

LEGISLATIVE BILL 369

Approved by the Governor April 7, 1990

Introduced by Lamb, 43

AN ACT relating to vehicles; to amend sections 39-666, 39-6,177, 39-6,180, 60-102, 60-103, 60-104, 60-106, 60-302, 60-305.03, 60-311, and 60-2138, Reissue Revised Statutes of Nebraska, 1943, and sections 39-6,100, 60-301, 60-305.09, 60-4,122, and 60-4,127, Revised Statutes Supplement, 1989; to change and eliminate provisions relating to livestock forage vehicles; to provide an exception for overwidth vehicles as prescribed; to change provisions relating to the maximum gross load of certain vehicles; to require the affixing of the vehicle identification number prior to sale or other disposition of certain vehicles; to change provisions relating to certificates of title and provide for permanent license plates for apportionable vehicles; to provide for collection and disbursement of fees; to provide for nontransferable certificates of title for stolen vehicles; to redefine terms; to change provisions relating to motorcycle operator's licenses; to provide an additional use for certain funds; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 39-666, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-666. (1) Notwithstanding the maximum speed limits established in section 39-662, no person shall operate any truck, any truck-tractor, ~~or~~ any freight-carrying vehicle, if the gross weight of such freight-carrying vehicle, including any load thereon, is more than five tons, or any motor vehicle when towing a camping trailer or travel trailer, in excess of the following maximum speed limits:

- (a) Twenty-five miles per hour in any residential district;
- (b) Twenty miles per hour in any business

district;

(c) Fifty-five miles per hour upon any freeway except as provided in subdivision (g) of this subsection;

(d) Fifty-five miles per hour during the daytime upon any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway except as provided in subdivision (g) of this subsection;

(e) Fifty-five miles per hour during the nighttime upon any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway except as provided in subdivision (g) of this subsection;

(f) Fifty miles per hour upon any highway that is not dustless surfaced and not a part of the state highway system; and

(g) Sixty-five miles per hour upon the National System of Interstate and Defense Highways, except that when such highways are located within an urbanized area of fifty thousand population or more as designated by the United States Bureau of Census, the limit shall be fifty-five miles per hour.

For purposes of this subsection, urbanized areas shall mean all portions of the National System of Interstate and Defense Highways located in the counties of Douglas and Dakota and that portion of the National System of Interstate and Defense Highways designated as Interstate 180 and that portion designated as Interstate 80 from reference post 395.41 to reference post 401.41 in the county of Lancaster.

(2) No person shall operate any motor vehicle when towing a mobile home at a rate of speed in excess of fifty miles per hour.

(3) Notwithstanding the maximum speed limits established in section 39-662, no person shall operate any school bus carrying any school child at a speed in excess of the following maximum limits:

(a) Twenty-five miles per hour in any residential district;

(b) Twenty miles per hour in any business district;

(c) Fifty-five miles per hour upon any freeway except as provided in subdivision (h) of this subsection;

(d) Fifty-five miles per hour on any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway during the daytime except as provided in subdivision (h) of

this subsection;

(e) Fifty-five miles per hour on any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway during the nighttime except as provided in subdivision (h) of this subsection;

(f) Forty-five miles per hour on any highway or road that is not dustless surfaced and not a part of the state highway system during the daytime;

(g) Forty miles per hour on any highway or road that is not dustless surfaced and not a part of the state highway system during the nighttime; and

(h) Sixty-five miles per hour upon the National System of Interstate and Defense Highways, except that when such highways are located within an urbanized area of fifty thousand population or more as designated by the United States Bureau of Census, the limit shall be fifty-five miles per hour.

For purposes of this subsection, urbanized areas shall mean all portions of the National System of Interstate and Defense Highways located in the counties of Douglas and Dakota and that portion of the National System of Interstate and Defense Highways designated as Interstate 180 and that portion designated as Interstate 80 from reference post 395.41 to reference post 401.41 in the county of Lancaster.

{4} Notwithstanding the maximum speed limits established in section 39-662, no person shall operate any vehicle which carries unbaled livestock forage at a speed in excess of the following maximum limits:

{a} Twenty-five miles per hour in any residential district;

{b} Twenty miles per hour in any business district; and

{c} Thirty miles per hour while loaded or fifty miles per hour while unloaded upon any highway other than a freeway outside of a business or residential district during the daytime;

{5} Any vehicle which carries unbaled livestock forage exceeding a total outside width of eight feet shall not be operated on a freeway nor on any highway during the nighttime-

{4} {6} The maximum speed limits in business and residence districts declared for specific vehicles in subsections (1); {3}; and (3) of this section and section 39-6,100 may be altered by the Department of Roads or local authorities as provided in section 39-663.

{7} {5} During the nighttime no person shall

operate upon a roadway any motor-driven cycle at a speed in excess of thirty-five miles per hour unless such motor-driven cycle is equipped with one or more headlamps ~~a headlamp or lamps~~ capable of revealing a person or vehicle in such roadway three hundred feet ahead and with a lamp on the rear exhibiting a red light visible, under normal atmospheric conditions, from a distance of at least five hundred feet to the rear of such motor vehicle. Such motor-driven cycle shall not be operated at a speed in excess of twenty-five miles per hour if such headlamp or ~~lamps~~ headlamps are not sufficient to reveal a person or vehicle in such roadway at least two hundred feet ahead and not in excess of twenty miles per hour if such headlamp or ~~lamps~~ headlamps do not reveal a person or vehicle in such roadway at least one hundred feet ahead. If the headlamp or ~~lamps~~ headlamps do not reveal a person or vehicle in such roadway at least one hundred feet ahead, such motor-driven cycle shall not be driven upon the roadways during the nighttime.

~~(8)~~ (6) No person shall drive a vehicle over any public bridge, causeway, viaduct, or other elevated structure at a speed which is greater than the maximum speed which can be maintained with safety thereon when such structure is posted with signs as provided in subsection ~~(9)~~ (7) of this section.

~~(9)~~ (7) The Department of Roads or a local authority may conduct an investigation of any bridge or other elevated structure constituting a part of a highway under its jurisdiction and if it finds that such structure cannot safely withstand vehicles traveling at the speed otherwise permissible, the Department of Roads or local authority shall determine and declare the maximum speed of vehicles which such structure can safely withstand and shall cause suitable signs stating such maximum speed to be erected and maintained before each end of such structure.

~~(10)~~ (8) Upon the trial of any person charged with a violation of subsection ~~(8)~~ (6) of this section, proof of such determination of the maximum speed by the Department of Roads or local authority and the existence of such signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety on such bridge or structure.

~~(11)~~ (9) When the Department of Roads or local authority determines by an investigation that certain vehicles in addition to those specified in this section cannot with safety travel at the speeds provided in section 39-662 or this section or set pursuant to

section 39-663, the Department of Roads or local authority may restrict such vehicles' speed limit the speed limit for such vehicles on highways under their respective jurisdictions and post proper and adequate signs.

~~(12)~~ (10) Notwithstanding the maximum speed limits in excess of twenty-five miles per hour established in section 39-662, no person shall operate any moped at a speed in excess of thirty miles per hour.

Sec. 2. That section 39-6,100, Revised Statutes Supplement, 1989, be amended to read as follows:

39-6,100. (1) A livestock forage vehicle shall mean a vehicle with chassis which has a special implement bolted, mounted, or attached thereto for loading, unloading, and moving livestock forage.

(2) All livestock forage vehicles shall:

(a) Not exceed a length of sixty-five feet, extreme overall dimensions inclusive of bumpers and load;

(b) Not exceed a width of eighteen feet;

(c) Not exceed a height of eighteen feet, either for equipment alone or for equipment and load combined. Such vehicles shall comply with subsection (2) of section 39-6,178; and

(d) Only be operated during hours of daylight.

(3) No person shall operate a livestock forage vehicle which carries unbaled livestock forage at a speed in excess of the following limits:

(a) Twenty-five miles per hour in any residential district;

(b) Twenty miles per hour in any business district; and

(c) Fifty miles per hour while upon any highway other than a freeway outside a business or residential district.

~~(3)~~ (4) The load of baled livestock forage shall be securely fastened to the vehicle at all times while it is on a highway. Any person who transports unbaled or baled livestock forage shall be responsible for all damages occurring to other persons or property as a result of his or her negligence during the transportation of the same and shall also be responsible for cleaning a highway of unbaled or baled livestock forage which falls or is dropped from the load onto a highway during the moving of the same.

~~(4)~~ (5) Any person who uses equipment which exceeds the length, width, and height provisions set forth in subsection (2) of this section shall first

obtain a permit from the county sheriff of the county in which he or she resides. The permit shall be valid to carry loads twenty feet wide in such county and in adjacent counties. Such permit shall be furnished to the sheriff's office by the Department of Motor Vehicles and shall be valid for one calendar year. The fee for such permit shall be ten dollars. Any person securing such a permit shall keep a record of all activity covered by such permit, which record shall be available to the issuing officer, his or her deputies and agents, or members of the Nebraska State Patrol at all times. The record shall include dates, items moved, route, and other pertinent information.

(5) (6) Any person who violates the provisions of this section shall be guilty of a traffic infraction and shall, upon conviction thereof, be punished as provided in section 39-6,112. Enforcement of these provisions shall be the responsibility of the sheriffs and their deputies and the Nebraska State Patrol.

Sec. 3. That section 39-6,177, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,177. (1) No vehicle which exceeds a total outside width of one hundred two inches, including any load but excluding designated safety devices, shall be permitted on any portion of the National System of Interstate and Defense Highways. The Director-State Engineer shall adopt and promulgate rules and regulations, consistent with federal requirements, designating safety devices which shall be excluded in determining vehicle width.

(2) No vehicle which exceeds a total outside width of one hundred two inches, including any load but excluding designated safety devices, shall be permitted on any highway which is not a portion of the National System of Interstate and Defense Highways, except that such prohibition shall not apply to:

(a) ~~farm~~ Farm equipment in temporary movement during daylight hours, or during hours of darkness when the clearance light requirements of section 39-6,127 are fully complied with, in the normal course of farm operations; 7

(b) ~~eombines~~ Combines eighteen feet or less in width, while in the normal course of farm operations and while being driven during daylight hours or during hours of darkness when the clearance light requirements of section 39-6,127 are fully complied with; 7

(c) ~~eombines~~ Combines in excess of eighteen feet in width, while in the normal course of farm

operations, and while being driven during daylight hours for distances of twenty-five miles or less on highways, and while preceded by a well-lighted pilot vehicle or flagperson, except that such combines may be driven on highways while in the normal course of farm operations for distances of twenty-five miles or less and while preceded by a well-lighted pilot vehicle or flagperson during hours of darkness when the clearance light requirements of section 39-6,127 are fully complied with; 7

(d) ~~combines~~ Combines and vehicles used in transporting combines, and only when transporting combines, to be engaged in harvesting, while being transported into or through the state during daylight hours, when the total width including the width of the combine being transported does not exceed fifteen feet, except that vehicles used in transporting combines may, when necessary to the harvesting operation, travel unloaded for distances not to exceed twenty-five miles, while the combine to be transported is engaged in a harvesting operation; 7

(e) ~~farm~~ Farm equipment dealers hauling, driving, delivering, or picking up farm equipment, including portable livestock buildings not exceeding fourteen feet in width, or implements of husbandry during daylight hours; 7

(f) ~~alfalfa~~ Alfalfa harvesting machinery in temporary movement during daylight hours and hours of darkness when (i) the clearance light requirements of section 39-6,127 are fully complied with, (ii) there is, on the front vehicle and above the line of the regular lights of such vehicle, a flashing, amber-colored light at least four inches in diameter and clearly visible to traffic approaching from any direction, and (iii) there is a well-lighted pilot vehicle or flagperson at least three hundred feet in advance of such vehicles to give warning of the approach of overwidth equipment, and such prohibition shall not apply to equipment of thirteen feet or less in width to be used in highway or other public construction or in agricultural land treatment in temporary movement during daylight hours on roads other than dustless-surfaced state highways and for necessary access to points on such highways; 7

(g) ~~livestock~~ Livestock forage vehicles loaded or unloaded that comply with subsection (2) of section 39-6,100; 7

(h) During daylight hours only, vehicles hauling baled livestock forage enroute to pick up, delivering, or returning unloaded from delivery of baled

livestock forage which, including the load ~~thereon~~ if any, may be twelve feet in width; 7

(i) ~~mobile~~ Mobile homes or prefabricated livestock buildings not exceeding sixteen feet in width and with an outside tire width dimension not exceeding one hundred twenty inches moving during daylight hours; 7

(j) ~~a~~ A rubber-tired crane with a fixed load when (i) such vehicle will be transported on a state highway, excluding any portion of the National System of Interstate and Defense Highways, on a city street, or on a road within the corporate limits of a city, (ii) the city in which the crane is intended to be transported has authorized a one-day permit for the transportation of the crane, specifying the route to be used and the hours during which the crane can be transported, except that no permit shall be issued by a city for travel on a state highway containing a bridge or structure which is structurally inadequate to carry the crane as determined by the Department of Roads, (iii) such vehicle will be escorted by another vehicle or vehicles assigned by the city, (iv) such vehicle's gross weight does not exceed eighty-five thousand pounds, if a four-axle crane, or sixty-seven thousand pounds, if a three-axle crane, and (v) if a four-axle crane, the maximum weight on each set of tandem axles does not exceed forty-two thousand five hundred pounds, or if a three-axle crane, the maximum weight on the front axle does not exceed twenty-five thousand pounds and the total maximum weight on the rear tandem axles does not exceed forty-two thousand five hundred pounds; 7 or

(k) ~~vehicles~~ Vehicles which have been issued a permit pursuant to section 39-6,181.01.

(3) The Director-State Engineer, with respect to highways under his or her jurisdiction, may designate certain highways upon which vehicles of no more than ninety-six inches in width may be permitted to travel. Highways so designated shall be limited to one or more of the following: (a) Highways with traffic lanes of ten feet or less; (b) highways upon which are located narrow bridges; and (c) highways which because of sight distance, surfacing, unusual curves, topographic conditions, or other unusual circumstances would not, in the opinion of the Director-State Engineer, safely accommodate vehicles of more than ninety-six inches in width.

Sec. 4. That section 39-6,180, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,180. (1) The wheels of all vehicles, including trailers, except those operated at twenty miles per hour or less, shall be equipped with pneumatic tires.

(2) No wheel of a vehicle or trailer, referred to in subsection (1) of this section, equipped with pneumatic, solid rubber, or cushion tires shall carry a gross load in excess of ten thousand pounds on any road or highway nor shall any axle carry a gross load in excess of twenty thousand pounds on any road or highway. An axle load shall be defined as the total load transmitted to the road by all wheels whose the centers of which may be included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

(3) Every vehicle, whether operated singly or in a combination of vehicles, and every combination of vehicles ~~must~~ shall comply with subsections (2) and (4) of this section, except as provided in section 39-6,180.02. The limitations imposed by this section are supplemental to all other provisions imposing limitations upon the size and weight of vehicles.

(4) No group of two or more consecutive axles shall carry a load in pounds in excess of the value given in the following table corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot, except that the maximum load carried on any group of two or more axles shall not exceed eighty thousand pounds on the National System of Interstate and Defense Highways unless the Director-State Engineer pursuant to section 39-6,180.01 authorizes a greater weight.

Distance in feet between the extremes of any group of two or more consecutive axles	Maximum load in pounds carried on any group of two or more consecutive axles					
	Two Axles	Three Axles	Four Axles	Five Axles	Six Axles	Seven Axles
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8	34,000	42,000				
9	39,000	42,500				
10	40,000	43,500				
11		44,000				
12		45,000	50,000			
13		45,500	50,500			

14	46,500	51,500			
15	47,000	52,000			
16	48,000	52,500	58,000		
17	48,500	53,500	58,500		
18	49,500	54,000	59,000		
19	50,000	54,500	60,000		
20	51,000	55,500	60,500		
21	51,500	56,000	61,000		
22	52,500	56,500	61,500		
23	53,000	57,500	62,500		
24	54,000	58,000	63,000		
25	54,500	58,500	63,500	69,000	
26	55,500	59,500	64,000	69,500	
27	56,000	60,000	65,000	70,000	
28	57,000	60,500	65,500	71,000	
29	57,500	61,500	66,000	71,500	
30	58,500	62,000	66,500	72,000	
31	59,000	62,500	67,500	72,500	
32	60,000	63,500	68,000	73,000	
33		64,000	68,500	74,000	
34		65,500	69,000	74,500	
35		65,500	70,000	75,000	
36		66,000	70,500	75,500	
37		66,500	71,000	76,000	81,500
38		67,500	72,000	77,000	82,000
39		68,000	72,500	77,500	82,500
40		68,500	73,000	78,000	83,500
41		69,500	73,500	78,500	84,000
42		70,000	74,000	79,000	84,500
43		70,500	75,000	80,000	85,000
44		71,500	75,500	80,500	85,500
45		72,000	76,000	81,000	86,000
46		72,500	76,500	81,500	87,000
47		73,500	77,500	82,000	87,500
48		74,000	78,000	83,000	88,000
49		74,500	78,500	83,500	88,500
50		75,500	79,000	84,000	89,000
51		76,000	80,000	84,500	89,500
52		76,500	80,500	85,000	90,500
53		77,500	81,000	86,000	91,000
54		78,000	81,500	86,500	91,500
55		78,500	82,500	87,000	92,000
56		79,500	83,000	87,500	92,500
57		80,000	83,500	88,000	93,000
58			84,000	89,000	94,000
59			85,000	89,500	94,500
60			85,500	90,000	95,000

(5) The distance between axles shall be measured to the nearest foot. When a fraction is

exactly one-half foot the next larger whole number shall be used, except that (a) any group of three axles shall be restricted to a maximum load of thirty-four thousand pounds unless the distance between the extremes of the first and third axles is at least ninety-six inches in fact and (b) the maximum gross load on any group of two axles, the distance between the extremes of which is more than eight feet but less than eight feet six inches, shall be thirty-eight thousand pounds.

(6) The limitations of subsections (2), (4), and (5) of this section shall apply as stated to all main, rural, and intercity roads, but shall not be construed as inhibiting heavier axle loads in metropolitan areas, except on the National System of Interstate and Defense Highways, if such loads are not prohibited by city ordinance.

(7) The weight limitations of wheel and axle loads as defined in subsections (2), (4), and (5) of this section shall be restricted to the extent deemed necessary by the Department of Roads for a reasonable period where road subgrades or pavements are weak or are materially weakened by climatic conditions.

(8) If any truck shall cross a bridge with a total gross load in excess of the posted capacity of such bridge and as a result of such crossing any damage results to the bridge, the owner of such truck shall be responsible for all of such damage.

(9) Vehicles equipped with a greater number of axles than provided in the tables in subsection (4) of this section shall be legal if they do not exceed the maximum load upon any wheel or axle, the maximum load upon any group of two or more consecutive axles, and the total gross weight, or any of such weights as provided in subsections (2) and (4) of this section.

(10) Subsections (1) to (9) of this section shall not apply to a vehicle which has been issued a permit pursuant to section 39-6,181.01 or to a rubber-tired crane with a fixed load when (a) such crane will be transported on a state highway, excluding any portion of the National System of Interstate and Defense Highways, on a city street, or on a road within the corporate limits of a city, (b) the city in which the crane is intended to be transported has authorized a one-day permit for the transportation of the crane specifying the route to be used and the hours during which the crane can be transported, except that no permit shall be issued by a city for travel on a state highway containing a bridge or structure which is structurally inadequate to carry the crane as determined

by the Department of Roads, (c) such crane will be escorted by another vehicle or vehicles assigned by the city, (d) such vehicle's gross weight does not exceed eighty-five thousand pounds, if a four-axle crane, or sixty-seven thousand pounds, if a three-axle crane, and (e) if a four-axle crane, the maximum weight on each set of tandem axles does not exceed forty-two thousand five hundred pounds, or if a three-axle crane, the maximum weight on the front axle does not exceed twenty-five thousand pounds and the total maximum weight on the rear tandem axles does not exceed forty-two thousand five hundred pounds.

(11) Any two consecutive axles whose the centers of which are more than forty inches and not more than ninety-six inches apart, measured to the nearest inch between any two adjacent axles in the series, shall be defined as tandem axles, and the gross weight transmitted to the road surface through such series shall not exceed thirty-four thousand pounds. No axle of the series shall exceed the maximum weight permitted under this section for a single axle.

(12) Dummy axles shall be disregarded in determining the lawful weight of a vehicle or vehicle combination for operation on the highway. Dummy axle shall mean an axle attached to a vehicle or vehicle combination in a manner so that it does not articulate or substantially equalize the load and does not carry at least eight percent of the gross weight of the vehicle or vehicle combination.

Sec. 5. That section 60-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-102. Sections 60-102 to 60-117 shall apply to motor vehicles, commercial trailers, and semitrailers required to be registered under sections 60-301 to 60-306 and all cabin trailers defined in subdivision (9) of section 39-602 whether or not any such cabin trailer is required to be registered under sections 60-301 to 60-306.

Sections 60-102 to 60-117 shall not apply to (1) foreign trucks and buses required to pay registration fees under sections 60-301 to 60-306 except a vehicle registered or eligible to be registered as part of a fleet of apportionable vehicles under section 60-305.09, (2) trailers of farmers or ranchers used wholly and exclusively to carry supplies to the owner's farm or ranch, used by the farmer or rancher to carry his or her own products to storage or market, or used by farmers or ranchers for such hauling of such supplies or

products in exchange of services, and (3) road and general-purpose construction and maintenance machinery not designed or used primarily for the transportation of persons or property, including, but not limited to, ditchdigging apparatus, well-boring apparatus, asphalt spreaders, bucket loaders, leveling graders, earthmoving carryalls, power shovels, earthmoving equipment, crawler tractors, backhoes, bulldozers, and front-end loaders.

Sec. 6. That section 60-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-103. No manufacturer, importer, dealer, or other person shall sell or otherwise dispose of a new motor vehicle, commercial trailer, semitrailer, or cabin trailer to a dealer to be used by such dealer for purposes of display and resale without (1) delivering to such dealer a manufacturer's or importer's certificate duly executed in accordance with the provisions of ~~this act~~; sections 60-102 to 60-117 and with such assignments thereon as may be necessary to show title in the purchaser thereof and (2) having affixed to the vehicle, pursuant to section 60-105, its vehicle identification number if it is not already affixed; nor shall such dealer purchase or acquire a new motor vehicle, commercial trailer, semitrailer, or cabin trailer without obtaining from the seller thereof such manufacturer's or importer's certificate. On ~~PROVIDED~~; that on any motor vehicle which is to be used for taxi service, the application and the certificate of title shall show on the face thereof that such vehicle is being used or has been used as a taxi and such subsequent certificates of title shall show the same information.

Sec. 7. That section 60-104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-104. No person, except as provided in section 60-103, shall sell or otherwise dispose of a motor vehicle, commercial trailer, semitrailer, or cabin trailer without (1) delivering to the purchaser or transferee of such vehicle or trailer thereof a certificate of title with such assignment thereon as may be necessary to show title in the purchaser and (2) having affixed to the vehicle, pursuant to section 60-105, its vehicle identification number if it is not already affixed, nor purchase or otherwise acquire or bring into this state a motor vehicle, commercial trailer, semitrailer, or cabin trailer except for temporary use.

No purchaser or transferee shall receive a certificate of title which does not contain such assignment as may be necessary to show title in the purchaser or transferee. Possession and possession of a title which does not meet this requirement shall be prima facie evidence of a violation of this provision, and such purchaser or transferee, upon conviction, shall be subject to the penalties provided by section 60-117.

No motor vehicle, commercial trailer, semitrailer, or cabin trailer shall be eligible for initial registration in this state, except a vehicle registered or eligible to be registered as part of a fleet of apportionable vehicles under section 60-305.09, unless the provisions of this act sections 60-102 to 60-117 have been complied with insofar as said the motor vehicle, commercial trailer, semitrailer, or cabin trailer are is concerned.

Sec. 8. That section 60-106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-106. (1) Application for a certificate of title shall be made upon a form prescribed by the Department of Motor Vehicles and shall be sworn to before a notary public or other officer empowered to administer oaths. All applications shall be accompanied by the fee prescribed in section 60-115.

(2)(a) If the motor vehicle has tax situs in Nebraska, the application shall be filed with the county clerk of the county in which the vehicle has tax situs as defined in section 77-1240.

(b) If the applicant is a nonresident, the application shall be filed in the county in which the transaction is consummated. All applications shall be accompanied by the fee prescribed in section 60-115. If the applicant intends to register the motor

(c) All applicants registering a vehicle pursuant to section 60-305.09, the application shall be made to file the application for title to the vehicle with the Department of Motor Vehicles. The department shall deliver the certificate to the applicant if there are no liens on the motor vehicle. If there are any liens on the motor vehicle, the department shall deliver or mail the certificate of title to the holder of the first lien on the day of issuance. All certificates of title issued by the department shall be issued in the manner prescribed for the county clerk in section 60-107.

(3) If a certificate of title has previously been issued for the motor vehicle in this state, the

application for a new certificate of title shall be accompanied by the certificate of title duly assigned unless otherwise provided for in sections 60-102 to 60-117. If a certificate of title has not previously been issued for the motor vehicle in this state, the application, unless otherwise provided for in such sections, shall be accompanied by a manufacturer's or importer's certificate, as provided for in such sections, a duly certified copy thereof, a certificate of title, a court order issued by a court of record, a manufacturer's certificate of origin, or an assigned registration certificate, if the law of the other state from which the motor vehicle was brought into this state does not have a certificate of title law. The county clerk shall retain the evidence of title presented by the applicant and on which the certificate of title is issued.

(4) The county clerk shall use reasonable diligence in ascertaining whether or not the statements in the application for a certificate of title are true by checking the application and documents accompanying the same with the records of motor vehicles in his or her office. If he or she is satisfied that the applicant is the owner of such motor vehicle and that the application is in the proper form, the county clerk shall issue a certificate of title over his or her signature and sealed with his or her seal.

(5) In the case of the sale of a motor vehicle, the certificate of title shall be obtained in the name of the purchaser upon application signed by the purchaser, except that for titles to be held by husband and wife, applications may be accepted by the clerk upon the signature of either one as a signature for himself or herself and as agent for his or her spouse.

(6) In all cases of transfers of motor vehicles, commercial trailers, semitrailers, or cabin trailers, the application for a certificate of title shall be filed within fifteen days after the delivery of such motor vehicles, commercial trailers, semitrailers, or cabin trailers. Licensed dealers need not apply for certificates of title for motor vehicles, commercial trailers, semitrailers, or cabin trailers in stock or acquired for stock purposes, but upon transfer of the same, they such vehicle or trailer in stock or acquired for stock purposes, the licensed dealer shall give the transferee a reassignment of the certificate of title on such motor vehicle, commercial trailer, semitrailer, or cabin trailer or an assignment of a manufacturer's or importer's certificate.

(7) An application for a certificate of title shall include a statement that an identification inspection has been conducted on the vehicle unless (a) the title sought is a salvage certificate of title as defined in section 60-129 or a nontransferable certificate of title provided for in section 9 of this act, (b) the surrendered ownership document is a Nebraska certificate of title, a manufacturer's statement of origin, an importer's statement of origin, ~~or~~ a United States Government Certificate of Release of a motor vehicle, or a nontransferable certificate of title issued under section 9 of this act, or (c) the application for a certificate of title contains a statement that such vehicle is to be registered under section 60-305.09. The statement that an identification inspection has been conducted shall be furnished by the county sheriff of the county in which application is made or by any other holder of a current certificate of training and shall be in a format as determined by the Department of Motor Vehicles. The clerk may accept a certificate of inspection, approved by the Superintendent of Law Enforcement and Public Safety, from an officer of a state police agency of another state. For each inspection, a fee of ten dollars shall be paid to the county treasurer. All such fees shall be credited to the county sheriff's vehicle inspection account within the county general fund. The identification inspection required by this subsection shall include examination and notation of the current odometer reading and a comparison of the vehicle identification number with the number listed on the ownership records, except that if a lien is registered against a vehicle and recorded on the vehicle's ownership records, the county clerk shall provide a copy of the ownership records for use in making such comparison. If such numbers are not identical or if there is reason to believe further inspection is necessary, the person performing the inspection shall make a further inspection of the vehicle which may include, but shall not be limited to, examination of other identifying numbers placed on the vehicle by the manufacturer and an inquiry into the numbering system used by the state issuing such ownership records to determine ownership of a vehicle. The identification inspection shall also include a statement that the vehicle identification number has been checked for entry in the National Crime Information Center and the Nebraska Crime Information Service. If there is cause to believe that odometer fraud exists, written

notification shall be given to the Attorney General's office of the Attorney General. If after such inspection the sheriff or his or her designee determines that the vehicle is not the vehicle described by the ownership records, no statement shall be issued. In the case of an assembled vehicle such inspection shall include, but not be limited to, an examination of the records showing the date of receipt and source of each major component part as defined in section 60-2601.

Sec. 9. When an insurance company authorized to do business in Nebraska acquires a motor vehicle which has been properly titled and registered in a state other than Nebraska through payment of a total loss settlement on account of theft and the vehicle has not become unusable for transportation through damage and has not sustained any malfunction beyond reasonable maintenance and repair, the company shall obtain the certificate of title from the owner and may make application for a nontransferable certificate of title by surrendering the certificate of title to the county clerk. A nontransferable certificate of title shall be issued in the same manner and for the same fee as provided for a certificate of title in sections 60-106 to 60-117 and shall be on a form prescribed by the Department of Motor Vehicles.

A vehicle which has a nontransferable certificate of title shall not be sold or otherwise transferred or disposed of without first obtaining a certificate of title under sections 60-106 to 60-130.

When a nontransferable certificate of title is surrendered for a certificate of title, the application shall be accompanied by a statement from the insurance company stating that to the best of its knowledge the vehicle has not become unusable for transportation through damage and has not sustained any malfunction beyond reasonable maintenance and repair. The statement shall not constitute or imply a warranty of condition to any subsequent purchaser or operator of the vehicle.

Sec. 10. That section 60-301, Revised Statutes Supplement, 1989, be amended to read as follows:

60-301. As used in For purposes of Chapter 60, article 3, unless the context otherwise requires:

(1) Agricultural products shall mean field crops and horticultural, viticultural, forestry, nut, dairy, livestock, poultry, bee, and farm products, including sod grown on the land owned or rented by the farmer, and the byproducts derived from any of them;

(2) Apportionable vehicle shall mean any

vehicle used in two or more jurisdictions that allocate or proportionally register vehicles and are used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property. Apportionable vehicle ; ~~except that such term shall not include any recreational vehicle, vehicle displaying restricted plates, vehicle not required to be licensed as a commercial vehicle, bus used in the transportation of chartered parties, or government-owned vehicle.~~ Such vehicle shall either (a) have a gross vehicle weight in excess of twenty-six thousand pounds, (b) have three or more axles, regardless of weight, or (c) be used in combination when the weight of such combination exceeds twenty-six thousand pounds gross vehicle weight. Vehicles, or combinations ~~thereof~~; of vehicles having a gross vehicle weight of twenty-six thousand pounds or less and two-axle vehicles may be proportionally registered at the option of the registrant;

(3) Cabin trailer shall mean ~~every~~ any vehicle without motive power designed for living quarters and for being drawn by a motor vehicle and not exceeding eight feet in width, forty feet in length, or thirteen and one-half feet in height;

(4) Commercial trailer shall mean any trailer or semitrailer designed, used, or maintained for the transportation of persons or property for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property and shall not include farm trailers, fertilizer trailers, utility trailers, or cabin trailers;

(5) Commercial vehicle shall mean any motor vehicle used or maintained for the transportation of persons or property for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property and shall not include farm trucks;

(6) Farm trailer shall ~~include~~ mean any trailer or semitrailer (a) used ~~wholly~~ and exclusively to carry a farmer's or rancher's own supplies, farm equipment, and household goods to or from the owner's farm or ranch, ~~or~~ (b) used by the farmer or rancher to carry his or her own agricultural products, livestock, and produce to or from storage and market; and attached to a passenger car, commercial-licensed vehicle registered for sixteen tons or less, or farm-licensed vehicle, or (c) used by a farmer or rancher to carry his or her own agricultural products, livestock, and produce to and from market. Such ; ~~which~~ trailers shall carry on their license plate, in addition to the registration

number, the letter X. Farm ~~but farm~~ trailer shall not include a trailer so used when attached to a farm tractor;

(7) Farm trucks shall mean trucks, including combinations of trucks or truck-tractors and trailers or semitrailers, of farmers or ranchers; (a) used wholly and exclusively to carry ~~their~~ a farmer's or rancher's own supplies, farm equipment, and household goods to or from the owner's farm or ranch, (b) used by the farmer or rancher to carry his or her own agricultural products, livestock, and produce; to or from storage or market, (c) used by farmers or ranchers in exchange of service in such hauling of such supplies or agricultural products, livestock, and produce, or (d) used occasionally to carry camper units, ~~which or to pull boats or cabin trailers.~~ Such trucks shall carry on their license plates, in addition to the registration number, the designation farm and the words NOT FOR HIRE;

(8) Fertilizer trailer shall mean any trailer, including gooseneck applicators or trailers, designed and used exclusively to carry or apply agricultural fertilizer or agricultural chemicals and having a gross weight, including load thereon, of twenty thousand pounds or less. Such ~~and~~ trailers shall carry on their license plate, in addition to the registration number, the letter X;

(9) Film vehicle shall mean any rented or leased passenger car used exclusively by nonresident production companies temporarily on location in Nebraska producing a feature film, television commercial, documentary, or industrial or educational videotape production;

(10) Fleet shall ~~include~~ mean one or more apportionable vehicles;

(11) Highways shall ~~include~~ mean public streets, roads, turnpikes, parks, parkways, drives, alleys, and other public ways used for the passage of road vehicles;

(12) In-state miles shall mean total miles operated (a) in the State of Nebraska during the preceding year by the motor vehicle or vehicles registered and licensed for fleet operation and (b) in noncontracting reciprocity states by vehicles that are base-plated in Nebraska;

(13) Local truck shall mean a truck and combinations of trucks, truck-tractors, or trailers; or semitrailers operated solely within an incorporated city or village; or within ten miles of the corporate limits; where of the city or village in which they are owned,

operated, and registered. Such ~~which~~ trucks shall carry on their license plates, in addition to the registration number, the designation of local truck;

(14) Minibike shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than fourteen inches or an engine-rated capacity of less than forty-five cubic centimeters displacement;

(15) Moped shall mean a bicycle with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty cubic centimeters, which produces no more than two brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than thirty miles per hour on level ground;

(16) Motor vehicles ~~vehicle~~ shall ~~include all vehicles~~ mean any vehicle propelled by any power other than muscular power, except (a) mopeds, (b) farm tractors, (c) self-propelled equipment designed and used exclusively to carry and apply fertilizer, chemicals, or related products to agricultural soil and crops and other implements of husbandry designed for and used primarily for tilling the soil and harvesting crops or feeding livestock, (d) power unit hay grinders or a combination which includes a power unit and a hay grinder when operated without cargo, (e) vehicles which run only on rails or tracks, ~~(e) (f)~~ off-road designed vehicles, including, but not limited to, golf carts, go-carts, riding lawnmowers, garden tractors, all-terrain vehicles as defined in section 60-2801, snowmobiles, and minibikes, and ~~(f) (g)~~ road and general-purpose construction and maintenance machinery not designed or used primarily for the transportation of persons or property, including, but not limited to, ditchdigging apparatus, asphalt spreaders, bucket loaders, leveling graders, earthmoving carryalls, power shovels, earthmoving equipment, crawler tractors, and self-propelled invalid chairs;

(17) Motorcycle shall mean ~~every~~ any motor vehicle, except a tractor or an all-terrain vehicle as defined in section 60-2801, having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground;

(18) Noncontracting reciprocity state shall mean any state which is not a party to any type of contracting agreement between the State of Nebraska and one or more other jurisdictions for registration purposes on commercial vehicles and, as a condition to operate on the highways of that state, (a) does not

require any type of vehicle registration or allocation of vehicles for registration purposes or (b) does not impose any charges based on miles operated, other than those that might be assessed against fuel consumed in that state, on any vehicles which are part of a Nebraska-based fleet;

(19) Owner shall mean a person, firm, or corporation which holds a legal title of a vehicle. ~~in the event~~ If (a) a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, (b) ~~while~~ a vehicle is subject to a lease of thirty days or more with an immediate right of possession vested in the lessee, or (c) a mortgagor of a vehicle is entitled to possession, then such conditional vendee, lessee, or mortgagor shall be deemed the owner for the purpose of Chapter 60, article 3. For such purpose, there are hereby adopted and incorporated by reference the provisions of Article XI, International Registration Plan, adopted by the American Association of Motor Vehicle Administrators, as revised November 1976;

(20) Passenger car shall mean a motor vehicle designed and used to carry ten passengers or less and not used for hire;

(21) Self-propelled mobile home shall mean a vehicle with motive power designed for living quarters;

(22) Semitrailer shall mean ~~every any~~ vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle;

(23) Total fleet miles shall mean the total number of miles operated in all jurisdictions during the preceding year by the vehicles in such fleet during such year;

(24) Trailer shall ~~include every mean any~~ vehicle without motive power designed for carrying persons or property and being pulled by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle;

(25) Transporter shall mean ~~every any~~ person lawfully engaged in the business of transporting vehicles, not his or her own, solely for delivery thereof; (a) by driving singly, (b) by driving in combinations by the towbar, fullmount, or saddle-mount methods or any combinations thereof, or (c) when a truck or tractor draws a semitrailer or tows a trailer;

(26) Truck-tractor shall mean every any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load being drawn;

(27) Trucks shall include mean motor vehicles equipped or used for the transportation of property;

(28) Utility trailer shall mean a trailer having a gross weight, including load thereon, of nine thousand pounds or less attached to a motor vehicle and used wholly and exclusively to carry miscellaneous items of personal property. Such 7 which trailers shall carry on their license plate, in addition to the registration number, the letter X; and

(29) Vehicle shall mean every any device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting except devices moved solely by human power or used exclusively upon stationary rails or tracks.

Sec. 11. That section 60-302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-302. No motor vehicle, trailer, semitrailer, or cabin trailer, unless otherwise expressly provided, shall be operated on the highways of this state unless such vehicle is registered in accordance with Chapter 60, article 3. Every owner of a vehicle required to be registered shall make application for registration to the county treasurer of the county in which the vehicle has tax situs as defined in section 77-1240. The application shall be a copy of a certificate of title or, in the case of a renewal of a registration, the application shall be the previous registration period's certificate. A salvage certificate of title, as defined in section 60-129, and a nontransferable certificate of title provided for in section 9 of this act shall not be valid for registration purposes.

All applications for registration of motor vehicles shall be accompanied by proof of financial responsibility. Proof of financial responsibility shall be evidenced by a copy of proof of financial responsibility filed pursuant to subdivision (2), (3), or (4) of section 60-528 bearing the seal of the Department of Motor Vehicles or by a certificate or policy of insurance. Such certificate or policy of insurance shall be written by an insurance carrier duly authorized to do business in this state and shall certify that there is in effect a motor vehicle

liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate or policy shall give the effective dates of such motor vehicle liability policy, which dates shall be evidence that the coverage is in effect on and following the date of registration, and shall designate, by explicit description or by appropriate reference, all motor vehicles covered thereby.

Any nonresident owner, who desires to register a vehicle or vehicles in this state, shall register in the county where the vehicle is domiciled or where the owner conducts a bona fide business.

Each new application shall contain, in addition to such other information as may be required by the department, the name and post office address of the applicant and a description of the vehicle, including the color, the manufacturer, the identification number, and the weight of the vehicle required by Chapter 60, article 3. With such application and proof of financial responsibility, the applicant shall pay the proper registration fee as provided in sections 60-305.08 to 60-339 and shall state whether the vehicle is propelled by electricity, motor vehicle fuel as defined in section 66-401, or special fuel as defined in section 66-602, and if special fuel, the type of fuel. The form shall also contain a notice that bulk special or diesel fuel purchasers may be subject to federal excise tax liability. The department shall prescribe a form, containing such notice, for supplying the information for vehicles to be registered. The county assessor shall include the form in each mailing made pursuant to section 77-1240.

The county treasurer or his or her agent shall collect, in addition to other registration fees, the sum of one dollar and fifty cents for each and every certificate issued, which fee shall be transmitted remitted by the county treasurer to the State Treasurer and shall, by the State Treasurer, be credited for credit to the State Recreation Road Fund.

Sec. 12. That section 60-305.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-305.03. (1) In case a foreign state or territory is not reciprocal as to license fees on commercial trucks, truck-tractors, semitrailers, trailers, or buses, the owners of such nonresident vehicles from those states or territories ~~will be~~ required to shall pay the same license fees as are charged residents of this state. The owners of all

foreign trucks, truck-tractors, semitrailers, trailers, or buses doing intrastate hauling in this state shall be required to pay the same registration fees as those required to be paid by residents of this state unless such vehicles are registered as a part of a fleet in interstate commerce as provided in section 60-305.09.

(2) In order to effect the purposes of subsection (1) of this section and sections 60-305.02 and 60-305.09, subsection (1) of this section, and section 60-305.09, the Director of Motor Vehicles shall have the power, duty, and authority to enter into reciprocal agreements with the duly authorized representatives of other jurisdictions, including states, districts, territories, or possessions of the United States and foreign countries, states, or provinces, granting to vehicles or owners of vehicles which are properly registered or licensed in such jurisdictions, and for which evidence of compliance is supplied, benefits, privileges, and exemptions from the payment, wholly or partially, of any fees or other charges imposed upon such vehicles or owners with respect to the operation or ownership of such vehicles under the laws of this state. Such agreements or arrangements shall provide that vehicles registered or licensed in this state when operated upon the highways of such other jurisdictions shall receive exemptions, benefits, and privileges of a similar kind or to a similar degree as are extended to vehicles from such jurisdictions in this state. Such agreements may be revised or replaced by new agreements from time to time in order to promote greater uniformity among the states. The director may withdraw from any agreement when he or she determines that it shall be in the best interest of the State of Nebraska upon thirty days' notice.

Notwithstanding any provisions of the Nebraska statutes to the contrary or inconsistent herewith, such agreements may provide, with respect to resident or nonresident fleets of apportionable commercial vehicles which are engaged in interstate and intrastate commerce, that the registrations of such fleets can be apportioned between this state and other states in which such fleets operate in accordance with the method set out in section 60-305.09. A Nebraska-based fleet owner may include trailers and semitrailers in such apportionable fleet by listing them in an application filed pursuant to section 60-305.09, and any trailers or semitrailers so included shall be eligible for permanent license plates issued pursuant to section 14 of this act. The registration procedure required by section 60-305.09 shall be the

only such registration required, and when the fees provided for in required by such section and section 14 of this act if applicable, have been paid, the trailers and semitrailers listed on the application shall be duly registered as part of such Nebraska-based fleet and shall be considered part of a Nebraska-based fleet for purposes of taxation.

(3) In the absence of an agreement or arrangement with any jurisdiction, the Director of Motor Vehicles director is authorized to examine the laws and requirements of such jurisdiction and to declare the extent and nature of exemptions, benefits, and privileges to be extended to vehicles registered in such jurisdiction or to the owners or operators of such vehicles.

When no written agreement or arrangement has been entered into with another jurisdiction or declaration issued pertaining thereto, any vehicle properly registered in such jurisdiction, and for which evidence of compliance is supplied, may be operated in this state and shall receive the same exemptions, benefits, and privileges granted by such other jurisdiction to vehicles registered in this state.

(4) When a trailer or semitrailer has been duly registered in any jurisdiction, including those that are part of a Nebraska-based fleet registered pursuant to section 60-305.09, no additional registration or license fee therefor, except as provided in section 14 of this act if applicable, shall be required in this state when such trailer or semitrailer is operated in combination with any truck or truck-tractor properly licensed or registered in accordance with sections 60-301, 60-305.03, 60-305.09, and 60-305.10 or agreements, arrangements, or declarations pursuant to such sections.

(5) All agreements, arrangements, declarations, and amendments authorized by sections 60-301, 60-305.03, 60-305.09, and 60-305.10 shall be in writing and shall become effective when filed in the office of the Director of Motor Vehicles director.

(6) Agreements or arrangements entered into or declarations issued under the authority of this section may contain provisions denying exemptions, benefits, and privileges granted in such agreements, arrangements, or declarations to any vehicle which is in violation of conditions stated in such agreements, arrangements, or declarations.

(7) Properly registered shall mean a vehicle licensed or registered in one of the following: (a) The

jurisdiction where the person registering the vehicle has his or her legal residence; (b) the jurisdiction in which a commercial vehicle is registered, when the operation in which such vehicle is used has a principal place of business therein, and from or in which the vehicle is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled and the vehicle is assigned to such principal place of business; or (c) the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions or pursuant to a declaration, the person registering the commercial vehicle has licensed the vehicle as required by such jurisdiction.

(8) It shall be unlawful to operate trucks, truck-tractors, semitrailers, trailers, or buses owned by nonresidents who are not in compliance with subsections (1) and (2) of this section and with section 60-305.02 or any agreement executed under the authority granted hereunder.

Sec. 13. That section 60-305.09, Revised Statutes Supplement, 1989, be amended to read as follows:

60-305.09. (1) Any owner engaged in operating a fleet of apportionable vehicles in this state in interstate commerce may, in lieu of registration of such vehicles under the general provisions of sections 60-301 to 60-344, register and license such fleet for operation in this state by filing a sworn statement and the application required by section 14 of this act with the Department of Motor Vehicles. The statement shall be in such form and contain such information as the department ~~shall require~~ requires, declaring the total mileage operated by such vehicles in all states and in this state during the preceding year and describing and identifying each such vehicle to be operated in this state during the ensuing license year. ~~The application shall be accompanied by payment of the registration fee determined as provided in this section.~~ Upon receipt of such statement and application, the department shall determine the total fee payment which shall be equal to the amount of fees due pursuant to section 14 of this act and the amount obtained by applying the proportion of in-state fleet miles to total fleet miles, as reported in such states, to a fee of thirty-two dollars per ton based upon gross vehicle weight of the empty weights of a truck or truck-tractor and the empty weights of any trailer, semitrailer, or combination thereof with which it is to be operated in combination at any one time, plus the weight of the maximum load to

be carried thereon at any one time, and shall notify the applicant of the amount of any additional payment required to be made. Mileage operated in noncontracting reciprocity states by vehicles based in Nebraska shall be applied to the portion of the formula for determining the Nebraska in-state fleet miles.

Temporary authority which ~~shall permit~~ permits the operation of a fleet or an addition to a fleet in this state while the application is being processed may be issued upon application to the department if necessary to complete processing of the application.

Upon completion of such processing and receipt of the appropriate fees, the department shall issue to the applicant a sufficient number of distinctive registration certificates and such other evidence of registration for display on the vehicle as the department determines appropriate for each of the vehicles of his or her fleet, identifying it as a part of an interstate fleet proportionately registered. All fees received as provided in this section shall be credited remitted to the State Treasurer for credit to the International Registration Plan Distributive Fund, which fund is hereby created. Such fund shall be disbursed to carry out the provisions of the International Registration Plan. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

The vehicles so registered shall be exempt from all further registration and license fees under sections 60-301 to 60-344 for movement or operation in the State of Nebraska except as provided in section 14 of this act. The proportional registration and licensing provision of this section shall apply to vehicles added to such fleets and operated in this state during the license year except with regard to permanent license plates issued under section 14 of this act.

The right of applicants to proportional registration under this section shall be subject to the terms and conditions of any reciprocity agreement, contract, or consent made by the Department of Motor Vehicles department.

When a nonresident fleet owner has registered his or her vehicles on an apportionment basis, his or her vehicles shall be considered as fully registered for both interstate and intrastate commerce when the state of base registration for such fleet accords the same consideration for fleets with a base registration in Nebraska. Each vehicle of a fleet registered by a

resident of Nebraska on an apportionment basis shall be considered as fully registered for both interstate and intrastate commerce.

(2) Mileage proportions for interstate fleets not operated in this state during the preceding year shall be determined by the department upon the sworn application of the applicant on forms to be supplied by the department which shall show the operations of the preceding year in other states and estimated operations in Nebraska or, if no operations were conducted the previous year, a full statement of the proposed method of operation.

(3) Any owner complying with and being granted proportional registration shall preserve the records on which the application is made for a period of three years following the current registration year. Upon request of the department, the owner shall make such records available to the department at its office for audit as to accuracy of computation and payments or pay the costs of an audit at the home office of the owner by a duly appointed representative of the department if the office where the records are maintained is not within the State of Nebraska. The department may enter into agreements with agencies of other states administering motor vehicle registration laws for joint audits of any such owner. All payments received to cover the costs of an audit shall be paid remitted by the department into the state treasury, and to the State Treasurer shall for credit such payments to the Interstate Registration Operations Cash Fund. No deficiency shall be assessed nor any and no claim for credit shall be allowed for any license registration year for which records on which the application was made are no longer required to be maintained.

(4) If it is claimed by the Department of Motor Vehicles that the owner should have paid the department claims that a greater amount of fee is due under this section than was paid, the department shall notify the owner of the additional amount claimed to be due. The owner may accept such claim and pay the amount due, or he or she may dispute the claim and submit to the department any information which he or she may have in support of his or her position. If the dispute cannot otherwise be resolved within the department, the entire matter shall be submitted to the director of Motor Vehicles for his or her final departmental determination thereof. The director shall incorporate his or her determination into a written order. Such order may be appealed to the district court

in the manner provided in section 60-4,105, except that the bond shall be filed with the clerk of the district court and shall be a surety bond or a cash bond equal to the amount claimed to be due plus two hundred dollars as security for costs that might be assessed against the owner. A certified copy of the director's order shall be filed in lieu of a transcript. Upon expiration of the time for perfecting an appeal if no appeal is taken or upon final judicial determination if an appeal is taken, the department shall deny the owner the right to further registration for a fleet license until the amount finally determined to be due, together with any costs assessed against the owner, has been paid.

(5) Every applicant who licenses any vehicles under this section and section 14 of this act shall have his or her registration certificates issued only after all fees under such sections are paid and, if applicable, proof has been furnished of payment, in the form prescribed by the Director of Motor Vehicles director as directed by the United States Secretary of the Treasury, of the federal heavy vehicle use tax imposed by the Internal Revenue Code, 26 U.S.C. 4481.

(6) In the event of the transfer of ownership of any registered motor vehicle or in the case of loss of possession because of fire or theft or because the motor vehicle was wrecked, junked, or dismantled, its registration shall expire, except that the registered owner, if he or she if the registered owner applies to the department after such transfer or loss of possession and accompanies the application with the fee of one dollar and fifty cents, he or she may have assigned to another motor vehicle the registration identification of the motor vehicle so transferred or lost. If the assigned motor vehicle has a greater gross weight than the transferred or lost motor vehicle, the owner of the assigned motor vehicle shall additionally pay only the registration fee for the increased gross weight for the remaining months of the registration year based on the factors determined by the department in the original fleet application.

(7) Whenever a Nebraska-based fleet owner files an application with the department to delete a registered motor vehicle from a fleet of registered motor vehicles because of (a) the transfer of ownership or (b) the loss of possession due to fire or theft or because the motor vehicle was wrecked, junked, or dismantled, the registered owner may, by returning the registration certificate or certificates and such other evidence of registration used by the department or, if

such certificate or certificates or such other evidence of registration is unavailable, then by making an affidavit to the department of such transfer or loss, receive a refund of the registration fee based upon the number of unexpired months remaining in the registration year. No refund shall be allowed for any fees paid under section 14 of this act. When such motor vehicle is transferred or lost within the same month as acquired, no refund shall be allowed for such month. Such refund may be in the form of a credit against any registration fees that have been incurred or are, at the time of the refund, being incurred by the registered motor vehicle owner.

(8) Whenever a Nebraska-based fleet owner files an application with the department to delete a registered motor vehicle from a fleet of registered motor vehicles because the vehicle is disabled and has been removed from service, the registered owner may, by returning the registration certificate or certificates and such other evidence of registration used by the department or, in the case of the unavailability of such certificate or certificates or such other evidence of registration, then by making an affidavit to the department of such disablement and removal from service, receive a credit for that portion of the registration fee deposited in the Highway Trust Fund based upon the number of unexpired months remaining in the registration year. No credit shall be allowed for any fees paid under section 14 of this act. When such motor vehicle is removed from service within the same month in which it was registered, no credit shall be allowed for such month. Such credit may be applied against registration fees for new or replacement vehicles incurred within one year after cancellation of registration of the motor vehicle for which the credit was allowed. When any such vehicle is reregistered within the same registration year in which its registration has been canceled, the fee shall be that portion of the registration fee provided to be deposited in the Highway Trust Fund for the remainder of the registration year.

(9) In case of addition to the registered fleet during the registration year, the owner engaged in operating the fleet shall pay the proportionate registration fee from the date of the application for the remaining balance of the registration year. The fee for any permanent license plate issued for such addition pursuant to section 14 of this act shall be the full fee required by such section, regardless of the number of months remaining in the license year.

(10) In lieu of registration under subsections (1) to (9) of this section, the title holder of record may apply to the department for special registration, to be known as an unladen-weight registration, for any commercial vehicle or combination of vehicles. Such registration shall be valid only for a period of thirty days and shall give no authority to operate the vehicle except when empty. The fee for such registration shall be twenty dollars for each vehicle, which fee shall be remitted to the State Treasurer for deposit in credit to the Highway Trust Fund. The issuance of such permits shall be governed by subsection (1) of section 60-305.03.

(11) In lieu of registration under subsections (1) to (9) of this section, a trip permit for any nonresident truck, truck-tractor, bus, or truck or truck-tractor combination shall be purchased. Such permit shall be valid for (a) a single trip across or through Nebraska and (b) not longer than seventy-two hours. The fee for such permit shall be twenty-five dollars for each vehicle or combination of vehicles. Such permit shall be available at weighing stations operated by the carrier enforcement division and at various vendor stations as determined appropriate by the carrier enforcement division. The carrier enforcement division shall act as an agent for the Department of Motor Vehicles department in collecting such fees and shall remit all such fees collected to the State Treasurer who shall place such money in for credit to the Highway Cash Fund. Trip permits shall be obtained at the first available location whether that is a weighing station or a vendor station. The vendor stations shall be entitled to collect and retain an additional fee of ten percent of the fee collected pursuant to this subsection as reimbursement for the clerical work of issuing the permits.

Sec. 14. (1) Upon application and payment of the fees required pursuant to this section and section 60-305.09, the Department of Motor Vehicles shall issue to the owner of any fleet of apportionable commercial vehicles with a base registration in Nebraska a permanent license plate for each trailer and semitrailer in the fleet. The application shall be accompanied by a fee of six dollars per trailer or semitrailer. The application shall be on a form developed by the department.

(2) Any plate issued pursuant to this section shall remain affixed to the trailer or semitrailer as long as the trailer or semitrailer is registered

pursuant to section 60-305.09 by the owner making the original application pursuant to subsection (1) of this section. Upon transfer of ownership of the trailer or semitrailer or transfer of ownership of the fleet or at any time the trailer or semitrailer is no longer registered pursuant to section 60-305.09, the plate shall cease to be active.

(3) The renewal fee for each permanent plate shall be two dollars and shall be assessed and collected in each license year after the year in which the permanent plates are initially issued at the time all other renewal fees are collected pursuant to section 60-305.09 unless a trailer or semitrailer has been deleted from the fleet registration.

(4)(a) If a permanent plate is lost or destroyed, the owner shall submit an affidavit to that effect to the department prior to any deletion of the trailer or semitrailer from the fleet registration. If the trailer or semitrailer is not deleted from the fleet registration, a replacement permanent plate may be issued upon application and payment of a fee of six dollars per trailer or semitrailer. The application for a replacement permanent plate shall be on a form developed by the department.

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

(5) If a trailer or semitrailer for which a permanent plate has been issued pursuant to this section is deleted from the fleet registration due to loss of possession by the registrant, the plate shall be returned to the department.

(6) The registrant shall be liable for the full amount of the registration fee due for any trailer or semitrailer not deleted from the fleet registration renewal.

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

Sec. 15. That section 60-311, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-311. (1) The Department of Motor Vehicles shall furnish to every person whose motor vehicle ~~shall~~ be 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 of Motor Vehicles shall secure competitive bids for materials pursuant to sections 81-145 to 81-163.01.

(2) Beginning with the number plates issued in the year 1984, such Except for plates issued pursuant to section 14 of this act, 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 shall be 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 of Motor Vehicles 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 14 of this act. Issuance of such plates shall begin not later than January 1, 1991.

(5) Whenever Until January 1, 1990, whenever new license plates, including duplicate or replacement license plates, are furnished to any person, a fee of one dollar per plate shall be charged in addition to all other required fees. Beginning January 1, 1990, 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 14 of this act, 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. Such fee shall cover the cost of the plate and renewal tabs. All fees collected pursuant to this section shall be transmitted remitted to the State Treasurer and by him or her deposited in for credit to the Highway Trust Fund.

(5) (6) There is hereby created a the License Plate Cash Fund in the state treasury 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, 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 of Motor Vehicles department. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to ~~72-1269~~ 72-1276.

Sec. 16. That section 60-4,122, Revised Statutes Supplement, 1989, be amended to read as follows:

60-4,122. (1) Except as provided in subsections (2) and (3) of this section, no original or renewal operator's license shall be issued to any person until such person has appeared before an examiner to demonstrate his or her ability to operate a motor vehicle safely as provided in section 60-4,114. The director may accept currently valid school transportation vehicle operators' permits issued pursuant to section 79-488.06 in lieu of reexamination for renewal of the operators' licenses of the holders of such permits.

(2) Any Except as provided in section 60-4,127, any person who renews his or her Class O or Class M license shall appear before an examiner to demonstrate his or her ability to operate a motor vehicle safely as provided in section 60-4,114, except that such person shall be required to demonstrate his or her ability to drive and maneuver a motor vehicle, as provided in subdivision (2) of such section, only at the discretion of the examiner.

(3) Any person who renews his or her Class O or Class M license prior to its expiration shall not be required to demonstrate his or her knowledge of the motor vehicle laws of this state as provided in subdivision (3) of section 60-4,114 if he or she presents to the examiner an abstract of his or her driving record which shows that such person has had no traffic violations as described in section 39-669.26 from the date the operator's license was last issued to the date the abstract was issued. A person may apply for and receive an abstract of his or her driving record from the Department of Motor Vehicles using the procedure prescribed in section 60-483. For purposes of

this section, no abstract shall be used if issued more than ninety-five days prior to the expiration of such person's operator's license.

(4) Any person who renews a state identification card shall appear before an examiner and present his or her current state identification card. The examining officer, upon examination of the card, may require one additional form of proof of identification described in section 60-484.

Sec. 17. That section 60-4,127, Revised Statutes Supplement, 1989, be amended to read as follows:

60-4,127. No person shall operate a motorcycle on the alleys or highways of the State of Nebraska until such person has obtained a Class M license. No such license shall be issued until the applicant has appeared before an examiner and (1) satisfied the examiner that he or she meets the vision and physical requirements established under section 60-4,118 for operation of a motor vehicle and (2) successfully completed such an examination, including the actual operation of a motorcycle, as may be prescribed by the director, except that an examiner may shall waive the requirement of required examination, including the actual operation of a motorcycle, if the applicant has successfully completed an approved basic or advanced presents proof of successful completion of a motorcycle safety course under the Motorcycle Safety Education Act within the immediately preceding forty-eight months or if the driving record abstract of the applicant pursuant to section 60-4,122 shows that the applicant has had no traffic violations as described in section 39-669.26 from the date the applicant's operator's license was last issued to the date the abstract was issued.

Any applicant who qualifies for a Class M license shall be issued a license for such operation by the county treasurer with a color photograph affixed as provided for the issuance of an operator's license, or if he or she is the holder of an operator's license, the county treasurer shall, upon receipt of the examiner's certificate, endorse on the license the authorization to operate a motorcycle. Fees for Class M licenses shall be the same as provided by section 60-4,115 for operators' licenses.

Sec. 18. That section 60-2138, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2138. The department may expend any amount

remaining in the fund, after apportionment is made in accordance with subdivisions (1) to (5) of section 60-2133, for development, acquisition, printing, and distribution of materials which promote motorcycle safety and motorcycle awareness, including the motorcycle safety courses, except that the amount expended to promote motorcycle safety and motorcycle awareness shall not exceed fifteen percent of the total amount placed in the fund each fiscal year. The promotional materials may include brochures, posters, and booklets but shall not include billboards or radio or television promotion.

Sec. 19. Sections 16, 17, and 20 of this act shall become operative on September 1, 1990. Sections 12 to 14 and 21 of this act shall become operative on January 1, 1991. The other sections of this act shall become operative on their effective date.

Sec. 20. That original sections 60-4,122 and 60-4,127, Revised Statutes Supplement, 1989, are repealed.

Sec. 21. That original section 60-305.03, Reissue Revised Statutes of Nebraska, 1943, and section 60-305.09, Revised Statutes Supplement, 1989, are repealed.

Sec. 22. That original sections 39-666, 39-6,177, 39-6,180, 60-102, 60-103, 60-104, 60-106, 60-302, 60-311, and 60-2138, Reissue Revised Statutes of Nebraska, 1943, and sections 39-6,100 and 60-301, Revised Statutes Supplement, 1989, are repealed.

Sec. 23. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.