

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 286**

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 60-114,  
2 60-308, 60-324, 60-355, 60-356, 60-378, 60-385, 60-387,  
3 60-3,104, 60-3,118, 60-3,128, 60-3,142, 60-3,145, 60-3,147,  
4 and 60-3,150, Revised Statutes Cumulative Supplement, 2006;  
5 to change provisions relating to the Motor Vehicle  
6 Certificate of Title Act and the Motor Vehicle Registration  
7 Act; and to repeal the original sections.

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

1           Section 1. Section 60-114, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           60-114. Farm trailer means a trailer or semitrailer  
4 belonging to a farmer or rancher and used wholly and exclusively to  
5 carry supplies to or from the owner's farm or ranch, used by a  
6 farmer or rancher to carry his or her own agricultural products as  
7 defined in section 60-304 to or from storage or market, or used by  
8 a farmer or rancher for ~~such~~ hauling of ~~such~~ supplies or  
9 agricultural products in exchange of services.

10          Sec. 2. 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 vehicles  
15 or trailers and used for the transportation of persons for hire or  
16 designed, used, or maintained primarily for the transportation of  
17 property.

18          ~~(2)~~ (1) Apportionable vehicle does not include any  
19 recreational vehicle, motor vehicle displaying restricted plates, city  
20 pickup and delivery vehicle, bus used in the transportation of  
21 chartered parties, or government-owned motor vehicle.

22          ~~(3)~~ (2) An apportionable vehicle that is a power unit  
23 shall either (a) ~~be a power unit having~~ have two axles and a  
24 gross vehicle weight ~~rating of eleven thousand seven hundred~~  
25 ~~ninety four kilograms or more (twenty six thousand one pounds or~~  
26 ~~more)~~, or registered gross vehicle weight in excess of twenty-six  
27 thousand pounds or eleven thousand seven hundred ninety-three and

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

16 Sec. 3. Section 60-324, Revised Statutes Cumulative  
17 Supplement, 2006, is amended to read:

18 60-324. Farm trailer means a trailer or semitrailer  
19 belonging to a farmer or rancher and used wholly and exclusively to  
20 carry supplies to or from the owner's farm or ranch, used by a  
21 farmer or rancher to carry his or her own agricultural products to  
22 or from storage or market, or used by a farmer or rancher for ~~such~~  
23 hauling of ~~such~~ supplies or agricultural products in exchange of  
24 services. Farm trailer does not include a trailer so used when  
25 attached to a farm tractor.

26 Sec. 4. Section 60-355, Revised Statutes Cumulative  
27 Supplement, 2006, is amended to read:

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

7           Sec. 5. Section 60-356, Revised Statutes Cumulative  
8 Supplement, 2006, is amended to read:

9           60-356. Truck means a motor vehicle that is designed, used,  
10 or maintained primarily for the transportation of property or  
11 designated as a truck by the manufacturer.

12           Sec. 6. Section 60-378, Revised Statutes Cumulative  
13 Supplement, 2006, is amended to read:

14           60-378. (1) Any transporter doing business in this state  
15 may, in lieu of registering each motor vehicle or trailer which such  
16 transporter is transporting, upon payment of a fee of ten dollars,  
17 ~~make an application~~ apply to the department for a transporter's  
18 certificate and one transporter license plate. Additional pairs of  
19 transporter certificates and transporter license plates may be  
20 procured for a fee of ten dollars each. ~~The transporter certificate~~  
21 ~~shall be issued in duplicate. The original thereof shall be kept on~~  
22 ~~file by the transporter, and the duplicate shall be displayed upon~~  
23 ~~demand by the driver of any motor vehicle or trailer being~~  
24 ~~transported.~~ Transporter license plates shall be displayed (a)  
25 upon the motor vehicle or trailer being transported, or (b) upon  
26 a properly registered truck or ~~tractor~~ truck-tractor which is a  
27 work or service vehicle in the process of towing a trailer which is

1       itself being delivered by the transporter, and such ~~. And in such~~  
2       ~~ease, the~~ registered truck or ~~tractor~~ truck-tractor shall also  
3       display a transporter plate upon the front thereof. The applicant for  
4       a transporter plate shall keep for six years a record of each motor  
5       vehicle or trailer transported by him or her under this section, and  
6       such record shall be available to the department for inspection. Each  
7       applicant shall file with the department proof of his or her status as  
8       a bona fide transporter.

9               (2) Transporter license plates may be the same size as  
10       license plates issued for motorcycles, shall bear thereon a mark to  
11       distinguish them as transporter plates, and shall be serially numbered  
12       so as to distinguish them from each other. Such license plates may  
13       only be displayed upon the front of a driven motor vehicle of a lawful  
14       combination or upon the front of a motor vehicle driven singly or upon  
15       the rear of a trailer being towed.

16               Sec. 7. Section 60-385, Revised Statutes Cumulative  
17       Supplement, 2006, is amended to read:

18               60-385. Every owner of a motor vehicle or trailer required  
19       to be registered shall make application for registration to the county  
20       treasurer or designated county official of the county in which the  
21       motor vehicle or trailer has situs. The application shall be ~~a copy~~  
22       ~~of a certificate of title or, in the case of a renewal of a~~  
23       ~~registration, the application shall be the previous registration~~  
24       ~~period's certificate, or by~~ any ~~other~~ means ~~as~~ designated by  
25       the department. A salvage branded certificate of title and a  
26       nontransferable certificate of title provided for in section 60-170  
27       shall not be valid for registration purposes.

1           Sec. 8. Section 60-387, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           60-387. An application for registration of a motor vehicle  
4 shall be accompanied by proof of financial responsibility or evidence  
5 of insurance covering the motor vehicle. Proof of financial  
6 responsibility shall be evidenced by a copy of proof of financial  
7 responsibility filed pursuant to subdivision (2), (3), or (4) of  
8 section 60-528 bearing the seal of the department. Evidence of  
9 insurance shall give the effective dates of the automobile liability  
10 policy, which dates shall be evidence that the coverage is in effect  
11 on and following the date of registration, and shall designate, by  
12 explicit description or by appropriate reference, all motor vehicles  
13 covered. Evidence of insurance in the form of a certificate of  
14 insurance for fleet vehicles may include, as an appropriate reference,  
15 a designation that the insurance coverage is applicable to all  
16 vehicles owned by the named insured, or wording of similar effect, in  
17 lieu of an explicit description. Proof of financial responsibility  
18 also may be evidenced by (1) a check by the department or its agents  
19 of the motor vehicle insurance data base created under section  
20 60-3,136 or (2) any other automated or electronic means as prescribed  
21 or developed by the department. For purposes of this section, fleet  
22 means a group of at least five vehicles that belong to the same  
23 owner.

24           Sec. 9. Section 60-3,104, Revised Statutes Cumulative  
25 Supplement, 2006, is amended to read:

26           60-3,104. The department shall issue the following types of  
27 license plates:

- 1 (1) Amateur radio station license plates issued pursuant to  
2 section 60-3,126;
- 3 (2) Boat dealer license plates issued pursuant to section  
4 60-379;
- 5 (3) Bus license plates issued pursuant to section 60-3,144;
- 6 (4) Commercial ~~truck and truck tractor~~ motor vehicle  
7 license plates issued pursuant to section 60-3,147;
- 8 (5) Dealer or manufacturer license plates issued pursuant to  
9 sections 60-3,114 and 60-3,115;
- 10 (6) Disabled veteran license plates issued pursuant to  
11 section 60-3,124;
- 12 (7) Farm trailer license plates issued pursuant to section  
13 60-3,151;
- 14 (8) Farm truck license plates issued pursuant to section  
15 60-3,146;
- 16 (9) Farm trucks with a gross weight of over sixteen tons  
17 license plates issued pursuant to section 60-3,146;
- 18 (10) Fertilizer trailer license plates issued pursuant to  
19 section 60-3,151;
- 20 (11) Film vehicle license plates issued pursuant to section  
21 60-383;
- 22 (12) ~~Fleets of apportionable commercial vehicles~~  
23 Apportionable vehicle license plates issued pursuant to section  
24 60-3,203;
- 25 (13) Handicapped or disabled person license plates issued  
26 pursuant to section 60-3,113;
- 27 (14) Historical vehicle license plates issued pursuant to

1 sections 60-3,130 to 60-3,134;

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

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

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

8 (18) Motorcycle license plates issued pursuant to section  
9 60-3,100;

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

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

14 (21) Passenger car having a seating capacity of ten persons  
15 or less and not used for hire issued pursuant to section ~~60-3,100;~~  
16 60-3,143;

17 (22) Passenger car having a seating capacity of ten persons  
18 or less and used for hire issued pursuant to section ~~60-3,100;~~  
19 60-3,143;

20 (23) Pearl Harbor license plates issued pursuant to section  
21 60-3,122;

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

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

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

3 (27) Purple Heart license plates issued pursuant to section  
4 60-3,125;

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

7 (29) Repossession license plates issued pursuant to section  
8 60-375;

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

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

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

15 (33) Transporter license plates issued pursuant to section  
16 60-378;

17 (34) Trucks or combinations of trucks, truck-tractors or  
18 trailers which are not for hire and engaged in soil and water  
19 conservation work and used for the purpose of transporting pipe and  
20 equipment exclusively used by such contractors for soil and water  
21 conservation construction license plates issued pursuant to section  
22 60-3,149;

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

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

27 Sec. 10. Section 60-3,118, Revised Statutes Cumulative

1 Supplement, 2006, is amended to read:

2 60-3,118. (1) In lieu of the license plates provided for by  
3 section 60-3,100, the department shall issue personalized message  
4 license plates for motor vehicles or cabin trailers, except commercial  
5 ~~trucks~~ motor vehicles registered for over ten tons gross weight,  
6 to all applicants who meet the requirements of sections 60-3,119 to  
7 60-3,121. Personalized message license plates shall be the same size  
8 and of the same basic design as regular license plates issued pursuant  
9 to section 60-3,100. The characters used shall consist only of letters  
10 and numerals of the same size and design and shall comply with the  
11 requirements of subdivision (1)(a) of section 60-3,100. A maximum of  
12 seven characters may be used, except that for motorcycles, a maximum  
13 of six characters may be used.

14 (2) The following conditions apply to all personalized  
15 message license plates:

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

27 (b) The characters in the order used shall not conflict with

1 or duplicate any number used or to be used on the regular license  
2 plates or any number or license plate already approved pursuant to  
3 sections 60-3,118 to 60-3,121;

4 (c) The characters in the order used shall not express,  
5 connote, or imply any obscene or objectionable words or abbreviations;  
6 and

7 (d) An applicant receiving a personalized message license  
8 plate for a farm truck with a gross weight of over sixteen tons or a  
9 commercial ~~truck or truck tractor~~ motor vehicle with a gross  
10 weight of five tons or over shall affix the appropriate tonnage decal  
11 to such license plate.

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

15 Sec. 11. Section 60-3,128, Revised Statutes Cumulative  
16 Supplement, 2006, is amended to read:

17 60-3,128. (1) A resident of Nebraska may apply to the  
18 department for Nebraska Cornhusker Spirit Plates in lieu of regular  
19 license plates on an application prescribed and provided by the  
20 department for any motor vehicle or cabin trailer, except for a  
21 commercial ~~truck~~ motor vehicle registered for over ten tons gross  
22 weight or a motorcycle. An applicant receiving a spirit plate for a  
23 farm truck with a gross weight of over sixteen tons or for a  
24 commercial ~~truck or truck tractor~~ motor vehicle registered for a  
25 gross weight of five tons or over shall affix the appropriate tonnage  
26 decal to the spirit plate. The department shall make forms available  
27 for such applications through the county treasurers or designated

1 county officials. Each application for initial issuance or renewal of  
2 spirit plates shall be accompanied by a fee of seventy dollars. Fees  
3 collected pursuant to this subsection shall be remitted to the State  
4 Treasurer. The State Treasurer shall credit forty-three percent of the  
5 fees for initial issuance and renewal of spirit plates to the  
6 Department of Motor Vehicles Cash Fund and fifty-seven percent of the  
7 fees to the Spirit Plate Proceeds Fund.

8 (2) When the department receives an application for spirit  
9 plates, it shall deliver the plates to the county treasurer or  
10 designated county official of the county in which the motor vehicle or  
11 cabin trailer is registered. The county treasurer or designated county  
12 official shall issue spirit plates in lieu of regular license plates  
13 when the applicant complies with the other provisions of law for  
14 registration of the motor vehicle or cabin trailer. If spirit plates  
15 are lost, stolen, or mutilated, the licensee shall be issued  
16 replacement license plates pursuant to section 60-3,157.

17 (3)(a) The owner of a motor vehicle or cabin trailer bearing  
18 spirit plates may make application to the county treasurer or  
19 designated county official to have such spirit plates transferred to a  
20 motor vehicle or cabin trailer other than the motor vehicle or cabin  
21 trailer for which such plates were originally purchased if such motor  
22 vehicle or cabin trailer is owned by the owner of the spirit plates.

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

27 (c) Application for such transfer shall be accompanied by a

1 fee of three dollars. Fees collected pursuant to this subsection shall  
2 be remitted to the State Treasurer for credit to the Department of  
3 Motor Vehicles Cash Fund.

4 Sec. 12. Section 60-3,142, Revised Statutes Cumulative  
5 Supplement, 2006, is amended to read:

6 60-3,142. The various county treasurers or designated county  
7 officials acting as agents for the department in collection of the  
8 fees shall retain five percent of each fee collected under section  
9 60-3,112. The five percent shall be remitted to the county treasurer  
10 for credit to the county general fund.

11 Sec. 13. Section 60-3,145, Revised Statutes Cumulative  
12 Supplement, 2006, is amended to read:

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

22 (2) Local truck license plates shall display, in addition to  
23 the registration number, the designation of local ~~truck~~ motor  
24 vehicles.

25 Sec. 14. Section 60-3,147, Revised Statutes Cumulative  
26 Supplement, 2006, is amended to read:

27 60-3,147. (1) The registration fee on commercial ~~trucks~~,

1 motor vehicles, except those ~~trucks~~ motor vehicles registered  
2 under section 60-3,198, shall be based upon the gross vehicle weight,  
3 not to exceed the maximum authorized by section 60-6,294.

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

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

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

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

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

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

27 (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, the  
3 fee shall be that for a ~~truck~~ commercial motor vehicle having a  
4 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 percent  
8 or the tolerance of one thousand pounds, as provided in section  
9 60-6,300, the fee shall be computed on the basis of the next higher  
10 bracket.

11 (b) The fees provided by this section shall be reduced ten  
12 percent for motor vehicles used exclusively for the transportation of  
13 ~~livestock, poultry, unprocessed milk, grain, sugar beets, potatoes,~~  
14 ~~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 increased  
17 by twenty percent for all such ~~trucks~~ commercial motor vehicles  
18 operated on any highway not a part of the National System of  
19 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 the  
22 registration period when the license fee exceeds two hundred ten  
23 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 displayed  
26 on such ~~truck or truck tractor~~ commercial motor vehicle in the  
27 manner provided by law. In addition to the registration fee, the

1 department shall collect a sufficient fee to cover the cost of issuing  
2 the certificate and license plates.

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

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

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

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

21 Sec. 15. Section 60-3,150, Revised Statutes Cumulative  
22 Supplement, 2006, is amended to read:

23 60-3,150. For registration purposes, a truck-tractor and  
24 semitrailer unit and a commercial trailer shall be considered as  
25 separate units. The registration fee of the truck-tractor shall be the  
26 fee provided for ~~trucks and truck tractors.~~ commercial motor  
27 vehicles. Each semitrailer and each commercial trailer shall be

1 registered upon the payment of a fee of one dollar. The department  
2 shall provide an appropriate license plate or, when appropriate,  
3 validation decal to identify such semitrailers. If any truck or  
4 truck-tractor, operated under the classification designated as local,  
5 farm, or A or with plates issued under section 60-3,113 is operated  
6 outside of the limits of its respective classification, it shall  
7 thereupon come under the classification of commercial ~~truck.~~ motor  
8 vehicle.

9 Sec. 16. Original sections 60-114, 60-308, 60-324, 60-355,  
10 60-356, 60-378, 60-385, 60-387, 60-3,104, 60-3,118, 60-3,128,  
11 60-3,142, 60-3,145, 60-3,147, and 60-3,150, Revised Statutes  
12 Cumulative Supplement, 2006, are repealed.