

LEGISLATIVE BILL 319

Approved by the Governor April 17, 1992

Introduced by Smith, 33; Kristensen, 37

AN ACT relating to motor vehicles; to amend section 60-336, Reissue Revised Statutes of Nebraska, 1943, sections 60-311 and 60-4,115, Revised Statutes Supplement, 1990, and section 39-2215, Revised Statutes Supplement, 1991; to change registration and license plate fees; to change the distribution of license and registration fees; to provide operative dates; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 39-2215, Revised Statutes Supplement, 1991, be amended to read as follows:

39-2215. (1) There is hereby created in the state treasury a special fund to be known as the Highway Trust Fund.

(2) All funds credited to the Highway Trust Fund pursuant to sections 66-4,140, 66-4,147, and 66-605.02 shall be allocated as provided in such sections. The State Treasurer shall make the transfer to the General Fund required by section 66-499.

(3) All other motor fuel taxes and special fuel taxes related to highway use retained by the state, all motor vehicle registration fees retained by the state other than those fees credited to the State Recreation Road Fund pursuant to section 60-302, and other highway-user taxes imposed by state law and allocated to the Highway Trust Fund, except for the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers credited to the fund pursuant to section 77-27,132, are hereby irrevocably pledged for the terms of the bonds issued prior to January 1, 1988, to the payment of the principal, interest, and redemption premium, if any, of such bonds as they mature and become due at maturity or prior redemption and for any reserves therefor and shall, as received by the State Treasurer, be deposited in the fund for such purpose.

(4) Of the money in the fund specified in subsection (3) of this section which is not required for the use specified in such subsection, (a) an amount

equal to one dollar and fifty cents three dollars times the number of motorcycles registered during the previous month shall be placed in the Motorcycle Safety Education Fund, (b) an amount to be determined annually by the Legislature through the appropriations process may be transferred to the Motor Fuel Tax Enforcement and Collection Cash Fund for use as provided in section 66-738 on a monthly or other less frequent basis as determined by the appropriation language, (c) an amount to be determined annually by the Legislature through the appropriations process shall be transferred to the License Plate Cash Fund as needed to meet the current obligations associated with the manufacture of license plates and stickers or tabs provided for in sections 60-311, 60-311.02, and 60-1804, as certified by the Director of Motor Vehicles, and (d) the remaining money may be used for the purchase for retirement of the bonds issued prior to January 1, 1988, in the open market.

(5) The State Treasurer shall monthly transfer, from the proceeds of the sales and use taxes credited to the Highway Trust Fund and any money remaining in the fund after the requirements of subsections (2) through (4) of this section are satisfied, (a) thirty thousand dollars to the Grade Crossing Protection Fund and (b) the amount calculated pursuant to section 13-1210 for financing the operating costs of public transportation systems to the Highway Cash Fund.

(6) Except as provided in subsection (7) of this section, the balance of the Highway Trust Fund shall be allocated fifty-three and one-third percent, less the amount provided for in section 39-847.01, to the Department of Roads, twenty-three and one-third percent, less the amount provided for in section 39-847.01, to the various counties for road purposes, and twenty-three and one-third percent to the various municipalities for street purposes. If bonds are issued pursuant to subsection (2) of section 39-2223, the portion allocated to the Department of Roads shall be credited monthly to the Highway Restoration and Improvement Bond Fund, and if no bonds are issued pursuant to such subsection, the portion allocated to the department shall be credited monthly to the Highway Cash Fund. The portions allocated to the counties and municipalities shall be credited monthly to the Highway Allocation Fund and distributed monthly as provided by law. Vehicles accorded prorated registration pursuant to section 60-305.09 shall not be included in any formula involving motor vehicle registrations used to

determine the allocation and distribution of state funds for highway purposes to political subdivisions.

(7) If it is determined by December 20 of any year that a county will receive from its allocation of state-collected highway revenue and from any funds relinquished to it by municipalities within its boundaries an amount in such year which is less than such county received in state-collected highway revenue in calendar year 1969, based upon the 1976 tax rates for highway-user fuels and registration fees, the Department of Roads shall notify the State Treasurer that an amount equal to the sum necessary to provide such county with funds equal to such county's 1969 highway allocation for such year shall be transferred to such county from the Highway Trust Fund. Such makeup funds shall be matched by the county as provided in sections 39-2501 to 39-2510. The balance remaining in the fund after such transfer shall then be reallocated as provided in subsection (6) of this section.

(8) The State Treasurer shall disburse the money in the Highway Trust Fund as directed by resolution of the commission. All disbursements from the fund shall be made upon warrants drawn by the Director of Administrative Services. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 and the earnings, if any, credited to the fund.

Sec. 2. That section 60-311, Revised Statutes Supplement, 1990, be amended to read as follows:

60-311. (1) The Department of Motor Vehicles shall furnish to every person whose motor vehicle is registered two fully reflectorized number plates, except that only one plate shall be issued to dealers or for motorcycles, truck-tractors, semitrailers, and buses, upon which plates shall be displayed (a) the registration number assigned to such motor vehicle in figures not less than two and one-half inches nor more than three inches in height and (b) also the word Nebraska suitably lettered so as to be attractive. The plates shall be of a color designated by the Director of Motor Vehicles. The color of the plates shall be changed each time the license plates are changed. Each time the license plates are changed the director shall secure competitive bids for materials pursuant to sections 81-145 to 81-163.01.

(2) Except for plates issued pursuant to section 60-305.16, number plates shall be issued every three years beginning with the number plates issued in the year 1984. In the years in which plates are not

issued, in lieu of furnishing such plates, the department shall furnish to every person whose motor vehicle is registered one or two renewal tabs, as the case may be, which renewal tabs shall bear the year for which furnished and be so constructed as to permit them to be permanently affixed to the plates.

(3) The department may provide a distinctive license plate for all motor vehicles owned or operated by the state, counties, municipalities, or school districts. Such government-owned motor vehicles shall display such distinctive license plates when such license plates are issued.

(4) The department shall provide a distinctive plate for issuance pursuant to section 60-305.16. Issuance of such plates shall begin not later than January 1, 1991.

(5) Whenever Until January 1, 1993, whenever new license plates, including duplicate or replacement license plates but not including permanent license plates issued for a trailer or semitrailer pursuant to section 60-305.16, are furnished to any person, a fee of one dollar and fifteen cents per plate shall be charged in addition to all other required fees. Beginning January 1, 1993, whenever new license plates, including duplicate or replacement license plates, are furnished to any person, a fee of one dollar and fifty cents per plate shall be charged in addition to all other required fees. Such fee shall cover the cost of the plate and renewal tabs. All fees collected pursuant to this section shall be remitted to the State Treasurer for credit to the Highway Trust Fund.

(6) There is hereby created the License Plate Cash Fund which shall consist of money transferred to it pursuant to section 39-2215. All costs associated with the manufacture of license plates and stickers or tabs provided for in this section and sections 60-311.02 and 60-1804 shall be paid from funds appropriated from the License Plate Cash Fund. The fund shall be used exclusively for such purposes and shall be administered by the department. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 3. That section 60-336, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-336. For the registration of every motorcycle, the fee shall be ~~four dollars and fifty cents~~ six dollars.

Sec. 4. That section 60-4,115, Revised Statutes Supplement, 1990, be amended to read as follows:

60-4,115. The applications for operators' licenses, school permits, farm permits, LPD-learners' permits, or LPE-learners' permits shall be filed with the county treasurer who is required to transmit the same weekly to the director. The application shall be accompanied by a fee of ten dollars from each successful applicant for an original or renewal Class O or M operator's license issued under the Motor Vehicle Operator's License Act, except that the fee for licenses which will be valid for one year or less shall be three dollars and fifty cents, the fee for licenses which will be valid for more than one year but less than two years shall be five dollars and fifty cents, and the fee for licenses which will be valid for more than two years but less than three years shall be eight dollars. One dollar and seventy-five cents of each of the original and renewal fees for operators' licenses and twenty-five cents of each of the fees for school permits, farm permits, LPD-learners' permits, or LPE-learners' permits shall be credited immediately to the general fund of the county and shall be included by the county treasurer in his or her report of fees as provided by law. An amount equal to two dollars and fifty cents times the number of original or renewal ~~motorcycle-only operators'~~ Class M licenses issued pursuant to section 60-4,127 during the previous year shall be transferred to the Motorcycle Safety Education Fund. The balance of the original and renewal operator's license, school permit, farm permit, LPD-learner's permit, or LPE-learner's permit fees shall be remitted by the county treasurer to the State Treasurer and shall be credited to the General Fund.

Sec. 5. Sections 1, 3, 4, and 6 of this act shall become operative on October 1, 1992. The other sections of this act shall become operative on their effective date.

Sec. 6. That original section 60-336, Reissue Revised Statutes of Nebraska, 1943, section 60-4,115, Revised Statutes Supplement, 1990, and section 39-2215, Revised Statutes Supplement, 1991, are repealed.

Sec. 7. That original section 60-311, Revised Statutes Supplement, 1990, is repealed.