13 may be surrendered for cancellation to the county treasurer of the county  
14 where such mobile home or manufactured home is affixed to real property  
15 if at the time of surrender the owner submits to the county treasurer an  
16 affidavit of affixture on a form provided by the department that contains  
17 all of the following, as applicable:

18 (A) The names and addresses of all of the owners of record of the  
19 mobile home or manufactured home;

20 (B) A description of the mobile home or manufactured home that  
21 includes the name of the manufacturer, the year of manufacture, the  
22 model, and the manufacturer's serial number;

23 (C) The legal description of the real property upon which the mobile  
24 home or manufactured home is affixed and the names of all of the owners  
25 of record of the real property;

26 (D) A statement that the mobile home or manufactured home is affixed  
27 to the real property;

28 (E) The written consent of each holder of a lien duly noted on the  
29 certificate of title to the release of such lien and the cancellation of  
30 the certificate of title;

31 (F) A copy of the certificate of title surrendered for cancellation;

1 and

2 (G) The name and address of an owner, a financial institution, or  
3 another entity to which notice of cancellation of the certificate of  
4 title may be delivered.

5 (ii) The person submitting an affidavit of affixture pursuant to  
6 subdivision (c)(i) of this subsection shall swear or affirm that all  
7 statements in the affidavit are true and material and further acknowledge  
8 that any false statement in the affidavit may subject the person to  
9 penalties relating to perjury under section 28-915.

10 (2) If a certificate of title of a mobile home or manufactured home  
11 is surrendered to the county treasurer, along with the affidavit required  
12 by subdivision (1)(c) of this section, he or she shall enter a  
13 cancellation upon his or her records, notify the department of such  
14 cancellation, forward a duplicate original of the affidavit to the  
15 department, and deliver a duplicate original of the executed affidavit  
16 under subdivision (1)(c) of this section to the register of deeds for the  
17 county in which the real property is located to be filed by the register  
18 of deeds. The county treasurer shall be entitled to collect fees from the  
19 person submitting the affidavit in accordance with section 33-109 to  
20 cover the costs of filing such affidavit. Following the cancellation of a  
21 certificate of title for a mobile home or manufactured home, the county  
22 treasurer or designated county official shall not issue a certificate of  
23 title for such mobile home or manufactured home, except as provided in  
24 subsection (5) of this section.

25 (3) If a mobile home or manufactured home is affixed to real estate  
26 before June 1, 2006, a person who is the holder of a lien or security  
27 interest in both the mobile home or manufactured home and the real estate  
28 to which it is affixed on such date may enforce its liens or security  
29 interests by accepting a deed in lieu of foreclosure or in the manner  
30 provided by law for enforcing liens on the real estate.

31 (4) A mobile home or manufactured home for which the certificate of

1 title has been canceled and for which an affidavit of affixture has been  
2 duly recorded pursuant to subsection (2) of this section shall be treated  
3 as part of the real estate upon which such mobile home or manufactured  
4 home is located. Any lien thereon shall be perfected and enforced in the  
5 same manner as a lien on real estate. The owner of such mobile home or  
6 manufactured home may convey ownership of the mobile home or manufactured  
7 home only as a part of the real estate to which it is affixed.

8 (5)(a) If each owner of both the mobile home or manufactured home  
9 and the real estate described in subdivision (1)(c) of this section  
10 intends to detach the mobile home or manufactured home from the real  
11 estate, the owner shall do both of the following: (i) Before detaching  
12 the mobile home or manufactured home, record an affidavit of detachment  
13 in the office of the register of deeds in the county in which the  
14 affidavit is recorded under subdivision (1)(c) of this section; and (ii)  
15 apply for a certificate of title for the mobile home or manufactured home  
16 pursuant to section 60-147.

17 (b) The affidavit of detachment shall contain all of the following:

18 (i) The names and addresses of all of the owners of record of the  
19 mobile home or manufactured home;

20 (ii) A description of the mobile home or manufactured home that  
21 includes the name of the manufacturer, the year of manufacture, the  
22 model, and the manufacturer's serial number;

23 (iii) The legal description of the real estate from which the mobile  
24 home or manufactured home is to be detached and the names of all of the  
25 owners of record of the real estate;

26 (iv) A statement that the mobile home or manufactured home is to be  
27 detached from the real property;

28 (v) A statement that the certificate of title of the mobile home or  
29 manufactured home has previously been canceled;

30 (vi) The name of each holder of a lien of record against the real  
31 estate from which the mobile home or manufactured home is to be detached,

1 with the written consent of each holder to the detachment; and

2 (vii) The name and address of an owner, a financial institution, or  
3 another entity to which the certificate of title may be delivered.

4 (6) An owner of an affixed mobile home or manufactured home for  
5 which the certificate of title has previously been canceled pursuant to  
6 subsection (2) of this section shall not detach the mobile home or  
7 manufactured home from the real estate before a certificate of title for  
8 the mobile home or manufactured home is issued by the county treasurer or  
9 department. If a certificate of title is issued by the county treasurer  
10 or department, the mobile home or manufactured home is no longer  
11 considered part of the real property. Any lien thereon shall be perfected  
12 pursuant to section 60-164. The owner of such mobile home or manufactured  
13 home may convey ownership of the mobile home or manufactured home only by  
14 way of a certificate of title.

15 (7) For purposes of this section:

16 (a) A mobile home or manufactured home is affixed to real estate if  
17 the wheels, towing hitches, and running gear are removed and it is  
18 permanently attached to a foundation or other support system; and

19 (b) Ownership interest means the fee simple interest in real estate  
20 or an interest as the lessee under a lease of the real property that has  
21 a term that continues for at least twenty years after the recording of  
22 the affidavit under subsection (2) of this section.

23 (8) Upon cancellation of a certificate of title in the manner  
24 prescribed by this section, the county treasurer and the department may  
25 cancel and destroy all certificates and all memorandum certificates in  
26 that chain of title.

27 Sec. 11. Section 60-302.01, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 60-302.01 Access aisle means a space adjacent to a handicapped  
30 parking space or passenger loading zone which is constructed and designed  
31 in compliance with the federal Americans with Disabilities Act of 1990

1 and the federal regulations adopted in response to the act, as the act  
2 and the regulations existed on January 1, 2022 ~~2021~~.

3 Sec. 12. Section 60-336.01, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 60-336.01 Low-speed vehicle means a (1) four-wheeled motor vehicle  
6 (a) whose speed attainable in one mile is more than twenty miles per hour  
7 and not more than twenty-five miles per hour on a paved, level surface,  
8 (b) whose gross vehicle weight rating is less than three thousand pounds,  
9 and (c) that complies with 49 C.F.R. part 571, as such part existed on  
10 January 1, 2022 ~~2021~~, or (2) three-wheeled motor vehicle (a) whose  
11 maximum speed attainable is not more than twenty-five miles per hour on a  
12 paved, level surface, (b) whose gross vehicle weight rating is less than  
13 three thousand pounds, and (c) which is equipped with a windshield and an  
14 occupant protection system. A motorcycle with a sidecar attached is not a  
15 low-speed vehicle.

16 Sec. 13. Section 60-386, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 60-386 (1) Each new application shall contain, in addition to other  
19 information as may be required by the department, the name and  
20 residential and mailing address of the applicant and a description of the  
21 motor vehicle or trailer, including the color, the manufacturer, the  
22 identification number, the United States Department of Transportation  
23 number if required by 49 C.F.R. 390.5 through 390.21, as such regulations  
24 existed on January 1, 2022 ~~2021~~, and the weight of the motor vehicle or  
25 trailer required by the Motor Vehicle Registration Act. For trailers  
26 which are not required to have a certificate of title under section  
27 60-137 and which have no identification number, the assignment of an  
28 identification number shall be required and the identification number  
29 shall be issued by the county treasurer or department. With the  
30 application the applicant shall pay the proper registration fee and shall  
31 state whether the motor vehicle is propelled by alternative fuel and, if



1 alternative fuel, the type of fuel. The application shall also contain a  
2 notification that bulk fuel purchasers may be subject to federal excise  
3 tax liability. The department shall include such notification in the  
4 notices required by section 60-3,186.

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

15 Sec. 17. Section 60-3,113.04, Reissue Revised Statutes of Nebraska,  
16 is amended to read:

17 60-3,113.04 (1) A handicapped or disabled parking permit shall be of  
18 a design, size, configuration, color, and construction and contain such  
19 information as specified in the regulations adopted by the United States  
20 Department of Transportation in 23 C.F.R. part 1235, UNIFORM SYSTEM FOR  
21 PARKING FOR PERSONS WITH DISABILITIES, as such regulations existed on  
22 January 1, 2022 ~~2021~~.

23 (2) No handicapped or disabled parking permit shall be issued to any  
24 person or for any motor vehicle if any permit has been issued to such  
25 person or for such motor vehicle and such permit has been suspended  
26 pursuant to section 18-1741.02. At the expiration of such suspension, a  
27 permit may be renewed in the manner provided for renewal in sections  
28 60-3,113.02, 60-3,113.03, and 60-3,113.05.

29 (3) A duplicate handicapped or disabled parking permit may be  
30 provided up to two times during any single permit period if a permit is  
31 destroyed, lost, or stolen. Such duplicate permit shall be issued as

1 provided in section 60-3,113.02 or 60-3,113.03, whichever is applicable,  
2 except that a new certification by a physician, a physician assistant, or  
3 an advanced practice registered nurse need not be provided. A duplicate  
4 permit shall be valid for the remainder of the period for which the  
5 original permit was issued. If a person has been issued two duplicate  
6 permits under this subsection and needs another permit, such person shall  
7 reapply for a new permit under section 60-3,113.02 or 60-3,113.03,  
8 whichever is applicable.

9 Sec. 29. Section 60-3,193.01, Reissue Revised Statutes of Nebraska,  
10 is amended to read:

11 60-3,193.01 For purposes of the Motor Vehicle Registration Act, the  
12 International Registration Plan is adopted and incorporated by reference  
13 as the plan existed on January 1, 2022 ~~2021~~.

14 Sec. 45. Section 60-462.01, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 60-462.01 For purposes of the Motor Vehicle Operator's License Act,  
17 the following federal regulations are adopted as Nebraska law as they  
18 existed on January 1, 2022 ~~2021~~:

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

21 Sec. 48. Section 60-479.01, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 60-479.01 (1) All persons handling source documents or engaged in  
24 the issuance of new, renewed, or reissued operators' licenses or state  
25 identification cards shall have periodic fraudulent document recognition  
26 training.

27 (2) All persons and agents of the department involved in the  
28 recording of verified application information or verified operator's  
29 license and state identification card information, involved in the  
30 manufacture or production of licenses or cards, or who have the ability  
31 to affect information on such licenses or cards shall be subject to a

1 criminal history record information check, including a check of prior  
2 employment references, and a lawful status check as required by 6 C.F.R.  
3 part 37, as such part existed on January 1, 2022 ~~2021~~. Such persons and  
4 agents shall provide fingerprints which shall be submitted to the Federal  
5 Bureau of Investigation. The bureau shall use its records for the  
6 criminal history record information check.

7 (3) Upon receipt of a request pursuant to subsection (2) of this  
8 section, the Nebraska State Patrol shall undertake a search for criminal  
9 history record information relating to such applicant, including  
10 transmittal of the applicant's fingerprints to the Federal Bureau of  
11 Investigation for a national criminal history record information check.  
12 The criminal history record information check shall include information  
13 concerning the applicant from federal repositories of such information  
14 and repositories of such information in other states, if authorized by  
15 federal law. The Nebraska State Patrol shall issue a report to the  
16 employing public agency that shall include the criminal history record  
17 information concerning the applicant. The cost of any background check  
18 shall be borne by the employer of the person or agent.

19 (4) Any person convicted of any disqualifying offense as provided in  
20 6 C.F.R. part 37, as such part existed on January 1, 2022 ~~2021~~, shall not  
21 be involved in the recording of verified application information or  
22 verified operator's license and state identification card information,  
23 involved in the manufacture or production of licenses or cards, or  
24 involved in any capacity in which such person would have the ability to  
25 affect information on such licenses or cards. Any employee or prospective  
26 employee of the department shall be provided notice that he or she will  
27 undergo such criminal history record information check prior to  
28 employment or prior to any involvement with the issuance of operators'  
29 licenses or state identification cards.

30 Sec. 51. Section 60-4,111.01, Reissue Revised Statutes of Nebraska,  
31 is amended to read:

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

5           (2) Except as otherwise provided in subsection (3) or (4) of this  
6 section, no person having use of or access to machine-readable  
7 information encoded on an operator's license or a state identification  
8 card shall compile, store, preserve, trade, sell, or share such  
9 information. Any person who trades, sells, or shares such information  
10 shall be guilty of a Class IV felony. Any person who compiles, stores, or  
11 preserves such information except as authorized in subsection (3) or (4)  
12 of this section shall be guilty of a Class IV felony.

13           (3)(a) For purposes of compliance with and enforcement of  
14 restrictions on the purchase of alcohol, lottery tickets, and tobacco  
15 products, a retailer who sells any of such items pursuant to a license  
16 issued or a contract under the applicable statutory provision may scan  
17 machine-readable information encoded on an operator's license or a state  
18 identification card presented for the purpose of such a sale. The  
19 retailer may store only the following information obtained from the  
20 license or card: Age and license or card identification number. The  
21 retailer shall post a sign at the point of sale of any of such items  
22 stating that the license or card will be scanned and that the age and  
23 identification number will be stored. The stored information may only be  
24 used by a law enforcement agency for purposes of enforcement of the  
25 restrictions on the purchase of alcohol, lottery tickets, and tobacco  
26 products and may not be shared with any other person or entity.

27           (b) For purposes of compliance with the provisions of sections  
28 28-458 to 28-462, a seller who sells methamphetamine precursors pursuant  
29 to such sections may scan machine-readable information encoded on an  
30 operator's license or a state identification card presented for the  
31 purpose of such a sale. The seller may store only the following

1 information obtained from the license or card: Name, age, address, type  
2 of identification presented by the customer, the governmental entity that  
3 issued the identification, and the number on the identification. The  
4 seller shall post a sign at the point of sale stating that the license or  
5 card will be scanned and stating what information will be stored. The  
6 stored information may only be used by law enforcement agencies,  
7 regulatory agencies, and the exchange for purposes of enforcement of the  
8 restrictions on the sale or purchase of methamphetamine precursors  
9 pursuant to sections 28-458 to 28-462 and may not be shared with any  
10 other person or entity. For purposes of this subsection, the terms  
11 exchange, methamphetamine precursor, and seller have the same meanings as  
12 in section 28-458.

13 (c) The retailer or seller shall utilize software that stores only  
14 the information allowed by this subsection. A programmer for computer  
15 software designed to store such information shall certify to the retailer  
16 that the software stores only the information allowed by this subsection.  
17 Intentional or grossly negligent programming by the programmer which  
18 allows for the storage of more than the age and identification number or  
19 wrongfully certifying the software shall be a Class IV felony.

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

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

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

30 (a) Scan, compile, store, or preserve such information in order to  
31 provide the information to a check services company subject to and in

1 compliance with the federal Fair Credit Reporting Act, 15 U.S.C. 1681 et  
2 seq., as such act existed on January 1, 2022 ~~2021~~, for the purpose of  
3 effecting, administering, or enforcing a transaction requested by the  
4 holder of the license or card or preventing fraud or other criminal  
5 activity; or

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

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

17 Sec. 57. Section 60-4,132, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 60-4,132 The purposes of sections 60-462.01, 60-4,133, and 60-4,137  
20 to 60-4,172 are to implement the requirements mandated by the federal  
21 Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31100 et seq., the  
22 federal Motor Carrier Safety Improvement Act of 1999, Public Law 106-159,  
23 49 U.S.C. 101 et seq., section 1012 of the federal Uniting and  
24 Strengthening America by Providing Appropriate Tools Required to  
25 Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C.  
26 5103a, and federal regulations as such acts and regulations existed on  
27 January 1, 2022 ~~2021~~, and to reduce or prevent commercial motor vehicle  
28 accidents, fatalities, and injuries by: (1) Permitting drivers to hold  
29 only one operator's license; (2) disqualifying drivers for specified  
30 offenses and serious traffic violations; and (3) strengthening licensing  
31 and testing standards.

1           Sec. 58. Section 60-4,134, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           60-4,134 In conformance with section 7208 of the federal Fixing  
4 America's Surface Transportation Act and 49 C.F.R. 383.3(i), as such  
5 section and regulation existed on January 1, 2022 ~~2021~~, no hazardous  
6 materials endorsement authorizing the holder of a Class A commercial  
7 driver's license to operate a commercial motor vehicle transporting  
8 diesel fuel shall be required if such driver is (1) operating within the  
9 state and acting within the scope of his or her employment as an employee  
10 of a custom harvester operation, an agrichemical business, a farm retail  
11 outlet and supplier, or a livestock feeder and (2) operating a service  
12 vehicle that is (a) transporting diesel in a quantity of one thousand  
13 gallons or less and (b) clearly marked with a flammable or combustible  
14 placard, as appropriate.

15           Sec. 59. Section 60-4,138, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17           60-4,138 (1) Commercial drivers' licenses and restricted commercial  
18 drivers' licenses shall be issued by the department in compliance with 49  
19 C.F.R. parts 380, 383, 384, and 391, shall be classified as provided in  
20 subsection (2) of this section, and shall bear such endorsements and  
21 restrictions as are provided in subsections (3) and (4) of this section.

22           (2) Commercial motor vehicle classifications for purposes of  
23 commercial drivers' licenses shall be as follows:

24           (a) Class A Combination Vehicle – Any combination of motor vehicles  
25 and towed vehicles with a gross vehicle weight rating of more than  
26 twenty-six thousand pounds if the gross vehicle weight rating of the  
27 vehicles being towed are in excess of ten thousand pounds;

28           (b) Class B Heavy Straight Vehicle – Any single commercial motor  
29 vehicle with a gross vehicle weight rating of twenty-six thousand one  
30 pounds or more or any such commercial motor vehicle towing a vehicle with  
31 a gross vehicle weight rating not exceeding ten thousand pounds; and

1 (c) Class C Small Vehicle – Any single commercial motor vehicle with  
2 a gross vehicle weight rating of less than twenty-six thousand one pounds  
3 or any such commercial motor vehicle towing a vehicle with a gross  
4 vehicle weight rating not exceeding ten thousand pounds comprising:

5 (i) Motor vehicles designed to transport sixteen or more passengers,  
6 including the driver; and

7 (ii) Motor vehicles used in the transportation of hazardous  
8 materials and required to be placarded pursuant to section 75-364.

9 (3) The endorsements to a commercial driver's license shall be as  
10 follows:

11 (a) T – Double/triple trailers;

12 (b) P – Passenger;

13 (c) N – Tank vehicle;

14 (d) H – Hazardous materials;

15 (e) X – Combination tank vehicle and hazardous materials; and

16 (f) S – School bus.

17 (4) The restrictions to a commercial driver's license shall be as  
18 follows:

19 (a) E – No manual transmission equipped commercial motor vehicle;

20 (b) K – Operation of a commercial motor vehicle only in intrastate  
21 commerce;

22 (c) L – Operation of only a commercial motor vehicle which is not  
23 equipped with air brakes;

24 (d) M – Operation of a commercial motor vehicle which is not a Class  
25 A passenger vehicle;

26 (e) N – Operation of a commercial motor vehicle which is not a Class  
27 A or Class B passenger vehicle;

28 (f) O – No tractor-trailer commercial motor vehicle;

29 (g) V – Operation of a commercial motor vehicle for drivers with  
30 medical variance documentation. The documentation shall be required to be  
31 carried on the driver's person while operating a commercial motor



1 vehicle; and

2 (h) Z – No full air brake equipped commercial motor vehicle.

3 Sec. 61. Section 60-4,147.02, Reissue Revised Statutes of Nebraska,  
4 is amended to read:

5 60-4,147.02 No endorsement authorizing the driver to operate a  
6 commercial motor vehicle transporting hazardous materials shall be  
7 issued, renewed, or transferred by the Department of Motor Vehicles  
8 unless the endorsement is issued, renewed, or transferred in conformance  
9 with the requirements of section 1012 of the federal Uniting and  
10 Strengthening America by Providing Appropriate Tools Required to  
11 Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C.  
12 5103a, including all amendments and federal regulations adopted pursuant  
13 thereto as of January 1, 2022 ~~2021~~, for the issuance of licenses to  
14 operate commercial motor vehicles transporting hazardous materials.

15 Sec. 63. Section 60-4,168, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 60-4,168 (1) Except as provided in subsections (2) and (3) of this  
18 section, a person shall be disqualified from operating a commercial motor  
19 vehicle for one year upon his or her first conviction, after April 1,  
20 1992, in this or any other state for:

21 (a) Operating a commercial motor vehicle in violation of section  
22 60-6,196 or 60-6,197 or under the influence of a controlled substance or,  
23 beginning September 30, 2005, operating any motor vehicle in violation of  
24 section 60-6,196 or 60-6,197 or under the influence of a controlled  
25 substance;

26 (b) Operating a commercial motor vehicle in violation of section  
27 60-4,163 or 60-4,164;

28 (c) Leaving the scene of an accident involving a commercial motor  
29 vehicle operated by the person or, beginning September 30, 2005, leaving  
30 the scene of an accident involving any motor vehicle operated by the  
31 person;

1 (d) Using a commercial motor vehicle in the commission of a felony  
2 other than a felony described in subdivision (3)(b) of this section or,  
3 beginning September 30, 2005, using any motor vehicle in the commission  
4 of a felony other than a felony described in subdivision (3)(b) of this  
5 section;

6 (e) Beginning September 30, 2005, operating a commercial motor  
7 vehicle after his or her commercial driver's license has been suspended,  
8 revoked, or canceled or the driver is disqualified from operating a  
9 commercial motor vehicle; or

10 (f) Beginning September 30, 2005, causing a fatality through the  
11 negligent or criminal operation of a commercial motor vehicle.

12 (2) Except as provided in subsection (3) of this section, if any of  
13 the offenses described in subsection (1) of this section occurred while a  
14 person was transporting hazardous material in a commercial motor vehicle  
15 which required placarding pursuant to section 75-364, the person shall,  
16 upon conviction or administrative determination, be disqualified from  
17 operating a commercial motor vehicle for three years.

18 (3) A person shall be disqualified from operating a commercial motor  
19 vehicle for life if, after April 1, 1992, he or she:

20 (a) Is convicted of or administratively determined to have committed  
21 a second or subsequent violation of any of the offenses described in  
22 subsection (1) of this section or any combination of those offenses  
23 arising from two or more separate incidents;

24 (b) Beginning September 30, 2005, used a commercial motor vehicle in  
25 the commission of a felony involving the manufacturing, distributing, or  
26 dispensing of a controlled substance; or

27 (c) Used a commercial motor vehicle in the commission of a felony  
28 involving an act or practice of severe forms of trafficking in persons,  
29 as defined and described in 22 U.S.C. 7102(11), as such section existed  
30 on January 1, 2022 ~~2021~~.

31 (4)(a) A person is disqualified from operating a commercial motor

1 vehicle for a period of not less than sixty days if he or she is  
2 convicted in this or any other state of two serious traffic violations,  
3 or not less than one hundred twenty days if he or she is convicted in  
4 this or any other state of three serious traffic violations, arising from  
5 separate incidents occurring within a three-year period while operating a  
6 commercial motor vehicle.

7 (b) A person is disqualified from operating a commercial motor  
8 vehicle for a period of not less than sixty days if he or she is  
9 convicted in this or any other state of two serious traffic violations,  
10 or not less than one hundred twenty days if he or she is convicted in  
11 this or any other state of three serious traffic violations, arising from  
12 separate incidents occurring within a three-year period while operating a  
13 motor vehicle other than a commercial motor vehicle if the convictions  
14 have resulted in the revocation, cancellation, or suspension of the  
15 person's operator's license or driving privileges.

16 (5)(a) A person who is convicted of operating a commercial motor  
17 vehicle in violation of a federal, state, or local law or regulation  
18 pertaining to one of the following six offenses at a highway-rail grade  
19 crossing shall be disqualified for the period of time specified in  
20 subdivision (5)(b) of this section:

21 (i) For drivers who are not required to always stop, failing to slow  
22 down and check that the tracks are clear of an approaching train;

23 (ii) For drivers who are not required to always stop, failing to  
24 stop before reaching the crossing, if the tracks are not clear;

25 (iii) For drivers who are always required to stop, failing to stop  
26 before driving onto the crossing;

27 (iv) For all drivers, failing to have sufficient space to drive  
28 completely through the crossing without stopping;

29 (v) For all drivers, failing to obey a traffic control device or the  
30 directions of an enforcement official at the crossing; or

31 (vi) For all drivers, failing to negotiate a crossing because of

1 insufficient undercarriage clearance.

2 (b)(i) A person shall be disqualified for not less than sixty days  
3 if the person is convicted of a first violation described in this  
4 subsection.

5 (ii) A person shall be disqualified for not less than one hundred  
6 twenty days if, during any three-year period, the person is convicted of  
7 a second violation described in this subsection in separate incidents.

8 (iii) A person shall be disqualified for not less than one year if,  
9 during any three-year period, the person is convicted of a third or  
10 subsequent violation described in this subsection in separate incidents.

11 (6) A person shall be disqualified from operating a commercial motor  
12 vehicle for at least one year if, on or after July 8, 2015, the person  
13 has been convicted of fraud related to the issuance of his or her CLP-  
14 commercial learner's permit or commercial driver's license.

15 (7) If the department receives credible information that a CLP-  
16 commercial learner's permit holder or a commercial driver's license  
17 holder is suspected, but has not been convicted, on or after July 8,  
18 2015, of fraud related to the issuance of his or her CLP-commercial  
19 learner's permit or commercial driver's license, the department must  
20 require the driver to retake the skills and knowledge tests. Within  
21 thirty days after receiving notification from the department that  
22 retesting is necessary, the affected CLP-commercial learner's permit  
23 holder or commercial driver's license holder must make an appointment or  
24 otherwise schedule to take the next available test. If the CLP-commercial  
25 learner's permit holder or commercial driver's license holder fails to  
26 make an appointment within thirty days, the department must disqualify  
27 his or her CLP-commercial learner's permit or commercial driver's  
28 license. If the driver fails either the knowledge or skills test or does  
29 not take the test, the department must disqualify his or her CLP-  
30 commercial learner's permit or commercial driver's license. If the holder  
31 of a CLP-commercial learner's permit or commercial driver's license has

1 had his or her CLP-commercial learner's permit or commercial driver's  
2 license disqualified, he or she must reapply for a CLP-commercial  
3 learner's permit or commercial driver's license under department  
4 procedures applicable to all applicants for a CLP-commercial learner's  
5 permit or commercial driver's license.

6 (8) For purposes of this section, controlled substance has the same  
7 meaning as in section 28-401.

8 (9) For purposes of this section, conviction means an unvacated  
9 adjudication of guilt, or a determination that a person has violated or  
10 failed to comply with the law, in a court of original jurisdiction or by  
11 an authorized administrative tribunal, an unvacated forfeiture of bail or  
12 collateral deposited to secure the person's appearance in court, a plea  
13 of guilty or nolo contendere accepted by the court, the payment of a fine  
14 or court costs, or a violation of a condition of release without bail,  
15 regardless of whether or not the penalty is rebated, suspended, or  
16 probated.

17 (10) For purposes of this section, serious traffic violation means:

18 (a) Speeding at or in excess of fifteen miles per hour over the  
19 legally posted speed limit;

20 (b) Willful reckless driving as described in section 60-6,214 or  
21 reckless driving as described in section 60-6,213;

22 (c) Improper lane change as described in section 60-6,139;

23 (d) Following the vehicle ahead too closely as described in section  
24 60-6,140;

25 (e) A violation of any law or ordinance related to motor vehicle  
26 traffic control, other than parking violations or overweight or vehicle  
27 defect violations, arising in connection with an accident or collision  
28 resulting in death to any person;

29 (f) Beginning September 30, 2005, operating a commercial motor  
30 vehicle without a commercial driver's license;

31 (g) Beginning September 30, 2005, operating a commercial motor

1 vehicle without a commercial driver's license in the operator's  
2 possession;

3 (h) Beginning September 30, 2005, operating a commercial motor  
4 vehicle without the proper class of commercial driver's license and any  
5 endorsements, if required, for the specific vehicle group being operated  
6 or for the passengers or type of cargo being transported on the vehicle;

7 (i) Beginning October 27, 2013, texting while driving as described  
8 in section 60-6,179.02; and

9 (j) Using a handheld mobile telephone as described in section  
10 60-6,179.02.

11 (11) Each period of disqualification imposed under this section  
12 shall be served consecutively and separately.

13 Sec. 67. Section 60-501, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 60-501 For purposes of the Motor Vehicle Safety Responsibility Act,  
16 unless the context otherwise requires:

17 (1) Department means Department of Motor Vehicles;

18 (2) Former military vehicle means a motor vehicle that was  
19 manufactured for use in any country's military forces and is maintained  
20 to accurately represent its military design and markings, regardless of  
21 the vehicle's size or weight, but is no longer used, or never was used,  
22 by a military force;

23 (3) Golf car vehicle means a vehicle that has at least four wheels,  
24 has a maximum level ground speed of less than twenty miles per hour, has  
25 a maximum payload capacity of one thousand two hundred pounds, has a  
26 maximum gross vehicle weight of two thousand five hundred pounds, has a  
27 maximum passenger capacity of not more than four persons, and is designed  
28 and manufactured for operation on a golf course for sporting and  
29 recreational purposes;

30 (4) Judgment means any judgment which shall have become final by the  
31 expiration of the time within which an appeal might have been perfected

1 without being appealed, or by final affirmation on appeal, rendered by a  
2 court of competent jurisdiction of any state or of the United States, (a)  
3 upon a cause of action arising out of the ownership, maintenance, or use  
4 of any motor vehicle for damages, including damages for care and loss of  
5 services, because of bodily injury to or death of any person or for  
6 damages because of injury to or destruction of property, including the  
7 loss of use thereof, or (b) upon a cause of action on an agreement of  
8 settlement for such damages;

9 (5) License means any license issued to any person under the laws of  
10 this state pertaining to operation of a motor vehicle within this state;

11 (6) Low-speed vehicle means a (a) four-wheeled motor vehicle (i)  
12 whose speed attainable in one mile is more than twenty miles per hour and  
13 not more than twenty-five miles per hour on a paved, level surface, (ii)  
14 whose gross vehicle weight rating is less than three thousand pounds, and  
15 (iii) that complies with 49 C.F.R. part 571, as such part existed on  
16 January 1, 2022 ~~2021~~, or (b) three-wheeled motor vehicle (i) whose  
17 maximum speed attainable is not more than twenty-five miles per hour on a  
18 paved, level surface, (ii) whose gross vehicle weight rating is less than  
19 three thousand pounds, and (iii) which is equipped with a windshield and  
20 an occupant protection system. A motorcycle with a sidecar attached is  
21 not a low-speed vehicle;

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

1 speed, five-speed, or automatic transmission;

2 (8) Motor vehicle means any self-propelled vehicle which is designed  
3 for use upon a highway, including trailers designed for use with such  
4 vehicles, minitrucks, and low-speed vehicles. Motor vehicle includes a  
5 former military vehicle. Motor vehicle does not include (a) mopeds as  
6 defined in section 60-637, (b) traction engines, (c) road rollers, (d)  
7 farm tractors, (e) tractor cranes, (f) power shovels, (g) well drillers,  
8 (h) every vehicle which is propelled by electric power obtained from  
9 overhead wires but not operated upon rails, (i) electric personal  
10 assistive mobility devices as defined in section 60-618.02, (j) off-road  
11 designed vehicles, including, but not limited to, golf car vehicles, go-  
12 carts, riding lawnmowers, garden tractors, all-terrain vehicles and  
13 utility-type vehicles as defined in section 60-6,355, minibikes as  
14 defined in section 60-636, and snowmobiles as defined in section 60-663,  
15 and (k) bicycles as defined in section 60-611;

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

18 (10) Nonresident's operating privilege means the privilege conferred  
19 upon a nonresident by the laws of this state pertaining to the operation  
20 by him or her of a motor vehicle or the use of a motor vehicle owned by  
21 him or her in this state;

22 (11) Operator means every person who is in actual physical control  
23 of a motor vehicle;

24 (12) Owner means a person who holds the legal title of a motor  
25 vehicle, or in the event (a) a motor vehicle is the subject of an  
26 agreement for the conditional sale or lease thereof with the right of  
27 purchase upon performance of the conditions stated in the agreement and  
28 with an immediate right of possession vested in the conditional vendee or  
29 lessee or (b) a mortgagor of a vehicle is entitled to possession, then  
30 such conditional vendee or lessee or mortgagor shall be deemed the owner  
31 for the purposes of the act;



1 (13) Person means every natural person, firm, partnership, limited  
2 liability company, association, or corporation;

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

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

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

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

22 Sec. 68. Section 60-628.01, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 60-628.01 Low-speed vehicle means a (1) four-wheeled motor vehicle  
25 (a) whose speed attainable in one mile is more than twenty miles per hour  
26 and not more than twenty-five miles per hour on a paved, level surface,  
27 (b) whose gross vehicle weight rating is less than three thousand pounds,  
28 and (c) that complies with 49 C.F.R. part 571, as such part existed on  
29 January 1, 2022 ~~2021~~, or (2) three-wheeled motor vehicle (a) whose  
30 maximum speed attainable is not more than twenty-five miles per hour on a  
31 paved, level surface, (b) whose gross vehicle weight rating is less than

1 three thousand pounds, and (c) which is equipped with a windshield and an  
2 occupant protection system. A motorcycle with a sidecar attached is not a  
3 low-speed vehicle.

4 Sec. 70. Section 60-6,265, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

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

7 (1) Occupant protection system means a system utilizing a lap belt,  
8 a shoulder belt, or any combination of belts installed in a motor vehicle  
9 which (a) restrains drivers and passengers and (b) conforms to Federal  
10 Motor Vehicle Safety Standards, 49 C.F.R. 571.207, 571.208, 571.209, and  
11 571.210, as such standards existed on January 1, 2022 ~~2021~~, or, as a  
12 minimum standard, to the federal motor vehicle safety standards for  
13 passenger restraint systems applicable for the motor vehicle's model  
14 year; and

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

18 Sec. 71. Section 60-2705, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 60-2705 The Director of Motor Vehicles shall adopt standards for an  
21 informal dispute settlement procedure which substantially comply with the  
22 provisions of 16 C.F.R. part 703, as such part existed on January 1, 2022  
23 ~~2021~~.

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

29 Sec. 72. Section 60-2909.01, Reissue Revised Statutes of Nebraska,  
30 is amended to read:

31 60-2909.01 The department and any officer, employee, agent, or

1 contractor of the department having custody of a motor vehicle record  
2 shall, upon the verification of identity and purpose of a requester,  
3 disclose and make available the requested motor vehicle record, including  
4 the sensitive personal information in the record, other than the social  
5 security number, for the following purposes:

6 (1) For use by any federal, state, or local governmental agency,  
7 including any court or law enforcement agency, in carrying out the  
8 agency's functions or by a private person or entity acting on behalf of a  
9 governmental agency in carrying out the agency's functions;

10 (2) For use in connection with any civil, criminal, administrative,  
11 or arbitral proceeding in any federal, state, or local court or  
12 governmental agency or before any self-regulatory body, including service  
13 of process, investigation in anticipation of litigation, and execution or  
14 enforcement of judgments and orders, or pursuant to an order of a  
15 federal, state, or local court, an administrative agency, or a self-  
16 regulatory body;

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

21 (4) For use by an employer or the employer's agent or insurer to  
22 obtain or verify information relating to a holder of a commercial  
23 driver's license or CLP-commercial learner's permit that is required  
24 under the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31301 et  
25 seq., as such act existed on January 1, 2022 ~~2021~~, or pursuant to  
26 sections 60-4,132 and 60-4,141; and

27 (5) For use by employers of a holder of a commercial driver's  
28 license or CLP-commercial learner's permit and by the Commercial Driver  
29 License Information System as provided in section 60-4,144.02 and 49  
30 C.F.R. 383.73, as such regulation existed on January 1, 2022 ~~2021~~.

31 Sec. 77. Section 75-363, Revised Statutes Supplement, 2021, is

1 amended to read:

2 75-363 (1) The parts, subparts, and sections of Title 49 of the Code  
3 of Federal Regulations listed below, as modified in this section, or any  
4 other parts, subparts, and sections referred to by such parts, subparts,  
5 and sections, in existence and effective as of January 1, 2022 ~~2021~~, are  
6 adopted as Nebraska law.

7 (2) Except as otherwise provided in this section, the regulations  
8 shall be applicable to:

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

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

13 (i) All vehicles of such motor carriers with a gross vehicle weight  
14 rating, gross combination weight rating, gross vehicle weight, or gross  
15 combination weight over ten thousand pounds;

16 (ii) All vehicles of such motor carriers designed or used to  
17 transport more than eight passengers, including the driver, for  
18 compensation, or designed or used to transport more than fifteen  
19 passengers, including the driver, and not used to transport passengers  
20 for compensation;

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

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

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

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

29 (b) Part 385 - SAFETY FITNESS PROCEDURES;

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

31 (d) Part 387 - MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR

1 CARRIERS;

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

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

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

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

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

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

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

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

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

18 (5) The regulations adopted in subsection (3) of this section shall  
19 not apply to farm trucks registered pursuant to section 60-3,146 with a  
20 gross weight of sixteen tons or less. The following parts and sections of  
21 49 C.F.R. chapter III shall not apply to drivers of farm trucks  
22 registered pursuant to section 60-3,146 and operated solely in intrastate  
23 commerce:

24 (a) All of part 391;

25 (b) Section 395.8 of part 395; and

26 (c) Section 396.11 of part 396.

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

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

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

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

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

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

7 (8) For purposes of this section, intrastate motor carriers shall  
8 not include any motor carrier or driver excepted from 49 C.F.R. chapter  
9 III by section 390.3(f) of part 390.

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

15 (i) More than twelve hours following ten consecutive hours off duty;  
16 or

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

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

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

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

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

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

4 (b) The transportation of such farm supplies is from a wholesale or  
5 retail distribution point of the farm supplies to a farm or other  
6 location where the farm supplies are intended to be used which is within  
7 a one-hundred-fifty-air-mile radius of the wholesale or retail  
8 distribution point; or

9 (c) The transportation of such farm supplies is from a wholesale  
10 distribution point of the farm supplies to a retail distribution point of  
11 the farm supplies which is within a one-hundred-fifty-air-mile radius of  
12 the wholesale distribution point.

13 (11) 49 C.F.R. 390.21 - Marking of self-propelled CMVs and  
14 intermodal equipment shall not apply to farm trucks and farm truck-  
15 tractors registered pursuant to section 60-3,146 and operated solely in  
16 intrastate commerce.

17 (12) 49 C.F.R. 392.9a - Operating authority shall not apply to  
18 Nebraska motor carriers operating commercial motor vehicles solely in  
19 intrastate commerce.

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

23 Sec. 78. Section 75-364, Revised Statutes Supplement, 2021, is  
24 amended to read:

25 75-364 The parts, subparts, and sections of Title 49 of the Code of  
26 Federal Regulations listed below, or any other parts, subparts, and  
27 sections referred to by such parts, subparts, and sections, in existence  
28 and effective as of January 1, 2022 ~~2021~~, are adopted as part of Nebraska  
29 law and shall be applicable to all motor carriers whether engaged in  
30 interstate or intrastate commerce, drivers of such motor carriers, and  
31 vehicles of such motor carriers:

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

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

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

8 (4) Part 172 - HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS,  
9 HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION,  
10 TRAINING REQUIREMENTS, AND SECURITY PLANS;

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

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

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

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

17 Sec. 79. Section 75-366, Revised Statutes Supplement, 2021, is  
18 amended to read:

19 75-366 For the purpose of enforcing Chapter 75, article 3, any  
20 officer of the Nebraska State Patrol may, upon demand, inspect the  
21 accounts, records, and equipment of any motor carrier or shipper. Any  
22 officer of the Nebraska State Patrol shall have the authority to enforce  
23 the federal motor carrier safety regulations, as such regulations existed  
24 on January 1, 2022 ~~2021~~, and federal hazardous materials regulations, as  
25 such regulations existed on January 1, 2022 ~~2021~~, and is authorized to  
26 enter upon, inspect, and examine any and all lands, buildings, and  
27 equipment of any motor carrier, any shipper, and any other person subject  
28 to the federal Interstate Commerce Act, the federal Department of  
29 Transportation Act, and other related federal laws and to inspect and  
30 copy any and all accounts, books, records, memoranda, correspondence, and  
31 other documents of a motor carrier, a shipper, and any other person



1 subject to Chapter 75, article 3, for the purposes of enforcing Chapter  
2 75, article 3. To promote uniformity of enforcement, the carrier  
3 enforcement division of the Nebraska State Patrol shall cooperate and  
4 consult with the Public Service Commission and the Division of Motor  
5 Carrier Services.

6 Sec. 80. Section 75-369.03, Revised Statutes Cumulative Supplement,  
7 2020, is amended to read:

8 75-369.03 (1) The Superintendent of Law Enforcement and Public  
9 Safety may issue an order imposing a civil penalty against a motor  
10 carrier transporting persons or property in interstate commerce for a  
11 violation of sections 75-392 to 75-3,100 or against a motor carrier  
12 transporting persons or property in intrastate commerce for a violation  
13 or violations of section 75-363 or 75-364 based upon an inspection  
14 conducted pursuant to section 75-366 in an amount which shall not exceed  
15 eight hundred forty-eight dollars for any single violation in any  
16 proceeding or series of related proceedings against any person or motor  
17 carrier as defined in 49 C.F.R. 390.5 as adopted in section 75-363.

18 (2) The superintendent shall issue an order imposing a civil penalty  
19 in an amount not to exceed sixteen thousand nine hundred forty-one ~~four~~  
20 ~~hundred fifty-three~~ dollars against a motor carrier transporting persons  
21 or property in interstate commerce for a violation of subdivision (2)(e)  
22 of section 60-4,162 based upon a conviction of such a violation.

23 (3) The superintendent shall issue an order imposing a civil penalty  
24 against a driver operating a commercial motor vehicle, as defined in  
25 section 60-465, that requires a commercial driver's license or CLP-  
26 commercial learner's permit, in violation of an out-of-service order. The  
27 civil penalty shall be in an amount not less than three thousand two  
28 hundred sixty-eight ~~one hundred seventy-four~~ dollars for a first  
29 violation and not less than six thousand five hundred thirty-six ~~three~~  
30 ~~hundred forty-eight~~ dollars for a second or subsequent violation.

31 (4) The superintendent shall issue an order imposing a civil penalty

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

9 (5) Upon the discovery of any violation by a motor carrier  
10 transporting persons or property in interstate commerce of section  
11 75-307, 75-363, or 75-364 or sections 75-392 to 75-3,100 based upon an  
12 inspection conducted pursuant to section 75-366, the superintendent shall  
13 immediately refer such violation to the appropriate federal agency for  
14 disposition, and upon the discovery of any violation by a motor carrier  
15 transporting persons or property in intrastate commerce of section 75-307  
16 based upon such inspection, the superintendent shall refer such violation  
17 to the Public Service Commission for disposition.

18 Sec. 81. Section 75-392, Revised Statutes Supplement, 2021, is  
19 amended to read:

20 75-392 For purposes of sections 75-392 to 75-3,100:

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

22 (2) Division means the Division of Motor Carrier Services of the  
23 Department of Motor Vehicles; and

24 (3) Unified carrier registration plan and agreement means the plan  
25 and agreement established and authorized pursuant to 49 U.S.C. 14504a, as  
26 such section existed on January 1, 2022 ~~2021~~.

27 Sec. 82. Section 75-393, Revised Statutes Supplement, 2021, is  
28 amended to read:

29 75-393 The director may participate in the unified carrier  
30 registration plan and agreement pursuant to the Unified Carrier  
31 Registration Act of 2005, 49 U.S.C. 13908, as the act existed on January

- 1 1, 2022 ~~2021~~, and may file on behalf of this state the plan required by
- 2 such plan and agreement for enforcement of the act in this state.
- 3 2. On page 60, lines 5 and 10, strike "38" and insert "47".
- 4 3. On page 80, line 15, strike "54" and insert "75".
- 5 4. Renumber the remaining sections and correct the repealer
- 6 accordingly.