

LEGISLATIVE BILL 166

Approved by the Governor May 21, 2021

Introduced by Geist, 25.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2020; to provide for Josh the Otter-Be Safe Around Water Plates; to create the Josh the Otter-Be Safe Around Water Cash Fund; to provide powers and duties for the Game and Parks Commission; to harmonize provisions; and to repeal the original sections.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 60-301, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-301 Sections 60-301 to 60-3,254 and sections 7 and 8 of this act shall be known and may be cited as the Motor Vehicle Registration Act.

Sec. 2. Section 60-393, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-393 Any owner who has two or more motor vehicles or trailers required to be registered under the Motor Vehicle Registration Act may register all such motor vehicles or trailers on a calendar-year basis or on an annual basis for the same registration period beginning in a month chosen by the owner. When electing to establish the same registration period for all such motor vehicles or trailers, the owner shall pay the registration fee, the motor vehicle tax imposed in section 60-3,185, the motor vehicle fee imposed in section 60-3,190, and the alternative fuel fee imposed in section 60-3,191 on each motor vehicle for the number of months necessary to extend its current registration period to the registration period under which all such motor vehicles or trailers will be registered. Credit shall be given for registration paid on each motor vehicle or trailer when the motor vehicle or trailer has a later expiration date than that chosen by the owner except as otherwise provided in sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128, 60-3,224, 60-3,227, 60-3,233, 60-3,235, 60-3,238, 60-3,240, 60-3,242, 60-3,244, 60-3,246, 60-3,248, 60-3,250, 60-3,252, and 60-3,254 and section 8 of this act. Thereafter all such motor vehicles or trailers shall be registered on an annual basis starting in the month chosen by the owner.

Sec. 3. Section 60-395, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-395 (1) Except as otherwise provided in subsection (2) of this section and sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128, 60-3,224, 60-3,227, 60-3,231, 60-3,233, 60-3,235, 60-3,238, 60-3,240, 60-3,242, 60-3,244, 60-3,246, 60-3,248, 60-3,250, 60-3,252, and 60-3,254 and section 8 of this act, the registration shall expire and the registered owner or lessee may, by returning the registration certificate, the license plates, and, when appropriate, the validation decals and by either making application on a form prescribed by the department to the county treasurer of the occurrence of an event described in subdivisions (a) through (e) of this subsection or, in the case of a change in situs, displaying to the county treasurer the registration certificate of such other state as evidence of a change in situs, receive a refund of that part of the unused fees and taxes on motor vehicles or trailers based on the number of unexpired months remaining in the registration period from the date of any of the following events:

- (a) Upon transfer of ownership of any motor vehicle or trailer;
- (b) In case of loss of possession because of fire, natural disaster, theft, dismantlement, or junking;
- (c) When a salvage branded certificate of title is issued;
- (d) Whenever a type or class of motor vehicle or trailer previously registered is subsequently declared by legislative act or court decision to be illegal or ineligible to be operated or towed on the public roads and no longer subject to registration fees, the motor vehicle tax imposed in section 60-3,185, the motor vehicle fee imposed in section 60-3,190, and the alternative fuel fee imposed in section 60-3,191;
- (e) Upon a trade-in or surrender of a motor vehicle under a lease; or
- (f) In case of a change in the situs of a motor vehicle or trailer to a location outside of this state.

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

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

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

forfeited his or her right to such refund or credit.

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

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

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

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

Sec. 4. Section 60-396, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-396 Whenever the registered owner files an application with the county treasurer showing that a motor vehicle, trailer, or semitrailer is disabled and has been removed from service, the registered owner may, by returning the registration certificate, the license plates, and, when appropriate, the validation decals or, in the case of the unavailability of such registration certificate or certificates, license plates, or validation decals, then by making an affidavit to the county treasurer of such disablement and removal from service, receive a credit for a portion of the registration fee from the fee deposited with the State Treasurer at the time of registration based upon the number of unexpired months remaining in the registration year except as otherwise provided in sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128, 60-3,224, 60-3,227, 60-3,233, 60-3,235, 60-3,238, 60-3,240, 60-3,242, 60-3,244, 60-3,246, 60-3,248, 60-3,250, 60-3,252, and 60-3,254 and section 8 of this act. The owner shall also receive a credit for the unused portion of the motor vehicle tax and fee based upon the number of unexpired months remaining in the registration year. When the owner registers a replacement motor vehicle, trailer, or semitrailer at the time of filing such affidavit, the credit may be immediately applied against the registration fee and the motor vehicle tax and fee for the replacement motor vehicle, trailer, or semitrailer. When no such replacement motor vehicle, trailer, or semitrailer is so registered, the county treasurer shall forward the application and affidavit, if any, to the State Treasurer who shall determine the amount, if any, of the allowable credit for the registration fee and issue a credit certificate to the owner. For the motor vehicle tax and fee, the county treasurer shall determine the amount, if any, of the allowable credit and issue a credit certificate to the owner. When such motor vehicle, trailer, or semitrailer is removed from service within the same month in which it was registered, no credits shall be allowed for such month. The credits may be applied against taxes and fees for new or replacement motor vehicles, trailers, or semitrailers incurred within one year after cancellation of registration of the motor vehicle, trailer, or semitrailer for which the credits were allowed. When any such motor vehicle, trailer, or semitrailer is reregistered within the same registration year in which its registration has been canceled, the taxes and fees shall be that portion of the registration fee and the motor vehicle tax and fee for the remainder of the registration year.

Sec. 5. Section 60-3,104, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-3,104 The department shall issue the following types of license plates:
(1) Amateur radio station license plates issued pursuant to section 60-3,126;
(2) Apportionable vehicle license plates issued pursuant to section 60-3,203;
(3) Autocycle license plates issued pursuant to section 60-3,100;
(4) Boat dealer license plates issued pursuant to section 60-379;
(5) Breast Cancer Awareness Plates issued pursuant to sections 60-3,230 and 60-3,231;
(6) Bus license plates issued pursuant to section 60-3,144;
(7) Choose Life License Plates issued pursuant to sections 60-3,232 and 60-3,233;
(8) Commercial motor vehicle license plates issued pursuant to section 60-3,147;
(9) Dealer or manufacturer license plates issued pursuant to sections 60-3,114 and 60-3,115;
(10) Disabled veteran license plates issued pursuant to section 60-3,124;
(11) Donate Life Plates issued pursuant to sections 60-3,245 and 60-3,246;
(12) Down Syndrome Awareness Plates issued pursuant to sections 60-3,247 and 60-3,248;
(13) Farm trailer license plates issued pursuant to section 60-3,151;
(14) Farm truck license plates issued pursuant to section 60-3,146;
(15) Farm trucks with a gross weight of over sixteen tons license plates issued pursuant to section 60-3,146;
(16) Fertilizer trailer license plates issued pursuant to section 60-3,151;

- (17) Former military vehicle license plates issued pursuant to section 60-3,236;
- (18) Gold Star Family license plates issued pursuant to sections 60-3,122.01 and 60-3,122.02;
- (19) Handicapped or disabled person license plates issued pursuant to section 60-3,113;
- (20) Historical vehicle license plates issued pursuant to sections 60-3,130 to 60-3,134;
- (21) Josh the Otter-Be Safe Around Water Plates issued pursuant to section 8 of this act;
- (22) ~~(21)~~ Local truck license plates issued pursuant to section 60-3,145;
- (23) ~~(22)~~ Metropolitan utilities district license plates issued pursuant to section 60-3,228;
- (24) ~~(23)~~ Military Honor Plates issued pursuant to sections 60-3,122.03 and 60-3,122.04;
- (25) ~~(24)~~ Minitruck license plates issued pursuant to section 60-3,100;
- (26) ~~(25)~~ Motor vehicle license plates for motor vehicles owned or operated by the state, counties, municipalities, or school districts issued pursuant to section 60-3,105;
- (27) ~~(26)~~ Motor vehicles exempt pursuant to section 60-3,107;
- (28) ~~(27)~~ Motorcycle license plates issued pursuant to section 60-3,100;
- (29) ~~(28)~~ Mountain Lion Conservation Plates issued pursuant to sections 60-3,226 and 60-3,227;
- (30) ~~(29)~~ Native American Cultural Awareness and History Plates issued pursuant to sections 60-3,234 and 60-3,235;
- (31) ~~(30)~~ Nebraska Cornhusker Spirit Plates issued pursuant to sections 60-3,127 to 60-3,129;
- (32) ~~(31)~~ Nebraska 150 Sesquicentennial Plates issued pursuant to sections 60-3,223 to 60-3,225;
- (33) ~~(32)~~ Nonresident owner thirty-day license plates issued pursuant to section 60-382;
- (34) ~~(33)~~ Passenger car having a seating capacity of ten persons or less and not used for hire issued pursuant to section 60-3,143 other than autocycles;
- (35) ~~(34)~~ Passenger car having a seating capacity of ten persons or less and used for hire issued pursuant to section 60-3,143 other than autocycles;
- (36) ~~(35)~~ Pearl Harbor license plates issued pursuant to section 60-3,122;
- (37) ~~(36)~~ Personal-use dealer license plates issued pursuant to section 60-3,116;
- (38) ~~(37)~~ Personalized message license plates for motor vehicles, trailers, and semitrailers, except motor vehicles, trailers, and semitrailers registered under section 60-3,198, issued pursuant to sections 60-3,118 to 60-3,121;
- (39) ~~(38)~~ Pets for Vets Plates issued pursuant to sections 60-3,249 and 60-3,250;
- (40) ~~(39)~~ Prisoner-of-war license plates issued pursuant to section 60-3,123;
- (41) ~~(40)~~ Prostate Cancer Awareness Plates issued pursuant to section 60-3,240;
- (42) ~~(41)~~ Public power district license plates issued pursuant to section 60-3,228;
- (43) ~~(42)~~ Purple Heart license plates issued pursuant to section 60-3,125;
- (44) ~~(43)~~ Recreational vehicle license plates issued pursuant to section 60-3,151;
- (45) ~~(44)~~ Repossession license plates issued pursuant to section 60-375;
- (46) ~~(45)~~ Sammy's Superheroes license plates for childhood cancer awareness issued pursuant to section 60-3,242;
- (47) ~~(46)~~ Special interest motor vehicle license plates issued pursuant to section 60-3,135.01;
- (48) ~~(47)~~ Specialty license plates issued pursuant to sections 60-3,104.01 and 60-3,104.02;
- (49) ~~(48)~~ Support the Arts Plates issued pursuant to sections 60-3,251 and 60-3,252;
- (50) ~~(49)~~ Support Our Troops Plates issued pursuant to sections 60-3,243 and 60-3,244;
- (51) ~~(50)~~ The Good Life Is Outside Plates issued pursuant to sections 60-3,253 and 60-3,254;
- (52) ~~(51)~~ Trailer license plates issued for trailers owned or operated by the state, counties, municipalities, or school districts issued pursuant to section 60-3,106;
- (53) ~~(52)~~ Trailer license plates issued for trailers owned or operated by a metropolitan utilities district or public power district pursuant to section 60-3,228;
- (54) ~~(53)~~ Trailer license plates issued pursuant to section 60-3,100;
- (55) ~~(54)~~ Trailers exempt pursuant to section 60-3,108;
- (56) ~~(55)~~ Transporter license plates issued pursuant to section 60-378;
- (57) ~~(56)~~ Trucks or combinations of trucks, truck-tractors, or trailers which are not for hire and engaged in soil and water conservation work and used for the purpose of transporting pipe and equipment exclusively used by such contractors for soil and water conservation construction license plates issued pursuant to section 60-3,149;
- (58) ~~(57)~~ Utility trailer license plates issued pursuant to section 60-3,151;

(59) ~~(58)~~ Well-boring apparatus and well-servicing equipment license plates issued pursuant to section 60-3,109; and

~~(60)~~ ~~(59)~~ Wildlife Conservation Plates issued pursuant to section 60-3,238.

Sec. 6. Section 60-3,130.04, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-3,130.04 (1) An owner of a historical vehicle eligible for registration under section 60-3,130 may use a license plate or plates designed by this state in the year corresponding to the model year when the vehicle was manufactured in lieu of the plates designed pursuant to section 60-3,130.03 subject to the approval of the department. The department shall inspect the plate or plates and may approve the plate or plates if it is determined that the model-year license plate or plates are legible and serviceable and that the license plate numbers do not conflict with or duplicate other numbers assigned and in use. An original-issued license plate or plates that have been restored to original condition may be used when approved by the department.

(2) The department may consult with a recognized car club in determining whether the year of the license plate or plates to be used corresponds to the model year when the vehicle was manufactured.

(3) If only one license plate is used on the vehicle, the license plate shall be placed on the rear of the vehicle. The owner of a historical vehicle may use only one plate on the vehicle even for years in which two license plates were issued for vehicles in general.

(4) License plates used pursuant to this section corresponding to the year of manufacture of the vehicle shall not be personalized message license plates, Pearl Harbor license plates, prisoner-of-war license plates, disabled veteran license plates, Purple Heart license plates, amateur radio station license plates, Nebraska Cornhusker Spirit Plates, handicapped or disabled person license plates, specialty license plates, special interest motor vehicle license plates, Military Honor Plates, Nebraska 150 Sesquicentennial Plates, Breast Cancer Awareness Plates, Prostate Cancer Awareness Plates, Mountain Lion Conservation Plates, Choose Life License Plates, Donate Life Plates, Down Syndrome Awareness Plates, Native American Cultural Awareness and History Plates, Sammy's Superheroes license plates for childhood cancer awareness, Wildlife Conservation Plates, Pets for Vets Plates, Support the Arts Plates, Support Our Troops Plates, ~~or The Good Life Is Outside Plates, or Josh the Otter-Be Safe Around Water Plates.~~

Sec. 7. (1) The department shall design license plates to be known as Josh the Otter-Be Safe Around Water Plates. The design shall include a blue background with the head of an otter surfacing above water surrounded by the words "Josh the Otter-Be Safe Around Water". The design shall be selected on the basis of limiting the manufacturing cost of each plate to an amount less than or equal to the amount charged for license plates pursuant to section 60-3,102. The department shall make applications available for this type of plate beginning January 1, 2022. The department may adopt and promulgate rules and regulations to carry out this section and section 8 of this act.

(2) One type of Josh the Otter-Be Safe Around Water Plates shall be alphanumeric plates. The department shall:

(a) Assign a designation up to five characters; and

(b) Not use a county designation.

(3) One type of Josh the Otter-Be Safe Around Water Plates shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section 60-3,118, except that a maximum of five characters may be used.

(4) The department shall cease to issue Josh the Otter-Be Safe Around Water Plates beginning with the next license plate issuance cycle that begins in 2023 pursuant to section 60-3,101 if the total number of registered vehicles that obtained such plates is less than five hundred per year within any prior consecutive two-year period.

Sec. 8. (1) Beginning January 1, 2022, a person may apply to the department for Josh the Otter-Be Safe Around Water Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, except for a motor vehicle, trailer, or semitrailer registered under section 60-3,198. An applicant receiving a Josh the Otter-Be Safe Around Water Plate for a farm truck with a gross weight of over sixteen tons or for a commercial motor vehicle registered for a gross weight of five tons or over shall affix the appropriate tonnage decal to the plate. The department shall make forms available for such applications through the county treasurers. The license plates shall be issued upon payment of the license fee described in subsection (2) of this section.

(2)(a) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of alphanumeric Josh the Otter-Be Safe Around Water Plates shall be accompanied by a fee of five dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit five dollars of the fee to the Josh the Otter-Be Safe Around Water Cash Fund.

(b) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of personalized message Josh the Otter-Be Safe Around Water Plates shall be accompanied by a fee of forty dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit twenty-five percent of the fee for initial

issuance and renewal of such plates to the Department of Motor Vehicles Cash Fund and seventy-five percent of the fee to the Josh the Otter-Be Safe Around Water Cash Fund.

(3) When the department receives an application for Josh the Otter-Be Safe Around Water Plates, the department may deliver the plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle, trailer, or semitrailer is registered and the delivery of the plates and registration certificate shall be made through a secure process and system. Beginning on an implementation date designated by the director on or before January 1, 2023, if delivery of the plates and registration certificate is made by the department to the applicant, the department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The county treasurer or the department shall issue Josh the Otter-Be Safe Around Water Plates in lieu of regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the motor vehicle, trailer, or semitrailer. If Josh the Otter-Be Safe Around Water Plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates upon request pursuant to section 60-3,157.

(4) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subsection. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.

(5) The owner of a motor vehicle, trailer, or semitrailer bearing Josh the Otter-Be Safe Around Water Plates may apply to the county treasurer to have such plates transferred to a motor vehicle, trailer, or semitrailer other than the motor vehicle, trailer, or semitrailer for which such plates were originally purchased if such motor vehicle, trailer, or semitrailer is owned by the owner of the plates. The owner may have the unused portion of the fee for the plates credited to the other motor vehicle, trailer, or semitrailer that will bear the plates at the rate of eight and one-third percent per month for each full month left in the registration period. Application for such transfer shall be accompanied by a fee of three dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(6) If the cost of manufacturing Josh the Otter-Be Safe Around Water Plates at any time exceeds the amount charged for license plates pursuant to section 60-3,102, any money to be credited to the Josh the Otter-Be Safe Around Water Cash Fund shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of Josh the Otter-Be Safe Around Water Plates and the amount charged pursuant to section 60-3,102 with respect to such plates and the remainder shall be credited to the Josh the Otter-Be Safe Around Water Cash Fund.

Sec. 9. The Game and Parks Commission shall create a program for the purpose of providing financial support for the education of persons about water safety in general and specifically for the education of children about staying away from water unless accompanied by an adult. The commission shall use the Josh the Otter-Be Safe Around Water Cash Fund to award grants to nonprofit organizations that are dedicated to educating children about water safety. The grants shall be used by the recipient organization to support educating persons about water safety in general and specifically for the education of children about water safety.

Sec. 10. The Josh the Otter-Be Safe Around Water Cash Fund is created for the purpose of funding the program set forth in section 9 of this act. The fund shall consist of any money credited to the fund pursuant to section 8 of this act. The fund may also receive gifts, bequests, grants, or other contributions or donations from public or private entities. The state investment officer shall invest any money in the fund available for investment pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 11. Original sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2020, are repealed.