

LEGISLATIVE BILL 570

Approved by the Governor May 31, 2007

Introduced by Louden, 49; Christensen, 44; Dubas, 34; Hansen, 42

FOR AN ACT relating to motor vehicles; to amend sections 60-393 and 60-396, Revised Statutes Cumulative Supplement, 2006; sections 60-395 and 60-3,104, Revised Statutes Cumulative Supplement, 2006, as amended by sections 35 and 37, Legislative Bill 286, One Hundredth Legislature, First Session, 2007; and section 60-301, Revised Statutes Cumulative Supplement, 2006, as amended by section 20, Legislative Bill 286, One Hundredth Legislature, First Session, 2007, and section 1, Legislative Bill 349, One Hundredth Legislature, First Session, 2007; to provide for Gold Star Family license plates; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Section 1. Section 60-301, Revised Statutes Cumulative Supplement, 2006, as amended by section 20, Legislative Bill 286, One Hundredth Legislature, First Session, 2007, and section 1, Legislative Bill 349, One Hundredth Legislature, First Session, 2007, is amended to read:

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

Sec. 2. (1) The department shall design license plates to be known as Gold Star Family plates. The department shall create designs reflecting support for those who died while serving in good standing in the United States Armed Forces in consultation with the Department of Veterans' Affairs and the Military Department. The Department of Veterans' Affairs shall recommend the design of the plate to the Department of Motor Vehicles. The design shall be selected on the basis of limiting the manufacturing cost of each plate to an amount less than or equal to the amount charged for license plates pursuant to section 60-3,102. The department shall make applications available for this type of plate when it is designed. The department may adopt and promulgate rules and regulations to carry out this section and section 3 of this act.

(2) One type of Gold Star Family plate shall be consecutively numbered plates. The department shall:

(a) Number the plates consecutively beginning with the number one, using numerals the size of which maximizes legibility and limiting the numerals to five characters or less; and

(b) Not use a county designation or any characters other than numbers on the plates.

(3) One type of Gold Star Family plate shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section 60-3,118, except that a maximum of five characters may be used.

Sec. 3. (1) A person may apply to the department for Gold Star Family plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle or cabin trailer, except for a commercial truck. An applicant receiving a Gold Star Family plate for a farm truck with a gross weight of over sixteen tons shall affix the appropriate tonnage decal to the plate. The department shall make forms available for such applications through the county treasurers or designated county officials. The license plates shall be issued upon payment of the license fee described in subsection (2) of this section and furnishing proof satisfactory to the department that the applicant is a surviving spouse, whether remarried or not, or an ancestor, including a stepparent, a descendant, including a stepchild, a foster parent or a person in loco parentis, or a sibling of a person who died while in good standing on active duty in the military service of the United States. Only one motor vehicle or trailer owned by the applicant shall be so licensed at any one time.

(2)(a) Each application for initial issuance of consecutively numbered Gold Star Family plates shall be accompanied by a fee of fifteen dollars. An application for renewal of such plates shall be accompanied by a fee of fifteen dollars. County treasurers or designated county officials collecting fees for renewals pursuant to this subdivision shall remit them to the State Treasurer. The State Treasurer shall credit five dollars of the fee for initial issuance and renewal of such plates to the Department of Motor Vehicles Cash Fund and ten dollars of the fee to the Nebraska Veteran Cemetery System Operation Fund.

(b) Each application for initial issuance of personalized message Gold Star Family plates shall be accompanied by a fee of forty dollars. An application for renewal of such plates shall be accompanied by a fee of forty dollars. County treasurers or designated county officials collecting fees for renewals pursuant to this subdivision shall remit them to the State Treasurer. The State Treasurer shall credit thirty dollars of the fee for initial issuance and renewal of such plates to the Department of Motor Vehicles Cash Fund and ten dollars of the fee to the Nebraska Veteran Cemetery System Operation Fund.

(3) When the department receives an application for Gold Star Family plates, the department shall deliver the plates to the county treasurer or designated county official of the county in which the motor vehicle or cabin trailer is registered. The county treasurer or designated county official shall issue Gold Star Family plates in lieu of regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the motor vehicle or cabin trailer. If Gold Star Family plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates upon request and without charge.

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

(5) If the cost of manufacturing Gold Star Family plates at any time exceeds the amount charged for license plates pursuant to section 60-3,102, any money to be credited to the Nebraska Veteran Cemetery System Operation Fund shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of Gold Star Family plates and the amount charged pursuant to section 60-3,102 with respect to such plates and the remainder shall be credited to the Nebraska Veteran Cemetery System Operation Fund.

Sec. 4. Section 60-393, Revised Statutes Cumulative Supplement, 2006, is amended to read:

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

Sec. 5. Section 60-395, Revised Statutes Cumulative Supplement, 2006, as amended by section 35, Legislative Bill 286, One Hundredth Legislature, First Session, 2007, is amended to read:

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

- (a) Upon transfer of ownership of any motor vehicle or trailer;
- (b) In case of loss of possession because of fire, theft,

dismantlement, or junking;

(c) When a salvage branded certificate of title is issued;

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

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

or

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

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

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

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

(5) For purposes of this section, the date of the event shall be:

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

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

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

Sec. 6. Section 60-396, Revised Statutes Cumulative Supplement, 2006, is amended to read:

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

within the same registration year in which its registration has been canceled, the taxes and fees shall be that portion of the registration fee and the motor vehicle tax and fee for the remainder of the registration year.

Sec. 7. Section 60-3,104, Revised Statutes Cumulative Supplement, 2006, as amended by section 37, Legislative Bill 286, One Hundredth Legislature, First Session, 2007, is amended to read:

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

- (1) Amateur radio station license plates issued pursuant to section 60-3,126;
- (2) Apportionable vehicle license plates issued pursuant to section 60-3,203;
- (3) Boat dealer license plates issued pursuant to section 60-379;
- (4) Bus license plates issued pursuant to section 60-3,144;
- (5) Commercial motor vehicle license plates issued pursuant to section 60-3,147;
- (6) Dealer or manufacturer license plates issued pursuant to sections 60-3,114 and 60-3,115;
- (7) Disabled veteran license plates issued pursuant to section 60-3,124;
- (8) Farm trailer license plates issued pursuant to section 60-3,151;
- (9) Farm truck license plates issued pursuant to section 60-3,146;
- (10) Farm trucks with a gross weight of over sixteen tons license plates issued pursuant to section 60-3,146;
- (11) Fertilizer trailer license plates issued pursuant to section 60-3,151;
- (12) Film vehicle license plates issued pursuant to section 60-383;
- (13) Gold Star Family license plates issued pursuant to sections 2 and 3 of this act;
- ~~(13)~~ (14) Handicapped or disabled person license plates issued pursuant to section 60-3,113;
- ~~(14)~~ (15) Historical vehicle license plates issued pursuant to sections 60-3,130 to 60-3,134;
- ~~(15)~~ (16) Local truck license plates issued pursuant to section 60-3,145;
- ~~(16)~~ (17) Motor vehicle license plates for motor vehicles owned or operated by the state, counties, municipalities, or school districts issued pursuant to section 60-3,105;
- ~~(17)~~ (18) Motor vehicles exempt pursuant to section 60-3,107;
- ~~(18)~~ (19) Motorcycle license plates issued pursuant to section 60-3,100;
- ~~(19)~~ (20) Nebraska Cornhusker Spirit Plates issued pursuant to sections 60-3,127 to 60-3,129;
- ~~(20)~~ (21) Nonresident owner thirty-day license plates issued pursuant to section 60-382;
- ~~(21)~~ (22) Passenger car having a seating capacity of ten persons or less and not used for hire issued pursuant to section 60-3,143;
- ~~(22)~~ (23) Passenger car having a seating capacity of ten persons or less and used for hire issued pursuant to section 60-3,143;
- ~~(23)~~ (24) Pearl Harbor license plates issued pursuant to section 60-3,122;
- ~~(24)~~ (25) Personal-use dealer license plates issued pursuant to section 60-3,116;
- ~~(25)~~ (26) Personalized message license plates for motor vehicles and cabin trailers, except commercial motor vehicles registered for over ten tons gross weight, issued pursuant to sections 60-3,118 to 60-3,121;
- ~~(26)~~ (27) Prisoner-of-war license plates issued pursuant to section 60-3,123;
- ~~(27)~~ (28) Purple Heart license plates issued pursuant to section 60-3,125;
- ~~(28)~~ (29) Recreational vehicle license plates issued pursuant to section 60-3,151;
- ~~(29)~~ (30) Repossession license plates issued pursuant to section 60-375;
- ~~(30)~~ (31) Trailer license plates issued for trailers owned or operated by the state, counties, municipalities, or school districts issued pursuant to section 60-3,106;
- ~~(31)~~ (32) Trailer license plates issued pursuant to section 60-3,100;
- ~~(32)~~ (33) Trailers exempt pursuant to section 60-3,108;
- ~~(33)~~ (34) Transporter license plates issued pursuant to section 60-378;

~~(34)~~ (35) Trucks or combinations of trucks, truck-tractors, or trailers which are not for hire and engaged in soil and water conservation work and used for the purpose of transporting pipe and equipment exclusively used by such contractors for soil and water conservation construction license plates issued pursuant to section 60-3,149;

~~(35)~~ (36) Utility trailer license plates issued pursuant to section 60-3,151; and

~~(36)~~ (37) Well-boring apparatus and well-servicing equipment license plates issued pursuant to section 60-3,109.

Sec. 8. This act becomes operative on January 1, 2010.

Sec. 9. Original sections 60-393 and 60-396, Revised Statutes Cumulative Supplement, 2006; sections 60-395 and 60-3,104, Revised Statutes Cumulative Supplement, 2006, as amended by sections 35 and 37, Legislative Bill 286, One Hundredth Legislature, First Session, 2007; and section 60-301, Revised Statutes Cumulative Supplement, 2006, as amended by section 20, Legislative Bill 286, One Hundredth Legislature, First Session, 2007, and section 1, Legislative Bill 349, One Hundredth Legislature, First Session, 2007, are repealed.