

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 286

FINAL READING

Introduced by Transportation and Telecommunications Committee:
Fischer, 43, Chairperson; Aguilar, 35; Hudkins, 21;
Louden, 49; Mines, 18; Pedersen, 39; Schimek, 27;
Stuthman, 22

Read first time January 10, 2007

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections
2 60-101, 60-102, 60-114, 60-117, 60-123, 60-134, 60-137,
3 60-145, 60-146, 60-152, 60-153, 60-164, 60-166, 60-168,
4 60-173, 60-301, 60-302, 60-308, 60-324, 60-325, 60-333,
5 60-339, 60-345, 60-355, 60-356, 60-378, 60-385, 60-387,
6 60-395, 60-397, 60-3,104, 60-3,107, 60-3,118, 60-3,122,
7 60-3,123, 60-3,124, 60-3,125, 60-3,126, 60-3,128,
8 60-3,130.04, 60-3,141, 60-3,142, 60-3,145, 60-3,147,
9 60-3,150, 60-3,184, 60-3,186, 60-3,188, and 60-3,190,
10 Revised Statutes Cumulative Supplement, 2006; to
11 change and eliminate provisions relating to the Motor

1 Vehicle Certificate of Title Act and the Motor Vehicle
2 Registration Act; to harmonize provisions; to repeal the
3 original sections; and to outright repeal sections 60-157
4 and 60-3,191, Revised Statutes Cumulative Supplement,
5 2006.

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

1 Section 1. Section 60-101, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 60-101 Sections 60-101 to 60-197 and sections 5, 8, 17,
4 and 18 of this act shall be known and may be cited as the Motor
5 Vehicle Certificate of Title Act.

6 Sec. 2. Section 60-102, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 60-102 For purposes of the Motor Vehicle Certificate of
9 Title Act, unless the context otherwise requires, the definitions
10 found in sections 60-103 to 60-136 and sections 5 and 8 of this act
11 shall be used.

12 Sec. 3. Section 60-114, Revised Statutes Cumulative
13 Supplement, 2006, is amended to read:

14 60-114 Farm trailer means a trailer or semitrailer
15 belonging to a farmer or rancher and used wholly and exclusively
16 to carry supplies to or from the owner's farm or ranch, used by
17 a farmer or rancher to carry his or her own agricultural products
18 as defined in section 60-304 to or from storage or market, or
19 used by a farmer or rancher for ~~such~~ hauling of ~~such~~ supplies or
20 agricultural products in exchange of services.

21 Sec. 4. Section 60-117, Revised Statutes Cumulative
22 Supplement, 2006, is amended to read:

23 60-117 Historical vehicle means a motor vehicle or
24 trailer ~~of any age~~ which is thirty or more years old, which
25 is essentially unaltered from the original manufacturer's

1 specifications, and which is, because of its significance, ~~is~~ being
2 collected, preserved, restored, or maintained by a collector as a
3 leisure pursuit.

4 Sec. 5. Low-speed vehicle means a vehicle that (1) cannot
5 travel more than twenty-five miles per hour on a paved, level
6 surface, (2) complies with 49 C.F.R. part 571, as such part existed
7 on January 1, 2007, or (3) is designated by the manufacturer as an
8 off-road or low-speed vehicle.

9 Sec. 6. Section 60-123, Revised Statutes Cumulative
10 Supplement, 2006, is amended to read:

11 60-123 Motor vehicle means any vehicle propelled
12 by any power other than muscular power except (1) mopeds,
13 (2) farm tractors, (3) self-propelled equipment designed and
14 used exclusively to carry and apply fertilizer, chemicals, or
15 related products to agricultural soil and crops, agricultural
16 floater-spreader implements, and other implements of husbandry
17 designed for and used primarily for tilling the soil and harvesting
18 crops or feeding livestock, (4) power unit hay grinders or a
19 combination which includes a power unit and a hay grinder when
20 operated without cargo, (5) vehicles which run only on rails or
21 tracks, (6) off-road designed vehicles, including, but not limited
22 to, golf carts, go-carts, riding lawnmowers, garden tractors,
23 all-terrain vehicles, snowmobiles registered or exempt from
24 registration under sections 60-3,207 to 60-3,219, and minibikes,
25 (7) road and general-purpose construction and maintenance machinery

1 not designed or used primarily for the transportation of persons or
2 property, including, but not limited to, ditchdigging apparatus,
3 asphalt spreaders, bucket loaders, leveling graders, earthmoving
4 carryalls, power shovels, earthmoving equipment, and crawler
5 tractors, (8) self-propelled chairs used by persons who are
6 disabled, ~~and~~ (9) electric personal assistive mobility devices, and
7 (10) low-speed vehicles.

8 Sec. 7. Section 60-134, Revised Statutes Cumulative
9 Supplement, 2006, is amended to read:

10 60-134 Truck means any motor vehicle designed, used,
11 or maintained primarily for the transportation of property or
12 designated as a truck by the manufacturer.

13 Sec. 8. Vehicle identification number means a series of
14 English letters or Arabic or Roman numerals assigned to a vehicle
15 for identification purposes.

16 Sec. 9. Section 60-137, Revised Statutes Cumulative
17 Supplement, 2006, is amended to read:

18 60-137 (1) The Motor Vehicle Certificate of Title Act
19 applies to all vehicles as defined in the act, except:

20 (a) Farm trailers;

21 (b) Low-speed vehicles;

22 ~~(b)~~ (c) Well-boring apparatus, backhoes, bulldozers, and
23 front-end loaders; and

24 ~~(e)~~ (d) Trucks and buses from other jurisdictions
25 required to pay registration fees under the Motor Vehicle

1 Registration Act, except a vehicle registered or eligible to be
2 registered as part of a fleet of apportionable vehicles under
3 section 60-3,198.

4 (2) All new all-terrain vehicles and minibikes sold on or
5 after January 1, 2004, shall be required to have a certificate of
6 title. An owner of an all-terrain vehicle or minibike sold prior to
7 such date may apply for a certificate of title for such all-terrain
8 vehicle or minibike as provided in rules and regulations of the
9 department.

10 (3) An owner of a utility trailer may apply for a
11 certificate of title upon compliance with the Motor Vehicle
12 Certificate of Title Act.

13 Sec. 10. Section 60-145, Revised Statutes Cumulative
14 Supplement, 2006, is amended to read:

15 60-145 For any motor vehicle which is to be used as a
16 taxi or limousine, the application and the certificate of title
17 shall show on the face thereof that such vehicle is being used
18 or has been used as a taxi or limousine and such subsequent
19 certificates of title shall show the same information.

20 Sec. 11. Section 60-146, Revised Statutes Cumulative
21 Supplement, 2006, is amended to read:

22 60-146 (1) An application for a certificate of title
23 for a vehicle shall include a statement that an identification
24 inspection has been conducted on the vehicle unless (a) the
25 title sought is a salvage branded certificate of title or a

1 nontransferable certificate of title, (b) the surrendered ownership
2 document is a Nebraska certificate of title, a manufacturer's
3 statement of origin, an importer's statement of origin, a United
4 States Government Certificate of Release of a vehicle, or a
5 nontransferable certificate of title, (c) the application contains
6 a statement that the vehicle is to be registered under section
7 60-3,198, (d) the vehicle is a cabin trailer, (e) the title
8 sought is the first title for the vehicle sold directly by
9 the manufacturer of the vehicle to a dealer franchised by the
10 manufacturer, or (f) the vehicle was sold at an auction authorized
11 by the manufacturer and purchased by a dealer franchised by the
12 manufacturer of the vehicle.

13 (2) The department shall prescribe a form to be executed
14 by a dealer and submitted with an application for a certificate of
15 title for vehicles exempt from inspection pursuant to subdivision
16 (1)(e) or (f) of this section. The form shall clearly identify the
17 vehicle and state under penalty of law that the vehicle is exempt
18 from inspection.

19 (3) The statement that an identification inspection has
20 been conducted shall be furnished by the county sheriff of any
21 county or by any other holder of a certificate of training issued
22 pursuant to section 60-183, shall be in a format as determined by
23 the department, and shall expire ninety days after the date of the
24 inspection. The county clerk or designated county official shall
25 accept a certificate of inspection, approved by the superintendent,

1 from an officer of a state police agency of another state.

2 (4) The identification inspection shall include
3 examination and notation of the then current odometer reading,
4 if any, and a comparison of the vehicle identification number
5 with the number listed on the ownership records, except that
6 if a lien is registered against a vehicle and recorded on the
7 vehicle's ownership records, the county clerk or designated county
8 official shall provide a copy of the ownership records for use
9 in making such comparison. If such numbers are not identical,
10 if there is reason to believe further inspection is necessary,
11 or if the inspection is for a Nebraska assigned number, the
12 person performing the inspection shall make a further inspection
13 of the vehicle which may include, but shall not be limited to,
14 examination of other identifying numbers placed on the vehicle by
15 the manufacturer and an inquiry into the numbering system used by
16 the state issuing such ownership records to determine ownership
17 of a vehicle. The identification inspection shall also include a
18 statement that the vehicle identification number has been checked
19 for entry in the National Crime Information Center and the Nebraska
20 Crime Information Service. In the case of an assembled vehicle, the
21 identification inspection shall include, but not be limited to, an
22 examination of the records showing the date of receipt and source
23 of each major component part. No identification inspection shall be
24 conducted unless all major component parts are properly attached to
25 the vehicle in the correct location.

1 (5) If there is cause to believe that odometer fraud
 2 exists, written notification shall be given to the office of the
 3 Attorney General. If after such inspection the sheriff or his
 4 or her designee determines that the vehicle is not the vehicle
 5 described by the ownership records, no statement shall be issued.

6 (6) The department, county clerk, or designated county
 7 official may also request an identification inspection of a vehicle
 8 to determine if it meets the definition of motor vehicle as defined
 9 in section 60-123.

10 Sec. 12. Section 60-152, Revised Statutes Cumulative
 11 Supplement, 2006, is amended to read:

12 60-152 (1) The county clerk or designated county official
 13 shall issue a certificate of title for a vehicle in duplicate and
 14 retain one copy in his or her office. An electronic copy, in a form
 15 prescribed by the department, shall be transmitted on the day of
 16 issuance to the department. The county clerk or designated county
 17 official shall sign and affix the appropriate seal to the original
 18 certificate of title and, if there are no liens on the vehicle,
 19 deliver the certificate to the applicant. If there are one or more
 20 liens on the vehicle, the certificate of title shall be delivered
 21 or mailed to the holder of the first lien on the day of issuance.

22 (2) The county clerks or county treasurers of the various
 23 counties shall adopt a circular seal with the words County Clerk of
 24 (insert name) County or County Treasurer of
 25 (insert name) County thereon. Such seal shall be used by the county

1 clerk or county treasurer or the deputy or legal authorized
2 agent of such officer, without charge to the applicant, on
3 any certificate of title, application for certificate of title,
4 duplicate copy, assignment or reassignment, power of attorney,
5 statement, or affidavit pertaining to the issuance of a Nebraska
6 certificate of title. The designated county official or the deputy
7 or legal authorized agent of such officer shall use the seal of the
8 county, without charge to the applicant, on any such document.

9 (3) The department shall prescribe a uniform method of
10 numbering certificates of title.

11 (4) The county clerk or designated county official
12 shall (a) file all certificates of title according to rules
13 and regulations adopted and promulgated by the department, (b)
14 maintain in the office indices for such certificates of title,
15 (c) be authorized to destroy all previous records five years after
16 a subsequent transfer has been made on a vehicle, and (d) be
17 authorized to destroy all certificates of title and all supporting
18 records and documents which have been on file for a period of five
19 years or more from the date of filing the certificate or a notation
20 of lien, whichever occurs later. ~~Any person holding a certificate~~
21 ~~of title to a vehicle may refile the same with the county clerk~~
22 ~~or designated county official to prevent destruction of the records~~
23 ~~thereof pursuant to this subsection.~~

24 Sec. 13. Section 60-153, Revised Statutes Cumulative
25 Supplement, 2006, is amended to read:

1 60-153 (1) A certificate of title shall be printed
2 upon safety security paper to be selected by the department.
3 The certificate of title, manufacturer's statement of origin,
4 and assignment of manufacturer's certificate shall be upon forms
5 prescribed by the department and may include, but shall not be
6 limited to, county of issuance, date of issuance, certificate
7 of title number, previous certificate of title number, vehicle
8 identification number, year, make, model, and body type of the
9 vehicle, name and residential and mailing address of the owner,
10 acquisition date, issuing county clerk's or designated county
11 official's signature and official seal, and sufficient space for
12 the notation and release of liens, mortgages, or encumbrances,
13 if any. A certificate of title issued on or after the effective
14 date of this act shall include the words "void if altered". A
15 certificate of title that is altered shall be deemed a mutilated
16 certificate of title. The certificate of title of an all-terrain
17 vehicle or minibike shall include the words "not to be registered
18 for road use".

19 (2) An assignment of certificate of title shall appear
20 on each certificate of title and shall include, but not be limited
21 to, a statement that the owner of the vehicle assigns all his
22 or her right, title, and interest in the vehicle, the name and
23 address of the assignee, the name and address of the lienholder
24 or secured party, if any, and the signature of the owner or the
25 owner's parent, legal guardian, foster parent, or agent in the case

1 of an owner who is a handicapped or disabled person as defined in
2 section 18-1738.

3 (3) A reassignment by a dealer shall appear on each
4 certificate of title and shall include, but not be limited to,
5 a statement that the dealer assigns all his or her right,
6 title, and interest in the vehicle, the name and address of
7 the assignee, the name and address of the lienholder or secured
8 party, if any, and the signature of the dealer or designated
9 representative. Reassignments shall be printed on the reverse side
10 of each certificate of title as many times as convenient.

11 (4) The department may prescribe a secure
12 power-of-attorney form and may contract with one or more persons
13 to develop, provide, sell, and distribute secure power-of-attorney
14 forms in the manner authorized or required by the federal Truth in
15 Mileage Act of 1986 and any other federal law or regulation. Any
16 secure power-of-attorney form authorized pursuant to a contract
17 shall conform to the terms of the contract and be in strict
18 compliance with the requirements of the department.

19 Sec. 14. Section 60-164, Revised Statutes Cumulative
20 Supplement, 2006, is amended to read:

21 60-164 (1) Except as provided in section 60-165, the
22 provisions of article 9, Uniform Commercial Code, shall never be
23 construed to apply to or to permit or require the deposit, filing,
24 or other record whatsoever of a security agreement, conveyance
25 intended to operate as a mortgage, trust receipt, conditional sales

1 contract, or similar instrument or any copy of the same covering a
2 vehicle. Any mortgage, conveyance intended to operate as a security
3 agreement as provided by article 9, Uniform Commercial Code, trust
4 receipt, conditional sales contract, or other similar instrument
5 covering a vehicle, if such instrument is accompanied by delivery
6 of such manufacturer's or importer's certificate and followed by
7 actual and continued possession of the same by the holder of
8 such instrument or, in the case of a certificate of title, if a
9 notation of the same has been made by the county clerk, designated
10 county official, or department on the face thereof, shall be
11 valid as against the creditors of the debtor, whether armed with
12 process or not, and subsequent purchasers, secured parties, and
13 other lienholders or claimants but otherwise shall not be valid
14 against them, except that during any period in which a vehicle is
15 inventory, as defined in section 9-102, Uniform Commercial Code,
16 held for sale by a person or corporation that is required to be
17 licensed as provided in Chapter 60, article 14, and is in the
18 business of selling such vehicles, the filing provisions of article
19 9, Uniform Commercial Code, as applied to inventory, shall apply
20 to a security interest in such vehicle created by such person
21 or corporation as debtor without the notation of lien on the
22 instrument of title. A buyer of a vehicle at retail from a dealer
23 required to be licensed as provided in Chapter 60, article 14,
24 shall take such vehicle free of any security interest.

25 (2) Subject to subsection (1) of this section, all liens,

1 security agreements, and encumbrances noted upon a certificate of
2 title shall take priority according to the order of time in which
3 the same are noted thereon by the county clerk, designated county
4 official, or department. Exposure for sale of any vehicle by the
5 owner thereof with the knowledge or with the knowledge and consent
6 of the holder of any lien, security agreement, or encumbrance on
7 such vehicle shall not render the same void or ineffective as
8 against the creditors of such owner or holder of subsequent liens,
9 security agreements, or encumbrances upon such vehicle.

10 (3) The holder of a security agreement, trust
11 receipt, conditional sales contract, or similar instrument,
12 upon presentation of such instrument to the department, if the
13 certificate of title was issued by the department, or to any county
14 clerk or designated county official, together with the certificate
15 of title and the fee prescribed for notation of lien, may have
16 a notation of such lien made on the face of such certificate
17 of title. The county clerk or designated county official or the
18 department shall enter the notation and the date thereof over the
19 signature of such officer and the official seal. If noted by a
20 county clerk or designated county official, he or she shall on that
21 day notify the department which shall note the lien on its records.
22 The county clerk or designated county official or the department
23 shall also indicate by appropriate notation and on such instrument
24 itself the fact that such lien has been noted on the certificate
25 of title.

1 (4) A transaction does not create a sale or a security
2 interest in a vehicle, other than an all-terrain vehicle or a
3 minibike, merely because it provides that the rental price is
4 permitted or required to be adjusted under the agreement either
5 upward or downward by reference to the amount realized upon sale or
6 other disposition of the vehicle.

7 (5) The county clerk or designated county official or
8 the department, upon receipt of a lien instrument duly signed by
9 the owner in the manner prescribed by law governing such lien
10 instruments together with the fee prescribed for notation of lien,
11 shall notify the first lienholder to deliver to the county clerk or
12 designated county official or the department, within fifteen days
13 ~~from~~ after the date of notice, the certificate of title to permit
14 notation of such ~~junior~~ other lien and, after ~~such~~ notation of
15 such other lien, the county clerk or designated county official or
16 the department shall deliver the certificate of title to the first
17 lienholder. The holder of a certificate of title who refuses to
18 deliver a certificate of title to the county clerk or designated
19 county official or the department for the purpose of showing a
20 ~~junior~~ such other lien on such certificate of title within fifteen
21 days ~~from~~ after the date ~~when notified to do so~~ of notice shall be
22 liable for damages to such ~~junior~~ other lienholder for the amount
23 of damages such ~~junior~~ other lienholder suffered by reason of the
24 holder of the certificate of title refusing to permit the showing
25 of such lien on the certificate of title.

1 (6) When ~~such~~ a lien is discharged, the holder shall,
2 within fifteen days after payment is received, note a cancellation
3 of the lien on the certificate of title over his, her, or its
4 signature and deliver the certificate of title to the county clerk
5 or designated county official or the department, which shall note
6 the cancellation of the lien on the face of the certificate of
7 title and on the records of such office. If delivered to a county
8 clerk or designated county official, he or she shall on that day
9 notify the department which shall note the cancellation on its
10 records. The county clerk or designated county official or the
11 department shall then return the certificate of title to the owner
12 or as otherwise directed by the owner. The cancellation of lien
13 shall be noted on the certificate of title without charge. If the
14 holder of the title cannot locate a lienholder, a lien may be
15 discharged ten years after the date of filing by presenting proof
16 that thirty days have passed since the mailing of a written notice
17 by certified mail, return receipt requested, to the last-known
18 address of the lienholder.

19 Sec. 15. Section 60-166, Revised Statutes Cumulative
20 Supplement, 2006, is amended to read:

21 60-166 (1) In the event of (a) the transfer of ownership
22 of a vehicle by operation of law as upon inheritance, devise, or
23 bequest, order in bankruptcy, insolvency, replevin, or execution
24 sale or as provided in sections 30-24,125, 52-601.01 to 52-605,
25 60-1901 to 60-1911, and 60-2401 to 60-2411, (b) the engine of a

1 vehicle being replaced by another engine, (c) a vehicle being sold
2 to satisfy storage or repair charges, or (d) repossession being had
3 upon default in performance of the terms of a chattel mortgage,
4 trust receipt, conditional sales contract, or other like agreement,
5 the county clerk or designated county official of ~~the~~ any county
6 ~~in which the last certificate of title to such vehicle was issued~~
7 or the department, if the last certificate of title was issued
8 by the department, upon the surrender of the prior certificate
9 of title or the manufacturer's or importer's certificate, or when
10 that is not possible, upon presentation of satisfactory proof of
11 ownership and right of possession to such vehicle, and upon payment
12 of the appropriate fee and the presentation of an application for
13 certificate of title, may issue to the applicant a certificate of
14 title thereto. If the prior certificate of title issued for such
15 vehicle provided for joint ownership with right of survivorship, a
16 new certificate of title shall be issued to a subsequent purchaser
17 upon the assignment of the prior certificate of title by the
18 surviving owner and presentation of satisfactory proof of death
19 of the deceased owner. Only an affidavit by the person or agent
20 of the person to whom possession of such vehicle has so passed,
21 setting forth facts entitling him or her to such possession and
22 ownership, together with a copy of the journal entry, court order,
23 or instrument upon which such claim of possession and ownership
24 is founded, shall be considered satisfactory proof of ownership
25 and right of possession, except that if the applicant cannot

1 produce such proof of ownership, he or she may submit to the
2 department such evidence as he or she may have, and the department
3 may thereupon, if it finds the evidence sufficient, issue the
4 certificate of title or authorize the county clerk or designated
5 county official to issue a certificate of title, as the case
6 may be. If the county in which the last certificate of title to
7 such vehicle was issued cannot be determined, the application for
8 title shall be processed by the county clerk or designated county
9 official of the county where the court entering the journal entry
10 or order is located or the county where the instrument was executed
11 upon which such claim of possession and ownership is founded, as
12 the case may be.

13 (2) If from the records in the office of the county clerk
14 or designated county official or the department there appear to be
15 any liens on such vehicle, such certificate of title shall contain
16 a statement of such liens unless the application is accompanied by
17 proper evidence of their satisfaction or extinction.

18 Sec. 16. Section 60-168, Revised Statutes Cumulative
19 Supplement, 2006, is amended to read:

20 60-168 (1) In the event of a lost or ~~destroyed~~ mutilated
21 certificate of title, the owner of the vehicle or the holder
22 of a lien on the vehicle shall apply, upon a form prescribed
23 by the department, to the department, if the certificate of
24 title was issued by the department, or to any county clerk
25 or designated county official for a duplicate certificate of

1 title and shall pay the fee prescribed by section 60-156. The
2 application shall be signed and sworn to by the person making
3 the application or a person authorized to sign under section
4 60-151. Thereupon the county clerk or designated county official,
5 with the approval of the department, or the department shall
6 issue a duplicate certificate of title to the person entitled to
7 receive the certificate of title. If the records of the title
8 have been destroyed pursuant to section 60-152, the county clerk
9 or designated county official shall issue a duplicate certificate
10 of title to the person entitled to receive the same upon such
11 showing as the county clerk or designated county official may
12 deem sufficient. If the applicant cannot produce such proof of
13 ownership, he or she may apply directly to the department and
14 submit such evidence as he or she may have, and the department may,
15 if it finds the evidence sufficient, authorize the county clerk
16 or designated county official to issue a duplicate certificate
17 of title. A duplicate certificate of title so issued shall show
18 only those unreleased liens of record. The new purchaser shall
19 be entitled to receive an original certificate of title upon
20 presentation of the assigned duplicate copy of the certificate of
21 title, properly assigned to the new purchaser, to the county clerk
22 or designated county official prescribed in section 60-144.

23 (2) Any purchaser of a vehicle for which a certificate
24 of title was lost or ~~destroyed~~ mutilated may at the time of
25 purchase require the seller of the same to indemnify him or her

1 and all subsequent purchasers of the vehicle against any loss which
2 he, she, or they may suffer by reason of any claim presented
3 upon the original certificate. In the event of the recovery of
4 the original certificate of title by the owner, he or she shall
5 forthwith surrender the same to the county clerk or designated
6 county official or the department for cancellation.

7 Sec. 17. The department, upon receipt of clear and
8 convincing evidence of a failure to note a required brand or
9 failure to note a lien on a certificate of title, shall notify the
10 holder of such certificate of title to deliver to the county clerk
11 or designated county official or the department, within fifteen
12 days after the date on the notice, such certificate of title to
13 permit the noting of such brand or lien. After notation, the county
14 clerk or designated county official or the department shall deliver
15 the corrected certificate of title to the holder as provided by
16 section 60-152. If a holder fails to deliver a certificate of
17 title to the county clerk or designated county official or to
18 the department, within fifteen days after the date on the notice
19 for the purpose of noting such brand or lien on the certificate
20 of title, the department shall cancel the certificate of title.
21 This section does not apply when noting a lien in accordance with
22 subsection (5) of section 60-164.

23 Sec. 18. (1) When a motor vehicle, commercial trailer,
24 semitrailer, or cabin trailer is purchased by a motor vehicle
25 dealer or trailer dealer and the original assigned certificate of

1 title has been lost or mutilated, the dealer selling such motor
2 vehicle or trailer may apply for an original certificate of title
3 in the dealer's name. The following documentation and fees shall be
4 submitted by the dealer:

5 (a) An application for a certificate of title in the name
6 of such dealer;

7 (b) A photocopy from the dealer's records of the front
8 and back of the lost or mutilated original certificate of title
9 assigned to a dealer with a reassignment to a purchaser;

10 (c) A notarized affidavit from the purchaser of
11 such motor vehicle or trailer for which the original assigned
12 certificate of title was lost or mutilated stating that the
13 original assigned certificate of title was lost or mutilated; and

14 (d) The appropriate certificate of title fee.

15 (2) The application and affidavit shall be on forms
16 prescribed by the department. When the motor vehicle dealer or
17 trailer dealer receives the new certificate of title in such
18 dealer's name and assigns it to the purchaser, the dealer shall
19 record the original sale date and provide the purchaser with a
20 copy of the front and back of the original lost or mutilated
21 certificate of title as evidence as to why the purchase date of
22 the motor vehicle or trailer is prior to the issue date of the new
23 certificate of title.

24 Sec. 19. Section 60-173, Revised Statutes Cumulative
25 Supplement, 2006, is amended to read:

1 60-173 When an insurance company acquires a salvage
2 vehicle through payment of a total loss settlement on account of
3 damage, the company shall obtain the certificate of title from
4 the owner, surrender such certificate of title to the county
5 clerk or designated county official, and make application for
6 a salvage branded certificate of title which shall be assigned
7 when the company transfers ownership. An insurer shall take title
8 to a salvage vehicle for which a total loss settlement is made
9 unless the owner of the salvage vehicle elects to retain the
10 salvage vehicle. If the owner elects to retain the salvage vehicle,
11 the insurance company shall notify the department of such fact
12 in a format prescribed by the department. The department shall
13 immediately enter the salvage brand onto the computerized record
14 of the vehicle. The insurance company shall also notify the owner
15 of the owner's responsibility to comply with this section. The
16 owner shall, within thirty days after the settlement of the loss,
17 ~~ten days after settlement of the loss in the case of a salvage~~
18 ~~all-terrain vehicle or minibike,~~ forward the properly endorsed
19 acceptable certificate of title to the county clerk or designated
20 county official in the county designated in section 60-144. The
21 county clerk or designated county official shall, upon receipt of
22 the certificate of title, issue a salvage branded certificate of
23 title for the vehicle.

24 Sec. 20. Section 60-301, Revised Statutes Cumulative
25 Supplement, 2006, is amended to read:

1 60-301 Sections 60-301 to 60-3,220 and sections 26 and 29
2 of this act shall be known and may be cited as the Motor Vehicle
3 Registration Act.

4 Sec. 21. Section 60-302, Revised Statutes Cumulative
5 Supplement, 2006, is amended to read:

6 60-302 For purposes of the Motor Vehicle Registration
7 Act, unless the context otherwise requires, the definitions found
8 in sections 60-303 to 60-360 and sections 26 and 29 of this act
9 shall be used.

10 Sec. 22. Section 60-308, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 60-308 (1) Apportionable vehicle means any motor vehicle
13 or trailer used or intended for use in two or more member
14 jurisdictions that allocate or proportionally register motor
15 vehicles or trailers and used for the transportation of persons
16 for hire or designed, used, or maintained primarily for the
17 transportation of property.

18 (2) Apportionable vehicle does not include any
19 recreational vehicle, motor vehicle displaying restricted plates,
20 city pickup and delivery vehicle, bus used in the transportation of
21 chartered parties, or government-owned motor vehicle.

22 (3) An apportionable vehicle that is a power unit shall
23 ~~either~~ (a) be a power unit ~~having~~ have two axles and a gross
24 vehicle weight rating of ~~eleven thousand seven hundred ninety-four~~
25 ~~kilograms or more (twenty-six thousand one pounds or more), or~~ or

1 registered gross vehicle weight in excess of twenty-six thousand
2 pounds or eleven thousand seven hundred ninety-three and four
3 hundred one thousandths kilograms, (b) be a power unit having
4 have three or more axles, regardless of weight, or (c) be used
5 in combination with a gross combination weight rating of eleven
6 thousand seven hundred ninety-four kilograms or more (twenty-six
7 thousand one pounds or more). Vehicles or combinations of vehicles
8 having a gross vehicle weight rating of less than eleven thousand
9 seven hundred ninety-four kilograms (twenty-six thousand one
10 pounds) when the weight of such combination exceeds twenty-six
11 thousand pounds or eleven thousand seven hundred ninety-three
12 and four hundred one thousandths kilograms gross vehicle weight.
13 Vehicles or combinations of vehicles having a gross vehicle weight
14 of twenty-six thousand pounds or eleven thousand seven hundred
15 ninety-three and four hundred one thousandths kilograms or less and
16 two-axle vehicles and buses used in the transportation of chartered
17 parties may be proportionally registered at the option of the
18 registrant.

19 Sec. 23. Section 60-324, Revised Statutes Cumulative
20 Supplement, 2006, is amended to read:

21 60-324 Farm trailer means a trailer or semitrailer
22 belonging to a farmer or rancher and used wholly and exclusively
23 to carry supplies to or from the owner's farm or ranch, used by
24 a farmer or rancher to carry his or her own agricultural products
25 to or from storage or market, or used by a farmer or rancher for

1 ~~such~~ hauling of ~~such~~ supplies or agricultural products in exchange
2 of services. Farm trailer does not include a trailer so used when
3 attached to a farm tractor.

4 Sec. 24. Section 60-325, Revised Statutes Cumulative
5 Supplement, 2006, is amended to read:

6 60-325 Farm truck means a truck or sport utility vehicle,
7 including any combination of a truck, ~~or~~ truck-tractor, or sport
8 utility vehicle, and a trailer or semitrailer, of a farmer or
9 rancher (1) used exclusively to carry a farmer's or rancher's
10 own supplies, farm equipment, and household goods to or from the
11 owner's farm or ranch, (2) used by the farmer or rancher to carry
12 his or her own agricultural products to or from storage or market,
13 (3) used by a farmer or rancher in exchange of ~~service~~ services in
14 such hauling of ~~such~~ supplies or agricultural products, or (4) used
15 occasionally to carry camper units, to tow boats or cabin trailers,
16 or to carry or tow museum pieces or historical vehicles, without
17 compensation, to events for public display or educational purposes.

18 Sec. 25. Section 60-333, Revised Statutes Cumulative
19 Supplement, 2006, is amended to read:

20 60-333 Historical vehicle means a motor vehicle or
21 trailer ~~of any age~~ which is thirty or more years old, which
22 is essentially unaltered from the original manufacturer's
23 specifications, and which is, because of its significance, ~~is~~ being
24 collected, preserved, restored, or maintained by a collector as a
25 leisure pursuit.

1 Sec. 26. Low-speed vehicle means a vehicle that (1)
2 cannot travel more than twenty-five miles per hour on a paved,
3 level surface, (2) complies with 49 C.F.R. part 571, as such
4 part existed on January 1, 2007, or (3) is designated by the
5 manufacturer as an off-road or low-speed vehicle.

6 Sec. 27. Section 60-339, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 60-339 Motor vehicle means any vehicle propelled
9 by any power other than muscular power except (1) mopeds,
10 (2) farm tractors, (3) self-propelled equipment designed and
11 used exclusively to carry and apply fertilizer, chemicals, or
12 related products to agricultural soil and crops, agricultural
13 floater-spreader implements, and other implements of husbandry
14 designed for and used primarily for tilling the soil and harvesting
15 crops or feeding livestock, (4) power unit hay grinders or a
16 combination which includes a power unit and a hay grinder when
17 operated without cargo, (5) vehicles which run only on rails
18 or tracks, (6) off-road designed vehicles, including, but not
19 limited to, golf carts, go-carts, riding lawnmowers, garden
20 tractors, all-terrain vehicles, snowmobiles registered or exempt
21 from registration under sections ~~60-3,208 to 60-3,216~~, 60-3,207 to
22 60-3,219, and minibikes, (7) road and general-purpose construction
23 and maintenance machinery not designed or used primarily for the
24 transportation of persons or property, including, but not limited
25 to, ditchdigging apparatus, asphalt spreaders, bucket loaders,

1 leveling graders, earthmoving carryalls, power shovels, earthmoving
2 equipment, and crawler tractors, (8) self-propelled chairs used
3 by persons who are disabled, ~~and~~ (9) electric personal assistive
4 mobility devices, and (10) low-speed vehicles.

5 Sec. 28. Section 60-345, Revised Statutes Cumulative
6 Supplement, 2006, is amended to read:

7 60-345 Passenger car means a motor vehicle designed and
8 used to carry ten passengers or less and not used for hire.
9 Passenger car may include a sport utility vehicle.

10 Sec. 29. Sport utility vehicle means a high-performance
11 motor vehicle weighing six thousand pounds or less designed to
12 carry ten passengers or less or designated as a sport utility
13 vehicle by the manufacturer.

14 Sec. 30. Section 60-355, Revised Statutes Cumulative
15 Supplement, 2006, is amended to read:

16 60-355 Transporter means any person lawfully engaged in
17 the business of transporting motor vehicles or trailers not his or
18 her own solely for delivery thereof (1) by driving singly, (2) by
19 driving in combinations by the towbar, fullmount, or saddlemount
20 ~~methods~~ method or any ~~combinations~~ combination thereof, or (3) when
21 a truck or ~~tractor~~ truck-tractor tows a trailer.

22 Sec. 31. Section 60-356, Revised Statutes Cumulative
23 Supplement, 2006, is amended to read:

24 60-356 Truck means a motor vehicle that is designed,
25 used, or maintained primarily for the transportation of property or

1 designated as a truck by the manufacturer.

2 Sec. 32. Section 60-378, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 60-378 (1) Any transporter doing business in this
5 state may, in lieu of registering each motor vehicle or trailer
6 which such transporter is transporting, upon payment of a fee
7 of ten dollars, ~~make an application~~ apply to the department for
8 a transporter's certificate and one transporter license plate.
9 Additional pairs of transporter certificates and transporter
10 license plates may be procured for a fee of ten dollars each. ~~The~~
11 ~~transporter certificate shall be issued in duplicate. The original~~
12 ~~thereof shall be kept on file by the transporter, and the duplicate~~
13 ~~shall be displayed upon demand by the driver of any motor vehicle~~
14 ~~or trailer being transported.~~ Transporter license plates shall be
15 displayed (a) upon the motor vehicle or trailer being transported,
16 or (b) upon a properly registered truck or ~~tractor~~ truck-tractor
17 which is a work or service vehicle in the process of towing
18 a trailer which is itself being delivered by the transporter,
19 and such ~~.~~ ~~And in such case,~~ the registered truck or ~~tractor~~
20 truck-tractor shall also display a transporter plate upon the front
21 thereof. The applicant for a transporter plate shall keep for six
22 years a record of each motor vehicle or trailer transported by him
23 or her under this section, and such record shall be available to
24 the department for inspection. Each applicant shall file with the
25 department proof of his or her status as a bona fide transporter.

1 (2) Transporter license plates may be the same size as
2 license plates issued for motorcycles, shall bear thereon a mark
3 to distinguish them as transporter plates, and shall be serially
4 numbered so as to distinguish them from each other. Such license
5 plates may only be displayed upon the front of a driven motor
6 vehicle of a lawful combination or upon the front of a motor
7 vehicle driven singly or upon the rear of a trailer being towed.

8 Sec. 33. Section 60-385, Revised Statutes Cumulative
9 Supplement, 2006, is amended to read:

10 60-385 Every owner of a motor vehicle or trailer required
11 to be registered shall make application for registration to the
12 county treasurer or designated county official of the county in
13 which the motor vehicle or trailer has situs. The application shall
14 be a copy of a certificate of title ~~or, in the case of a renewal of~~
15 ~~a registration, the application shall be the previous registration~~
16 ~~period's certificate, or by any other means as designated by~~
17 the department. A salvage branded certificate of title and a
18 nontransferable certificate of title provided for in section 60-170
19 shall not be valid for registration purposes.

20 Sec. 34. Section 60-387, Revised Statutes Cumulative
21 Supplement, 2006, is amended to read:

22 60-387 An application for registration of a motor vehicle
23 shall be accompanied by proof of financial responsibility or
24 evidence of insurance covering the motor vehicle. Proof of
25 financial responsibility shall be evidenced by a copy of proof of

1 financial responsibility filed pursuant to subdivision (2), (3), or
2 (4) of section 60-528 bearing the seal of the department. Evidence
3 of insurance shall give the effective dates of the automobile
4 liability policy, which dates shall be evidence that the coverage
5 is in effect on and following the date of registration, and shall
6 designate, by explicit description or by appropriate reference,
7 all motor vehicles covered. Evidence of insurance in the form of
8 a certificate of insurance for fleet vehicles may include, as an
9 appropriate reference, a designation that the insurance coverage is
10 applicable to all vehicles owned by the named insured, or wording
11 of similar effect, in lieu of an explicit description. Proof of
12 financial responsibility also may be evidenced by (1) a check by
13 the department or its agents of the motor vehicle insurance data
14 base created under section 60-3,136 or (2) any other automated or
15 electronic means as prescribed or developed by the department. For
16 purposes of this section, fleet means a group of at least five
17 vehicles that belong to the same owner.

18 Sec. 35. Section 60-395, Revised Statutes Cumulative
19 Supplement, 2006, is amended to read:

20 60-395 (1) Except as otherwise provided in subsection
21 (2) of this section and sections 60-3,121 and 60-3,128, (1) upon
22 transfer of ownership of any motor vehicle or trailer, (2) in case
23 of loss of possession because of fire, theft, dismantlement, or
24 junking, (3) when a salvage branded certificate of title is issued,
25 (4) whenever a type or class of motor vehicle or trailer previously

1 registered is subsequently declared by legislative act or court
 2 decision to be illegal or ineligible to be operated or towed on the
 3 public roads and no longer subject to registration fees, the motor
 4 vehicle tax imposed in section 60-3,185, and the motor vehicle
 5 fee imposed in section 60-3,190, or (5) in case of a change in
 6 the situs of a motor vehicle or trailer to a location outside
 7 of this state, the registration shall expire and the registered
 8 owner or lessee may, by returning the registration certificate, the
 9 license plates, and, when appropriate, the validation decals and
 10 by either making affidavit application on a form prescribed by the
 11 department to the county treasurer or designated county official
 12 of the occurrence of an event described in subdivisions (1) (a)
 13 through (4) (e) of this section subsection or, in the case of a
 14 change in situs, displaying to the county treasurer or designated
 15 county official the registration certificate of such other state as
 16 evidence of a change in situs, receive a refund of that part of
 17 the unused fees and taxes on motor vehicles or trailers based on
 18 the number of unexpired months remaining in the registration period
 19 from the date of the event, except that when such date any of the
 20 following events:

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

23 (b) In case of loss of possession because of fire, theft,
 24 dismantlement, or junking;

25 (c) When a salvage branded certificate of title is

1 issued;

2 (d) Whenever a type or class of motor vehicle or trailer
3 previously registered is subsequently declared by legislative act
4 or court decision to be illegal or ineligible to be operated or
5 towed on the public roads and no longer subject to registration
6 fees, the motor vehicle tax imposed in section 60-3,185, and the
7 motor vehicle fee imposed in section 60-3,190;

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

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

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

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

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

1 her right to such refund or credit.

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

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

14 (7) The county treasurer or designated county official
15 shall refund the motor vehicle fee and registration fee from
16 the fees which have not been transferred to the State Treasurer.
17 The county treasurer shall make payment to the claimant from the
18 undistributed motor vehicle taxes of the taxing unit where the
19 tax money was originally distributed. No refund of less than two
20 dollars shall be paid.

21 Sec. 36. Section 60-397, Revised Statutes Cumulative
22 Supplement, 2006, is amended to read:

23 60-397 If a motor vehicle or trailer has a salvage
24 branded certificate of title issued as a result of an insurance
25 company acquiring the motor vehicle or trailer through a total loss

1 settlement, the prior owner of the motor vehicle or trailer who
2 is a party to the settlement may receive a ~~credit or~~ refund or
3 credit of unused fees and taxes by (1) filing an application with
4 the county treasurer or designated county official within ~~thirty~~
5 sixty days after the date of the settlement stating that title
6 to the motor vehicle or trailer was transferred as a result of
7 the settlement and (2) returning the registration certificate, the
8 license plates, and, when appropriate, the validation decals or,
9 in the case of the unavailability of the registration certificate,
10 license plates, or validation decals, filing an affidavit with
11 the county treasurer or designated county official regarding the
12 transfer of title due to the settlement and the unavailability of
13 the certificate, license plates, or validation decals. The owner
14 may receive a refund or credit of the registration fees and motor
15 vehicle taxes and fees for the unexpired months remaining in the
16 registration year determined based on the date when the motor
17 vehicle or trailer was damaged and became unavailable for service.
18 ~~The owner may receive a credit for motor vehicle taxes and fees for~~
19 ~~the unexpired months remaining in the registration year determined~~
20 ~~based on the date when the motor vehicle or trailer was damaged~~
21 ~~and became unavailable for service. If the motor vehicle or trailer~~
22 ~~was damaged and became unavailable for service during the same~~
23 ~~month in which it was registered, no refund or credit shall be~~
24 ~~allowed for such month. When the owner registers a replacement~~
25 motor vehicle or trailer at the time of filing such affidavit, the

1 credit may be immediately applied against the registration fee and
2 the motor vehicle tax and fee for the replacement motor vehicle
3 or trailer. When no such replacement motor vehicle or trailer is
4 so registered, the county treasurer or designated county official
5 shall refund the unused registration fees. If the motor vehicle
6 or trailer was damaged and became unavailable for service during
7 the same month in which it was registered, no refund or credit
8 shall be allowed for such month. When any such motor vehicle or
9 trailer is reregistered within the same registration year in which
10 its registration has been canceled, the taxes and fees shall be
11 that portion of the registration fee and the motor vehicle tax
12 and fee for the remainder of the registration year. or forward
13 the application and affidavit, if any, to the State Treasurer
14 who shall determine the amount, if any, of the allowable credit
15 for the registration fee and issue a credit certificate to the
16 owner. For the motor vehicle tax and fee, the county treasurer
17 or designated county official shall determine the amount, if any,
18 of the allowable credit and issue a credit certificate to the
19 owner. The credits may be applied against taxes and fees for new
20 or replacement motor vehicles or trailers incurred within one year
21 after the date of the settlement.

22 Sec. 37. Section 60-3,104, Revised Statutes Cumulative
23 Supplement, 2006, is amended to read:

24 60-3,104 The department shall issue the following types
25 of license plates:

1 (1) Amateur radio station license plates issued pursuant
2 to section 60-3,126;

3 (2) Apportionable vehicle license plates issued pursuant
4 to section 60-3,203;

5 ~~(2)~~ (3) Boat dealer license plates issued pursuant to
6 section 60-379;

7 ~~(3)~~ (4) Bus license plates issued pursuant to section
8 60-3,144;

9 ~~(4)~~ (5) Commercial ~~truck and truck-tractor~~ motor vehicle
10 license plates issued pursuant to section 60-3,147;

11 ~~(5)~~ (6) Dealer or manufacturer license plates issued
12 pursuant to sections 60-3,114 and 60-3,115;

13 ~~(6)~~ (7) Disabled veteran license plates issued pursuant
14 to section 60-3,124;

15 ~~(7)~~ (8) Farm trailer license plates issued pursuant to
16 section 60-3,151;

17 ~~(8)~~ (9) Farm truck license plates issued pursuant to
18 section 60-3,146;

19 ~~(9)~~ (10) Farm trucks with a gross weight of over sixteen
20 tons license plates issued pursuant to section 60-3,146;

21 ~~(10)~~ (11) Fertilizer trailer license plates issued
22 pursuant to section 60-3,151;

23 ~~(11)~~ (12) Film vehicle license plates issued pursuant to
24 section 60-383;

25 ~~(12)~~ Fleets of apportionable commercial vehicles license

1 ~~plates issued pursuant to section 60-3,203;~~

2 (13) Handicapped or disabled person license plates issued
3 pursuant to section 60-3,113;

4 (14) Historical vehicle license plates issued pursuant to
5 sections 60-3,130 to 60-3,134;

6 (15) Local truck license plates issued pursuant to
7 section 60-3,145;

8 (16) Motor vehicle license plates for motor vehicles
9 owned or operated by the state, counties, municipalities, or school
10 districts issued pursuant to section 60-3,105;

11 (17) Motor vehicles exempt pursuant to section 60-3,107;

12 (18) Motorcycle license plates issued pursuant to section
13 60-3,100;

14 (19) Nebraska Cornhusker Spirit Plates issued pursuant to
15 sections 60-3,127 to 60-3,129;

16 (20) Nonresident owner thirty-day license plates issued
17 pursuant to section 60-382;

18 (21) Passenger car having a seating capacity of ten
19 persons or less and not used for hire issued pursuant to section
20 ~~60-3,100;~~ 60-3,143;

21 (22) Passenger car having a seating capacity of ten
22 persons or less and used for hire issued pursuant to section
23 ~~60-3,100;~~ 60-3,143;

24 (23) Pearl Harbor license plates issued pursuant to
25 section 60-3,122;

1 (24) Personal-use dealer license plates issued pursuant
2 to section 60-3,116;

3 (25) Personalized message license plates for motor
4 vehicles and cabin trailers, except commercial ~~trucks~~ motor
5 vehicles registered for over ten tons gross weight, issued pursuant
6 to sections 60-3,118 to 60-3,121;

7 (26) Prisoner-of-war license plates issued pursuant to
8 section 60-3,123;

9 (27) Purple Heart license plates issued pursuant to
10 section 60-3,125;

11 (28) Recreational vehicle license plates issued pursuant
12 to section 60-3,151;

13 (29) Repossession license plates issued pursuant to
14 section 60-375;

15 (30) Trailer license plates issued for trailers owned
16 or operated by the state, counties, municipalities, or school
17 districts issued pursuant to section 60-3,106;

18 (31) Trailer license plates issued pursuant to section
19 60-3,100;

20 (32) Trailers exempt pursuant to section 60-3,108;

21 (33) Transporter license plates issued pursuant to
22 section 60-378;

23 (34) Trucks or combinations of trucks, truck-tractors,
24 or trailers which are not for hire and engaged in soil and water
25 conservation work and used for the purpose of transporting pipe and

1 equipment exclusively used by such contractors for soil and water
2 conservation construction license plates issued pursuant to section
3 60-3,149;

4 (35) Utility trailer license plates issued pursuant to
5 section 60-3,151; and

6 (36) Well-boring apparatus and well-servicing equipment
7 license plates issued pursuant to section 60-3,109.

8 Sec. 38. Section 60-3,107, Revised Statutes Cumulative
9 Supplement, 2006, is amended to read:

10 60-3,107 The department may provide distinctive license
11 plates issued for use on motor vehicles which are tax exempt
12 pursuant to subdivision (6) of section 60-3,185. License plates
13 on such motor vehicles shall display, in addition to the license
14 number, the ~~word~~ words tax exempt, which shall appear at the bottom
15 of the license plates.

16 Sec. 39. Section 60-3,118, Revised Statutes Cumulative
17 Supplement, 2006, is amended to read:

18 60-3,118 (1) In lieu of the license plates provided
19 for by section 60-3,100, the department shall issue personalized
20 message license plates for motor vehicles, trailers, semitrailers,
21 or cabin trailers, ~~except commercial trucks registered for over ten~~
22 ~~tens gross weight,~~ for motor vehicles and trailers registered under
23 section 60-3,198, to all applicants who meet the requirements of
24 sections 60-3,119 to 60-3,121. Personalized message license plates
25 shall be the same size and of the same basic design as regular

1 license plates issued pursuant to section 60-3,100. The characters
2 used shall consist only of letters and numerals of the same size
3 and design and shall comply with the requirements of subdivision
4 (1)(a) of section 60-3,100. A maximum of seven characters may be
5 used, except that for motorcycles, a maximum of six characters may
6 be used.

7 (2) The following conditions apply to all personalized
8 message license plates:

9 (a) County prefixes shall not be allowed except
10 in counties using the alphanumeric system for motor vehicle
11 registration. The numerals in the county prefix shall be the
12 numerals assigned to the county, pursuant to subsection (2) of
13 section 60-370, in which the motor vehicle or cabin trailer
14 is registered. Renewal of a personalized message license plate
15 containing a county prefix shall be conditioned upon the motor
16 vehicle or cabin trailer being registered in such county. The
17 numerals in the county prefix, including the hyphen or any other
18 unique design for an existing license plate style, count against
19 the maximum number of characters allowed under this section;

20 (b) The characters in the order used shall not conflict
21 with or duplicate any number used or to be used on the regular
22 license plates or any number or license plate already approved
23 pursuant to sections 60-3,118 to 60-3,121;

24 (c) The characters in the order used shall not
25 express, connote, or imply any obscene or objectionable words or

1 abbreviations; and

2 (d) An applicant receiving a personalized message license
3 plate for a farm truck with a gross weight of over sixteen tons
4 or a commercial truck or truck-tractor with a gross weight of five
5 tons or over shall affix the appropriate tonnage decal to such
6 license plate.

7 (3) The department shall have sole authority to determine
8 if the conditions prescribed in subsection (2) of this section have
9 been met.

10 Sec. 40. Section 60-3,122, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 60-3,122 (1) Any ~~resident of this state~~ person may,
13 in addition to the application required by section 60-385, ~~make~~
14 ~~application~~ apply to the department for a set of license plates
15 designed by the department to indicate that he or she is a survivor
16 of the Japanese attack on Pearl Harbor if he or she:

17 (a) Was a member of the United States Armed Forces on
18 December 7, 1941;

19 (b) Was on station on December 7, 1941, during the hours
20 of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island
21 of Oahu, or offshore at a distance not to exceed three miles;

22 (c) Was discharged or otherwise separated with a
23 characterization of honorable from the United States Armed Forces;
24 and

25 (d) Holds a current membership in a Nebraska Chapter of

1 the Pearl Harbor Survivors Association.

2 (2) The license plates shall be issued upon the applicant
3 paying the regular license fee and an additional fee of five
4 dollars and furnishing proof satisfactory to the department that
5 the applicant fulfills the requirements provided by subsection (1)
6 of this section. The additional fee shall be remitted to the State
7 Treasurer for credit to the Highway Trust Fund. Only one motor
8 vehicle, ~~or trailer, semitrailer, or cabin trailer~~ owned by the
9 applicant shall be so licensed at any one time. Motor vehicles
10 and trailers registered under section 60-3,198 shall not be so
11 licensed.

12 (3) If the license plates issued pursuant to this section
13 are lost, stolen, or mutilated, the recipient of the license plates
14 shall be issued replacement license plates upon request and without
15 charge.

16 Sec. 41. Section 60-3,123, Revised Statutes Cumulative
17 Supplement, 2006, is amended to read:

18 60-3,123 (1) Any ~~resident of this state~~ person who was
19 captured and incarcerated by an enemy of the United States during
20 a period of conflict with such enemy and who was discharged
21 or otherwise separated with a characterization of honorable from
22 or is currently serving in the United States Armed Forces may,
23 in addition to the application required in section 60-385, ~~make~~
24 ~~application~~ apply to the department for a ~~set of~~ license plates
25 designed to indicate that he or she is a former prisoner of war.

1 (2) The license plates shall be issued upon the applicant
2 paying the regular license fee and an additional fee of five
3 dollars and furnishing proof satisfactory to the department that
4 the applicant was formerly a prisoner of war. The additional fee
5 shall be remitted to the State Treasurer for credit to the Highway
6 Trust Fund. Only one motor vehicle, ~~or~~ trailer, semitrailer, or
7 cabin trailer owned by an applicant shall be so licensed at any one
8 time. Motor vehicles and trailers registered under section 60-3,198
9 shall not be so licensed.

10 ~~(2)~~ (3) If the license plates issued under this section
11 are lost, stolen, or mutilated, the recipient of the license plates
12 shall be issued replacement license plates upon request and without
13 charge.

14 Sec. 42. Section 60-3,124, Revised Statutes Cumulative
15 Supplement, 2006, is amended to read:

16 60-3,124 (1) Any ~~resident of this state~~ person who is
17 a veteran of the United States Armed Forces, who was discharged
18 or otherwise separated with a characterization of honorable or
19 general (under honorable conditions), and who is classified by the
20 United States Department of Veterans Affairs as one hundred percent
21 service-connected disabled may, in addition to the application
22 required in section 60-385, apply to the Department of Motor
23 Vehicles for a ~~set of~~ license plates designed by the department to
24 indicate that the applicant ~~for the plates~~ is a disabled veteran.
25 The inscription on the license plates shall be D.A.V. immediately

1 below the license plate number to indicate that the holder of the
2 license plates is a disabled veteran.

3 (2) The plates shall be issued upon the applicant paying
4 the regular license fee and an additional fee of five dollars and
5 furnishing proof satisfactory to the department that the applicant
6 is a disabled veteran. The additional fee shall be remitted to
7 the State Treasurer for credit to the Highway Trust Fund. Only one
8 motor vehicle, ~~or trailer, semitrailer, or cabin trailer~~ owned by
9 the applicant shall be so licensed at any one time. Motor vehicles
10 and trailers registered under section 60-3,198 shall not be so
11 licensed.

12 ~~(2)~~ (3) If the license plates issued under this section
13 are lost, stolen, or mutilated, the recipient of the plates
14 shall be issued replacement license plates as provided in section
15 60-3,157.

16 Sec. 43. Section 60-3,125, Revised Statutes Cumulative
17 Supplement, 2006, is amended to read:

18 60-3,125 (1) Any ~~resident of this state person~~ person may,
19 in addition to the application required by section 60-385, ~~make~~
20 ~~application~~ apply to the department for a set of license plates
21 designed by the department to indicate that the applicant ~~for the~~
22 ~~license plates~~ has received from the federal government an award of
23 a Purple Heart. The inscription of the plates shall be designed so
24 as to include a facsimile of the award and beneath any numerical
25 designation upon the plates pursuant to section 60-370 the words

1 Purple Heart separately on one line and the words Combat Wounded on
2 the line below.

3 (2) The license plates shall be issued upon payment of
4 the regular license fee and an additional fee of five dollars
5 and furnishing proof satisfactory to the department that the
6 applicant was awarded the Purple Heart. The additional fee shall
7 be remitted to the State Treasurer for credit to the Highway
8 Trust Fund. ~~Only one motor vehicle or trailer~~ Any number of motor
9 vehicles, trailers, semitrailers, or cabin trailers owned by the
10 applicant ~~shall~~ may be so licensed at any one time. Motor vehicles
11 and trailers registered under section 60-3,198 shall not be so
12 licensed.

13 (3) If license plates issued pursuant to this section are
14 lost, stolen, or mutilated, the recipient of the plates shall be
15 issued replacement license plates upon request and without charge.

16 Sec. 44. Section 60-3,126, Revised Statutes Cumulative
17 Supplement, 2006, is amended to read:

18 60-3,126 (1) Any person who ~~(a)~~ holds an unrevoked and
19 unexpired amateur radio station license issued by the Federal
20 Communications Commission, ~~(b)~~ is a resident of this state, and
21 ~~(c)~~ and is the owner of a ~~passenger car, recreational vehicle, or~~
22 ~~commercial~~ motor vehicle, trailer, semitrailer, or cabin trailer,
23 except for motor vehicles and trailers registered under section
24 60-3,198, may, in addition to the application required by section
25 60-385, ~~make application~~ apply to the department for a license

1 ~~plate or a set of~~ license plates upon which shall be inscribed the
2 official amateur radio call letters of such applicant.

3 (2) Such license plates shall be issued, in lieu of
4 the usual numbers and letters, to such an applicant upon payment
5 of the regular license fee and the payment of an additional fee
6 of five dollars and furnishing proof that the applicant holds
7 such an unrevoked and unexpired amateur radio station license. The
8 additional fee shall be remitted to the State Treasurer for credit
9 to the Highway Trust Fund. Only one such motor vehicle or trailer
10 owned by an applicant shall be so registered at any one time.

11 ~~(2)~~ (3) An applicant applying for renewal of amateur
12 radio station license plates shall again furnish proof that he or
13 she holds an unrevoked and unexpired amateur radio station license
14 issued by the Federal Communications Commission.

15 ~~(3)~~ (4) The department shall prescribe the size and
16 design of the license plates and furnish such plates to the persons
17 applying for and entitled to the same upon the payment of the
18 required fee.

19 Sec. 45. Section 60-3,128, Revised Statutes Cumulative
20 Supplement, 2006, is amended to read:

21 60-3,128 (1) A ~~resident of Nebraska~~ person may apply to
22 the department for Nebraska Cornhusker Spirit Plates in lieu of
23 regular license plates on an application prescribed and provided
24 by the department for any motor vehicle, trailer, semitrailer, or
25 cabin trailer, except for a ~~commercial truck registered for over~~

1 ~~ten tons gross weight or a motorcycle.~~ motor vehicles or trailers
2 registered under section 60-3,198. An applicant receiving a spirit
3 plate for a farm truck with a gross weight of over sixteen tons
4 or for a commercial ~~truck or truck-tractor~~ motor vehicle registered
5 for a gross weight of five tons or over shall affix the appropriate
6 tonnage decal to the spirit plate. The department shall make forms
7 available for such applications through the county treasurers or
8 designated county officials. Each application for initial issuance
9 or renewal of spirit plates shall be accompanied by a fee of
10 seventy dollars. Fees collected pursuant to this subsection shall
11 be remitted to the State Treasurer. The State Treasurer shall
12 credit forty-three percent of the fees for initial issuance and
13 renewal of spirit plates to the Department of Motor Vehicles Cash
14 Fund and fifty-seven percent of the fees to the Spirit Plate
15 Proceeds Fund.

16 (2) When the department receives an application for
17 spirit plates, it shall deliver the plates to the county treasurer
18 or designated county official of the county in which the motor
19 vehicle or cabin trailer is registered. The county treasurer or
20 designated county official shall issue spirit plates in lieu of
21 regular license plates when the applicant complies with the other
22 provisions of law for registration of the motor vehicle or cabin
23 trailer. If spirit plates are lost, stolen, or mutilated, the
24 licensee shall be issued replacement license plates pursuant to
25 section 60-3,157.

1 (3) (a) The owner of a motor vehicle or cabin trailer
2 bearing spirit plates may make application to the county
3 treasurer or designated county official to have such spirit
4 plates transferred to a motor vehicle or cabin trailer other than
5 the motor vehicle or cabin trailer for which such plates were
6 originally purchased if such motor vehicle or cabin trailer is
7 owned by the owner of the spirit plates.

8 (b) The owner may have the unused portion of the spirit
9 plate fee credited to the other motor vehicle or cabin trailer
10 which will bear the spirit plate at the rate of eight and one-third
11 percent per month for each full month left in the registration
12 period.

13 (c) Application for such transfer shall be accompanied by
14 a fee of three dollars. Fees collected pursuant to this subsection
15 shall be remitted to the State Treasurer for credit to the
16 Department of Motor Vehicles Cash Fund.

17 Sec. 46. Section 60-3,130.04, Revised Statutes Cumulative
18 Supplement, 2006, is amended to read:

19 60-3,130.04 (1) An owner of a historical vehicle eligible
20 for registration under section 60-3,130 may use a license plate
21 or plates designed by this state in the year corresponding to the
22 model year when the vehicle was manufactured in lieu of the plates
23 designed pursuant to section 60-3,130.03 subject to the approval of
24 the department. The department shall inspect the plate or plates
25 and may approve the plate or plates if it is determined that the

1 model-year license plate or plates are legible and serviceable and
2 that the license plate numbers do not conflict with or duplicate
3 other numbers assigned and in use. An original-issued license plate
4 or plates that have been restored to original condition may be used
5 when approved by the department.

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

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

15 (4) License plates used pursuant to this section
16 corresponding to the year of manufacture of the vehicle shall
17 not be personalized message license plates, Pearl Harbor license
18 plates, prisoner-of-war license plates, disabled veteran license
19 plates, Purple Heart license plates, amateur radio station license
20 plates, Nebraska Cornhusker Spirit Plates, or handicapped or
21 disabled person license plates.

22 Sec. 47. Section 60-3,141, Revised Statutes Cumulative
23 Supplement, 2006, is amended to read:

24 60-3,141 (1) The various county treasurers or designated
25 county officials shall act as agents for the department in the

1 collection of all motor vehicle taxes, motor vehicle fees, and
2 registration fees.

3 (2) While acting as agents pursuant to subsection (1) of
4 this section, the county treasurers or designated county officials
5 shall in addition to the taxes and registration fees collect and
6 retain for the county two dollars for each registration of a motor
7 vehicle or trailer of a resident of the State of Nebraska and five
8 dollars for each registration of a motor vehicle or trailer of a
9 nonresident from the funds collected for the registration issued.
10 Such fees collected by the county shall be remitted to the county
11 treasurer for credit to the county general fund.

12 (3) The county treasurers or designated county officials
13 shall transmit all motor vehicle fees and registration fees
14 collected to the State Treasurer on or before the twenty-fifth
15 day of each month and at such other times as the State Treasurer
16 requires for credit to the Motor Vehicle Fee Fund and the Highway
17 Trust Fund, respectively, except as provided in section 60-3,156.
18 Any county treasurer or designated county official who fails to
19 transfer to the State Treasurer the amount due the state at the
20 times required in this section shall pay interest at the rate
21 specified in section 45-104.02, as such rate may be adjusted from
22 time to time, from the time the motor vehicle fees and registration
23 fees become due until paid.

24 Sec. 48. Section 60-3,142, Revised Statutes Cumulative
25 Supplement, 2006, is amended to read:

1 60-3,142 The various county treasurers or designated
2 county officials acting as agents for the department in collection
3 of the fees shall retain five percent of each fee collected under
4 section 60-3,112. The five percent shall be remitted to the county
5 treasurer for credit to the county general fund.

6 Sec. 49. Section 60-3,145, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 60-3,145 (1) The registration fee on local trucks shall
9 be based on the gross vehicle weight as provided in section
10 60-3,147, and local trucks shall be registered at a fee of thirty
11 percent of the commercial motor vehicle registration fee, except
12 that (a) no local truck shall be registered for a fee of less
13 than eighteen dollars, (b) the registration fee for each truck
14 with a factory-rated capacity of one ton or less shall be eighteen
15 dollars, and (c) commercial pickup trucks with a gross load of over
16 three tons shall be registered for the fee provided for commercial
17 ~~trucks.~~ motor vehicles.

18 (2) Local truck license plates shall display, in addition
19 to the registration number, the designation of local ~~truck.~~ motor
20 vehicles.

21 Sec. 50. Section 60-3,147, Revised Statutes Cumulative
22 Supplement, 2006, is amended to read:

23 60-3,147 (1) The registration fee on commercial ~~trucks,~~
24 motor vehicles, except those ~~trucks~~ motor vehicles registered under
25 section 60-3,198, shall be based upon the gross vehicle weight, not

1 to exceed the maximum authorized by section 60-6,294.

2 (2) The registration fee on commercial ~~truck-tractors~~
3 motor vehicles, except for motor vehicles and trailers registered
4 under section 60-3,198, shall be based on the gross vehicle
5 weight on such ~~truck-tractors~~ commercial motor vehicles plus the
6 gross vehicle weight of any trailer or combination with which
7 it is operated, except that for the purpose of determining
8 the registration fee, the gross vehicle weight of a ~~truck or~~
9 ~~truck-tractor~~ commercial motor vehicle towing or hauling a disabled
10 or wrecked motor vehicle properly registered for use on the
11 highways shall be only the gross vehicle weight of the towing ~~truck~~
12 ~~or truck-tractor~~ commercial motor vehicle fully equipped and not
13 including the weight of the motor vehicle being towed or hauled.

14 (3) Except as provided in subsection (4) of this section,
15 the registration fee on such commercial ~~trucks and truck-tractors~~
16 motor vehicles shall be at the following rates:

17 (a) For a gross vehicle weight of three tons or less,
18 eighteen dollars;

19 (b) For a gross vehicle weight exceeding three tons and
20 not exceeding four tons, twenty-five dollars;

21 (c) For a gross vehicle weight exceeding four tons and
22 not exceeding five tons, thirty-five dollars;

23 (d) For a gross vehicle weight exceeding five tons and
24 not exceeding six tons, sixty dollars;

25 (e) For a gross vehicle weight exceeding six tons but not

1 exceeding seven tons, eighty-five dollars;

2 (f) For a gross vehicle weight in excess of seven tons,
3 the fee shall be that for a ~~truck~~ commercial motor vehicle having
4 a gross vehicle weight of seven tons and, in addition thereto,
5 twenty-five dollars for each ton of gross vehicle weight over seven
6 tons.

7 (4) (a) For fractional tons in excess of the twenty
8 percent or the tolerance of one thousand pounds, as provided in
9 section 60-6,300, the fee shall be computed on the basis of the
10 next higher bracket.

11 (b) The fees provided by this section shall be
12 reduced ten percent for motor vehicles used exclusively for the
13 transportation of ~~livestock, poultry, unprocessed milk, grain,~~
14 ~~sugar beets, potatoes, and hay.~~ agricultural products.

15 (c) Fees for ~~trucks~~ commercial motor vehicles with a
16 gross vehicle weight in excess of thirty-six tons shall be
17 increased by twenty percent for all such ~~trucks~~ commercial motor
18 vehicles operated on any highway not a part of the National System
19 of Interstate and Defense Highways.

20 (5) (a) Such fee may be paid one-half at the time of
21 registration and one-half on the first day of the seventh month of
22 the registration period when the license fee exceeds two hundred
23 ten dollars. When the second half is paid, the county treasurer or
24 designated county official shall furnish a registration certificate
25 and license plates issued by the department which shall be

1 displayed on such ~~truck or truck-tractor~~ commercial motor vehicle
2 in the manner provided by law. In addition to the registration fee,
3 the department shall collect a sufficient fee to cover the cost of
4 issuing the certificate and license plates.

5 (b) If such second half is not paid within thirty days
6 following the first day of the seventh month, the registration
7 of such ~~truck or truck-tractor~~ commercial motor vehicle shall be
8 canceled and the registration certificate and license plates shall
9 be returned to the county treasurer or designated county official.

10 (c) Such fee shall be paid prior to any subsequent
11 registration or renewal of registration.

12 (6) License plates issued under this section shall be the
13 same size and of the same basic design as regular license plates
14 issued under section 60-3,100.

15 (7) A license plate or plates issued to a commercial
16 ~~truck or truck-tractor~~ motor vehicle with a gross weight of five
17 tons or over shall display, in addition to the registration number,
18 the weight that the commercial ~~truck or truck-tractor~~ motor vehicle
19 is licensed for, using a decal on the license plate or plates of
20 the commercial ~~truck or truck-tractor~~ motor vehicle in letters and
21 numerals of such size and design as shall be determined and issued
22 by the department.

23 Sec. 51. Section 60-3,150, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 60-3,150 For registration purposes, a truck-tractor and

1 semitrailer unit and a commercial trailer shall be considered as
2 separate units. The registration fee of the truck-tractor shall be
3 the fee provided for ~~trucks and truck-tractors.~~ commercial motor
4 vehicles. Each semitrailer and each commercial trailer shall be
5 registered upon the payment of a fee of one dollar. The department
6 shall provide an appropriate license plate or, when appropriate,
7 validation decal to identify such semitrailers. If any truck or
8 truck-tractor, operated under the classification designated as
9 local, farm, or A or with plates issued under section 60-3,113 is
10 operated outside of the limits of its respective classification, it
11 shall thereupon come under the classification of commercial ~~truck-~~
12 motor vehicle.

13 Sec. 52. Section 60-3,184, Revised Statutes Cumulative
14 Supplement, 2006, is amended to read:

15 60-3,184 For purposes of sections 60-3,184 to ~~60-3,191:~~
16 60-3,190:

17 (1) Automobile means passenger cars, trucks, utility
18 vehicles, and vans up to and including seven tons;

19 (2) Motor vehicle means every motor vehicle and trailer
20 subject to the payment of registration fees or permit fees under
21 the laws of this state and every cabin trailer registered for
22 operation upon the highways of this state;

23 (3) Motor vehicle fee means the fee imposed upon motor
24 vehicles under section 60-3,190;

25 (4) Motor vehicle tax means the tax imposed upon motor

1 vehicles under section 60-3,185; and

2 (5) Registration period means the period from the date
3 of registration pursuant to section 60-392 to the first day of the
4 month following one year after such date.

5 Sec. 53. Section 60-3,186, Revised Statutes Cumulative
6 Supplement, 2006, is amended to read:

7 60-3,186 (1) The county treasurer or designated county
8 official shall annually determine the motor vehicle tax on each
9 motor vehicle registered in the county based on the age of the
10 motor vehicle pursuant to section 60-3,187 and cause a notice of
11 the amount of the tax to be mailed to the registrant at the
12 address shown upon his or her registration certificate. The notice
13 shall be printed on a ~~prenumbered statement~~ form prescribed by the
14 department and shall be mailed on or before the first day of the
15 last month of the registration period.

16 (2)(a) The motor vehicle tax, motor vehicle fee,
17 registration fee, sales tax, and any other applicable taxes and
18 fees shall be paid to the county treasurer or designated county
19 official prior to the registration of the motor vehicle for
20 the following registration period. If the motor vehicle being
21 registered has been transferred as a gift or for a nominal amount,
22 any sales tax owed by the transferor on the purchase of the motor
23 vehicle shall have been paid or be paid to the county treasurer or
24 designated county official prior to the registration of the motor
25 vehicle for the following registration period.

1 (b) After retaining one percent of the motor vehicle
2 tax proceeds collected for costs, the remaining motor vehicle tax
3 proceeds shall be allocated to each county, local school system,
4 school district, city, and village in the tax district in which the
5 motor vehicle has situs.

6 (c) (i) Twenty-two percent of the remaining motor vehicle
7 tax proceeds shall be allocated to the county, (ii) sixty percent
8 shall be allocated to the local school system or school district,
9 and (iii) eighteen percent shall be allocated to the city or
10 village, except that (A) if the tax district is not in a city or
11 village, forty percent shall be allocated to the county, and (B)
12 in counties containing a city of the metropolitan class, eighteen
13 percent shall be allocated to the county and twenty-two percent
14 shall be allocated to the city or village.

15 (d) The amount allocated to a local school system shall
16 be distributed to school districts in the same manner as property
17 taxes.

18 (3) Proceeds from the motor vehicle tax shall be treated
19 as property tax revenue for purposes of expenditure limitations,
20 matching of state or federal funds, and other purposes.

21 Sec. 54. Section 60-3,188, Revised Statutes Cumulative
22 Supplement, 2006, is amended to read:

23 60-3,188 (1) The department shall determine motor vehicle
24 manufacturers' suggested retail prices, and gross vehicle weight
25 ratings, and vehicle identification numbers using appropriate

1 commercially available electronic information on a system
2 designated by the department.

3 (2) For purposes of section 60-3,187, the department
4 shall ~~(a)~~ determine the value when new of automobiles, ~~(b)~~ and
5 determine the gross vehicle weight ratings of motor vehicles over
6 seven tons, and ~~(c)~~ certify such determinations to the county
7 treasurer or designated county official of each county by November
8 15 of the prior year. The department shall make a determination
9 for such makes and models of automobiles and motor vehicles already
10 manufactured or being manufactured and shall, as new makes and
11 models of such automobiles and motor vehicles become available to
12 Nebraska residents, continue to make such determinations. The value
13 when new is the manufacturer's suggested retail price for such new
14 automobile or motor vehicle of that year using the manufacturer's
15 body type and model with standard equipment and not including
16 transportation or delivery cost.

17 (3) Any person or taxing official may, within ten days
18 after a determination has been certified by the department,
19 file objections in writing with the department stating why the
20 determination is incorrect.

21 (4) Any affected person may file an objection to the
22 determination of the department not more than fifteen days before
23 and not later than thirty days after the registration date. The
24 objection must be filed in writing with the department and state
25 why the determination is incorrect.

1 (5) Upon the filing of objections the department shall
2 fix a time for a hearing. Any party may introduce evidence in
3 reference to the objections, and the department shall act upon the
4 objections and make a written order, mailed to the objector within
5 seven days after the order. The final decision by the department
6 may be appealed. The appeal shall be to the Tax Equalization
7 and Review Commission in accordance with the Tax Equalization and
8 Review Commission Act within thirty days after the written order.
9 In an appeal, the department's determination of the manufacturer's
10 suggested retail price shall be presumed to be correct and the
11 party challenging the determination shall bear the burden of
12 proving it incorrect.

13 Sec. 55. Section 60-3,190, Revised Statutes Cumulative
14 Supplement, 2006, is amended to read:

15 60-3,190 (1) A motor vehicle fee is imposed on all motor
16 vehicles registered for operation in this state. An owner of a
17 motor vehicle which is exempt from the imposition of a motor
18 vehicle tax pursuant to section 60-3,185 shall also be exempt from
19 the imposition of the motor vehicle fee imposed pursuant to this
20 section.

21 (2) The county treasurer or designated county official
22 shall annually determine the motor vehicle fee on each motor
23 vehicle registered in the county based on the age of the motor
24 vehicle pursuant to this section and cause a notice of the amount
25 of the fee to be mailed to the registrant at the address shown upon

1 his or her registration certificate. The notice shall be printed
 2 on a ~~prenumbered statement~~ form prescribed by the department, shall
 3 be combined with the notice of the motor vehicle tax, and shall
 4 be mailed on or before the first day of the last month of the
 5 registration period.

6 (3) The motor vehicle fee schedules are set out in
 7 this subsection and subsection (4) of this section. Except for
 8 automobiles with a value when new of less than \$20,000, and for
 9 assembled automobiles, the fee shall be calculated by multiplying
 10 the base fee times the fraction which corresponds to the age
 11 category of the automobile as shown in the following table:

12	YEAR	FRACTION
13	First through fifth	1.00
14	Sixth through tenth	.70
15	Eleventh and over	.35

16 (4) The base fee shall be:

17 (a) Automobiles, with a value when new of less than
 18 \$20,000, and assembled automobiles - \$5

19 (b) Automobiles, with a value when new of \$20,000 through
 20 \$39,999 - \$20

21 (c) Automobiles, with a value when new of \$40,000 or more
 22 - \$30

23 (d) Motorcycles - \$10

24 (e) Recreational vehicles and cabin trailers - \$10

1 (f) Trucks over seven tons and buses - \$30

2 (g) Trailers other than semitrailers - \$10

3 (h) Semitrailers - \$30.

4 (5) The motor vehicle tax, motor vehicle fee, and
5 registration fee shall be paid to the county treasurer or
6 designated official prior to the registration of the motor vehicle
7 for the following registration period. After retaining one percent
8 of the motor vehicle fee collected for costs, the remaining
9 proceeds shall be remitted to the State Treasurer for credit to
10 the Motor Vehicle Fee Fund. The State Treasurer shall return funds
11 from the Motor Vehicle Fee Fund remitted by a county treasurer or
12 designated county official which are needed for refunds or credits
13 authorized by law.

14 (6) (a) The Motor Vehicle Fee Fund is created. On or
15 before the last day of each calendar quarter, the State Treasurer
16 shall distribute all funds in the Motor Vehicle Fee Fund as
17 follows: (i) Fifty percent to the county treasurer of each county,
18 amounts in the same proportion as the most recent allocation
19 received by each county from the Highway Allocation Fund; and
20 (ii) fifty percent to the treasurer of each municipality, amounts
21 in the same proportion as the most recent allocation received by
22 each municipality from the Highway Allocation Fund. Any money in
23 the fund available for investment shall be invested by the state
24 investment officer pursuant to the Nebraska Capital Expansion Act
25 and the Nebraska State Funds Investment Act.

1 (b) Funds from the Motor Vehicle Fee Fund shall be
2 considered local revenue available for matching state sources.

3 (c) All receipts by counties and municipalities from the
4 Motor Vehicle Fee Fund shall be used for road, bridge, and street
5 purposes.

6 (7) For purposes of subdivisions (4)(a), (b), (c), and
7 (f) of this section, automobiles or trucks includes all trucks
8 and combinations of trucks or truck-tractors, except those trucks,
9 trailers, or semitrailers registered under section 60-3,198, and
10 the fee is based on the gross vehicle weight rating as reported by
11 the manufacturer.

12 (8) Current model year vehicles are designated as
13 first-year motor vehicles for purposes of the schedules.

14 (9) When a motor vehicle is registered which is newer
15 than the current model year by the manufacturer's designation, the
16 motor vehicle is subject to the initial motor vehicle fee for six
17 registration periods.

18 (10) Assembled vehicles other than assembled automobiles
19 shall follow the schedules for the motor vehicle body type.

20 Sec. 56. Original sections 60-101, 60-102, 60-114,
21 60-117, 60-123, 60-134, 60-137, 60-145, 60-146, 60-152, 60-153,
22 60-164, 60-166, 60-168, 60-173, 60-301, 60-302, 60-308, 60-324,
23 60-325, 60-333, 60-339, 60-345, 60-355, 60-356, 60-378, 60-385,
24 60-387, 60-395, 60-397, 60-3,104, 60-3,107, 60-3,118, 60-3,122,
25 60-3,123, 60-3,124, 60-3,125, 60-3,126, 60-3,128, 60-3,130.04,

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1 60-3,141, 60-3,142, 60-3,145, 60-3,147, 60-3,150, 60-3,184,
2 60-3,186, 60-3,188, and 60-3,190, Revised Statutes Cumulative
3 Supplement, 2006, are repealed.

4 Sec. 57. The following sections are outright repealed:
5 Sections 60-157 and 60-3,191, Revised Statutes Cumulative
6 Supplement, 2006.