

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 977**

FINAL READING

Introduced by Smith, 14; Williams, 36.

Read first time January 14, 2016

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to motor vehicles; to amend sections 13-1209,  
2 13-1210, 13-1212, 60-3,104.02, 60-4,148, 60-681, 60-6,144, 60-6,294,  
3 and 60-1403, Reissue Revised Statutes of Nebraska, sections  
4 60-3,186, 60-3,202, 60-4,131, 60-4,146, 60-4,149, 60-4,150,  
5 60-1438.01, and 60-1505, Revised Statutes Cumulative Supplement,  
6 2014, and sections 23-187, 60-301, 60-3,104, 60-3,130.04, 60-462,  
7 60-601, and 60-6,230, Revised Statutes Supplement, 2015; to  
8 authorize state financial assistance for capital acquisition costs  
9 for public transportation as prescribed; to provide and change  
10 ordinance and resolution powers regarding weight restrictions; to  
11 provide for Breast Cancer Awareness Plates; to change provisions  
12 relating to specialty license plates; to change the use of motor  
13 vehicle tax proceeds; to provide for placement of taxes and fees in  
14 the Vehicle Title and Registration System Replacement and  
15 Maintenance Cash Fund as prescribed; to change provisions relating  
16 to distribution of the Motor Vehicle Tax Fund; to eliminate obsolete  
17 provisions; to provide for electronic issuance of commercial  
18 drivers' licenses and electronic application for renewal and  
19 replacement of commercial drivers' licenses and CLP-commercial  
20 learners' permits; to change provisions relating to the operation of  
21 implements of husbandry on highways, use of rotating or flashing  
22 blue and amber lights, and powers and duties of the Nebraska Motor

1           Vehicle Industry Licensing Board; to change provisions relating to  
2           the Motor Vehicle Industry Regulation Act; to harmonize provisions;  
3           to provide operative dates; to repeal the original sections; and to  
4           declare an emergency.

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

1 Section 1. Section 13-1209, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 13-1209 (1) A public transportation assistance program is hereby  
4 established to provide state assistance for the capital acquisition and  
5 operating costs ~~operation~~ of public transportation systems.

6 (2) Any municipality, county, transit authority, or qualified  
7 public-purpose organization shall be eligible to receive financial  
8 assistance for the eligible capital acquisition and operating costs of a  
9 public transportation system, whether the applicant directly operates  
10 such system or contracts for its operation. A qualified public-purpose  
11 organization shall not be eligible for financial assistance under the  
12 Nebraska Public Transportation Act if such organization is currently  
13 receiving state funds for a program which includes transportation  
14 services and such funding and services would be duplicated by the act.  
15 Eligible operating costs ~~shall~~ include those expenses incurred in the  
16 operation of a public transportation system which exceed the amount of  
17 operating revenue and which are not otherwise eligible for reimbursement  
18 from any available federal programs other than those administered by the  
19 United States Department of the Treasury. Eligible capital acquisition  
20 costs include investments in the purchase, replacement, and rebuilding of  
21 buses and other vehicles used for public transportation.

22 (3) The state grant to an applicant shall not exceed fifty percent  
23 of the eligible capital acquisition or operating costs of the public  
24 transportation system as provided for in subsection (2) of this section.  
25 The amount of state funds shall be matched by an equal amount of local  
26 funds in support of capital acquisition or operating costs.

27 Sec. 2. Section 13-1210, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 13-1210 (1) The Department of Roads shall annually certify the  
30 amount of capital acquisition and operating costs eligible for funding  
31 under the public transportation assistance program established under

1 section 13-1209.

2 (2) The department shall submit an annual report to the chairperson  
3 of the Appropriations Committee of the Legislature on or before December  
4 1 of each year regarding funds requested by each applicant for eligible  
5 capital acquisition and operating costs in the current fiscal year  
6 pursuant to subsection (2) of section 13-1209 and the total amount of  
7 state grants projected to be awarded in the current fiscal year pursuant  
8 to the public transportation assistance program. The report submitted to  
9 the committee shall be submitted electronically. The report shall  
10 separate into two categories the requests and grants awarded for  
11 handicapped vans, otherwise known as paratransit vehicles, and requests  
12 and grants awarded for handicapped-accessible fixed-route bus systems.

13 Sec. 3. Section 13-1212, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 13-1212 (1) The Department of Roads shall administer sections  
16 13-1209 to 13-1212, and shall adopt and promulgate ~~issue~~ such rules and  
17 regulations pursuant to the Administrative Procedure Act as are  
18 necessary, including but not limited to defining eligible capital  
19 acquisition and operating costs, establishing contractual and other  
20 requirements including standardized accounting and reporting  
21 requirements, which shall include the applicant's proposed service area,  
22 the type of service proposed, all routes and schedules, and any further  
23 information needed for recipients to ensure ~~insure~~ the maximum feasible  
24 coordination and use of state funds, establishing application procedures,  
25 and developing a policy for apportioning funds made available for this  
26 program should they be insufficient to cover all eligible projects.  
27 Priority on the allocation of all funds shall be given to those proposed  
28 projects best suited to serve the needs of the elderly and handicapped  
29 and to proposed projects with federal funding participation.

30 (2) Any public-purpose organization proposing to provide public  
31 transportation denied financial assistance as a result of a determination

1 by the Department of Roads that an area is adequately served by existing  
2 transportation services may submit a petition to the department  
3 requesting the department to reclassify the proposed service area as not  
4 being adequately served by existing public transportation services. The  
5 petition submitted to the department by the public-purpose organization  
6 shall bear the signatures of at least fifty registered voters residing in  
7 the proposed service area. Upon receipt of the petition the department  
8 shall hold a public hearing in the proposed service area and after such  
9 hearing shall determine whether the proposed service area is already  
10 adequately served. In carrying out its duties under this section the  
11 department shall comply with the provisions of the Administrative  
12 Procedure Act. The department shall not be required to conduct a  
13 reevaluation hearing for an area more frequently than once a year.

14 Sec. 4. Section 23-187, Revised Statutes Supplement, 2015, is  
15 amended to read:

16 23-187 (1) In addition to the powers granted by section 23-104, a  
17 county may, in the manner specified by sections 23-187 to 23-193,  
18 regulate the following subjects by ordinance:

19 (a) Parking of motor vehicles on public roads, highways, and rights-  
20 of-way as it pertains to snow removal for and access by emergency  
21 vehicles to areas within the county;

22 (b) Motor vehicles as defined in section 60-339 that are abandoned  
23 on public or private property;

24 (c) Low-speed vehicles as described and operated pursuant to section  
25 60-6,380;

26 (d) Golf car vehicles as described and operated pursuant to section  
27 60-6,381;

28 (e) Graffiti on public or private property;

29 (f) False alarms from electronic security systems that result in  
30 requests for emergency response from law enforcement or other emergency  
31 responders;

1 (g) Violation of the public peace and good order of the county by  
2 disorderly conduct, lewd or lascivious behavior, or public nudity;~~and~~

3 (h) Peddlers, hawkers, or solicitors operating for commercial  
4 purposes. If a county adopts an ordinance under this subdivision, the  
5 ordinance shall provide for registration of any such peddler, hawker, or  
6 solicitor without any fee and allow the operation or conduct of any  
7 registered peddler, hawker, or solicitor in all areas of the county where  
8 the county has jurisdiction and where a city or village has not otherwise  
9 regulated such operation or conduct; and -

10 (i) Operation of vehicles on any highway or restrictions on the  
11 weight of vehicles pursuant to section 60-681.

12 (2) For the enforcement of any ordinance authorized by this section,  
13 a county may impose fines, forfeitures, or penalties and provide for the  
14 recovery, collection, and enforcement of such fines, forfeitures, or  
15 penalties. A county may also authorize such other measures for the  
16 enforcement of ordinances as may be necessary and proper. A fine enacted  
17 pursuant to this section shall not exceed five hundred dollars for each  
18 offense.

19 Sec. 5. Section 60-301, Revised Statutes Supplement, 2015, is  
20 amended to read:

21 60-301 Sections 60-301 to 60-3,225 and sections 9 and 10 of this act  
22 shall be known and may be cited as the Motor Vehicle Registration Act.

23 Sec. 6. Section 60-3,104, Revised Statutes Supplement, 2015, is  
24 amended to read:

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

27 (1) Amateur radio station license plates issued pursuant to section  
28 60-3,126;

29 (2) Apportionable vehicle license plates issued pursuant to section  
30 60-3,203;

31 (3) Autocycle license plates issued pursuant to section 60-3,100;

- 1 (4) Boat dealer license plates issued pursuant to section 60-379;
- 2 (5) Breast Cancer Awareness Plates issued pursuant to sections 9 and
- 3 10 of this act;
- 4 (6 5) Bus license plates issued pursuant to section 60-3,144;
- 5 (7 6) Commercial motor vehicle license plates issued pursuant to
- 6 section 60-3,147;
- 7 (8 7) Dealer or manufacturer license plates issued pursuant to
- 8 sections 60-3,114 and 60-3,115;
- 9 (9 8) Disabled veteran license plates issued pursuant to section
- 10 60-3,124;
- 11 (10 9) Farm trailer license plates issued pursuant to section
- 12 60-3,151;
- 13 (11 10) Farm truck license plates issued pursuant to section
- 14 60-3,146;
- 15 (12 11) Farm trucks with a gross weight of over sixteen tons license
- 16 plates issued pursuant to section 60-3,146;
- 17 (13 12) Fertilizer trailer license plates issued pursuant to section
- 18 60-3,151;
- 19 (14 13) Gold Star Family license plates issued pursuant to sections
- 20 60-3,122.01 and 60-3,122.02;
- 21 (15 14) Handicapped or disabled person license plates issued
- 22 pursuant to section 60-3,113;
- 23 (16 15) Historical vehicle license plates issued pursuant to
- 24 sections 60-3,130 to 60-3,134;
- 25 (17 16) Local truck license plates issued pursuant to section
- 26 60-3,145;
- 27 (18 17) Military Honor Plates issued pursuant to sections
- 28 60-3,122.03 and 60-3,122.04;
- 29 (19 18) Minitruck license plates issued pursuant to section
- 30 60-3,100;
- 31 (20 19) Motor vehicle license plates for motor vehicles owned or

1 operated by the state, counties, municipalities, or school districts  
2 issued pursuant to section 60-3,105;

3 (21 ~~20~~) Motor vehicles exempt pursuant to section 60-3,107;

4 (22 ~~21~~) Motorcycle license plates issued pursuant to section  
5 60-3,100;

6 (23 ~~22~~) Nebraska Cornhusker Spirit Plates issued pursuant to  
7 sections 60-3,127 to 60-3,129;

8 (24 ~~23~~) Nebraska 150 Sesquicentennial Plates issued pursuant to  
9 sections 60-3,223 to 60-3,225;

10 (25 ~~24~~) Nonresident owner thirty-day license plates issued pursuant  
11 to section 60-382;

12 (26 ~~25~~) Passenger car having a seating capacity of ten persons or  
13 less and not used for hire issued pursuant to section 60-3,143 other than  
14 autocycles;

15 (27 ~~26~~) Passenger car having a seating capacity of ten persons or  
16 less and used for hire issued pursuant to section 60-3,143 other than  
17 autocycles;

18 (28 ~~27~~) Pearl Harbor license plates issued pursuant to section  
19 60-3,122;

20 (29 ~~28~~) Personal-use dealer license plates issued pursuant to  
21 section 60-3,116;

22 (30 ~~29~~) Personalized message license plates for motor vehicles and  
23 cabin trailers, except commercial motor vehicles registered for over ten  
24 tons gross weight, issued pursuant to sections 60-3,118 to 60-3,121;

25 (31 ~~30~~) Prisoner-of-war license plates issued pursuant to section  
26 60-3,123;

27 (32 ~~31~~) Purple Heart license plates issued pursuant to section  
28 60-3,125;

29 (33 ~~32~~) Recreational vehicle license plates issued pursuant to  
30 section 60-3,151;

31 (34 ~~33~~) Repossession license plates issued pursuant to section

1 60-375;

2 (35 34) Special interest motor vehicle license plates issued  
3 pursuant to section 60-3,135.01;

4 (36 35) Specialty license plates issued pursuant to sections  
5 60-3,104.01 and 60-3,104.02;

6 (37 36) Trailer license plates issued for trailers owned or operated  
7 by the state, counties, municipalities, or school districts issued  
8 pursuant to section 60-3,106;

9 (38 37) Trailer license plates issued pursuant to section 60-3,100;

10 (39 38) Trailers exempt pursuant to section 60-3,108;

11 (40 39) Transporter license plates issued pursuant to section  
12 60-378;

13 (41 40) Trucks or combinations of trucks, truck-tractors, or  
14 trailers which are not for hire and engaged in soil and water  
15 conservation work and used for the purpose of transporting pipe and  
16 equipment exclusively used by such contractors for soil and water  
17 conservation construction license plates issued pursuant to section  
18 60-3,149;

19 (42 41) Utility trailer license plates issued pursuant to section  
20 60-3,151; and

21 (43 42) Well-boring apparatus and well-servicing equipment license  
22 plates issued pursuant to section 60-3,109.

23 Sec. 7. Section 60-3,104.02, Reissue Revised Statutes of Nebraska,  
24 is amended to read:

25 60-3,104.02 (1) ~~The On or before January 1, 2011,~~ the department  
26 shall issue ~~begin issuing~~ specialty license plates for any organization  
27 which certifies that it meets the requirements of this section. The  
28 department shall work with the organization to design the plates.

29 (2) The department shall make applications available pursuant to  
30 section 60-3,104.01 for each type of specialty license plate when it is  
31 designed. The department shall not manufacture specialty license plates

1 for an organization until the department has received two ~~five~~ hundred  
2 fifty ~~prepaid~~ applications for specialty license plates designed for that  
3 organization. The department may revoke the approval for an  
4 organization's specialty license plate if the total number of registered  
5 vehicles that obtained such plate is less than two ~~five~~ hundred fifty  
6 within three years after receiving approval.

7 (3) In order to have specialty license plates designed and  
8 manufactured, an organization shall furnish the department with the  
9 following:

10 (a) A copy of its articles of incorporation and, if the organization  
11 consists of a group of nonprofit corporations, a copy for each  
12 organization;

13 (b) A copy of its charter or bylaws and, if the organization  
14 consists of a group of nonprofit corporations, a copy for each  
15 organization;

16 (c) Any Internal Revenue Service rulings of the organization's  
17 nonprofit tax-exempt status and, if the organization consists of a group  
18 of nonprofit corporations, a copy for each organization;

19 (d) A copy of a certificate of existence on file with the Secretary  
20 of State under the Nebraska Nonprofit Corporation Act;

21 (e) Two ~~Five~~ hundred fifty ~~prepaid~~ applications for the speciality  
22 license plates; and

23 (f) A completed application for the issuance of the plates on a form  
24 provided by the department certifying that the organization meets the  
25 following requirements:

26 (i) The organization is a nonprofit corporation or a group of  
27 nonprofit corporations with a common purpose;

28 (ii) The primary activity or purpose of the organization serves the  
29 community, contributes to the welfare of others, and is not offensive or  
30 discriminatory in its purpose, nature, activity, or name;

31 (iii) The name and purpose of the organization does not promote any

1 specific product or brand name that is on a product provided for sale;

2 (iv) The organization is authorized to use any name, logo, or  
3 graphic design suggested for the design of the plates;

4 (v) No infringement or violation of any property right will result  
5 from such use of such name, logo, or graphic design; and

6 (vi) The organization will hold harmless the State of Nebraska and  
7 its employees and agents for any liability which may result from any  
8 infringement or violation of a property right based on the use of such  
9 name, logo, or graphic design.

10 (4) The department may adopt and promulgate rules and regulations to  
11 carry out this section.

12 Sec. 8. Section 60-3,130.04, Revised Statutes Supplement, 2015, is  
13 amended to read:

14 60-3,130.04 (1) An owner of a historical vehicle eligible for  
15 registration under section 60-3,130 may use a license plate or plates  
16 designed by this state in the year corresponding to the model year when  
17 the vehicle was manufactured in lieu of the plates designed pursuant to  
18 section 60-3,130.03 subject to the approval of the department. The  
19 department shall inspect the plate or plates and may approve the plate or  
20 plates if it is determined that the model-year license plate or plates  
21 are legible and serviceable and that the license plate numbers do not  
22 conflict with or duplicate other numbers assigned and in use. An  
23 original-issued license plate or plates that have been restored to  
24 original condition may be used when approved by the department.

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

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

1 (4) License plates used pursuant to this section corresponding to  
2 the year of manufacture of the vehicle shall not be personalized message  
3 license plates, Pearl Harbor license plates, prisoner-of-war license  
4 plates, disabled veteran license plates, Purple Heart license plates,  
5 amateur radio station license plates, Nebraska Cornhusker Spirit Plates,  
6 handicapped or disabled person license plates, specialty license plates,  
7 special interest motor vehicle license plates, Military Honor Plates, or  
8 Nebraska 150 Sesquicentennial Plates, or Breast Cancer Awareness Plates.

9 Sec. 9. (1) The department shall design license plates to be known  
10 as Breast Cancer Awareness Plates. The design shall include a pink ribbon  
11 and the words "early detection saves lives" along the bottom of the  
12 plate.

13 (2) The design shall be selected on the basis of limiting the  
14 manufacturing cost of each plate to an amount less than or equal to the  
15 amount charged for license plates pursuant to section 60-3,102. The  
16 department shall make applications available for this type of plate when  
17 it is designed.

18 (3) One type of plate under this section shall be alphanumeric  
19 plates. The department shall:

20 (a) Assign a designation up to five characters; and

21 (b) Not use a county designation.

22 (4) One type of plate under this section shall be personalized  
23 message plates. Such plates shall be issued subject to the same  
24 conditions specified for personalized message license plates in section  
25 60-3,118, except that a maximum of five characters may be used.

26 Sec. 10. (1) Beginning January 1, 2017, a person may apply to the  
27 department for Breast Cancer Awareness Plates in lieu of regular license  
28 plates on an application prescribed and provided by the department for  
29 any motor vehicle, trailer, or semitrailer, except for a motor vehicle or  
30 trailer registered under section 60-3,198. An applicant receiving a plate  
31 under this section for a farm truck with a gross weight of over sixteen

1 tons shall affix the appropriate tonnage decal to the plate. The  
2 department shall make forms available for such applications through the  
3 county treasurers.

4 (2) In addition to all other fees required for registration under  
5 the Motor Vehicle Registration Act, each application for initial issuance  
6 or renewal of personalized message Breast Cancer Awareness Plates shall  
7 be accompanied by a fee of forty dollars. No such additional fee shall be  
8 due for the initial issuance or renewal of alphanumeric Breast Cancer  
9 Awareness Plates. County treasurers collecting fees pursuant to this  
10 subsection shall remit them to the State Treasurer. The State Treasurer  
11 shall credit twenty-five percent of the fee to the Highway Trust Fund and  
12 seventy-five percent of the fee to the Department of Motor Vehicles Cash  
13 Fund.

14 (3) When the department receives an application for Breast Cancer  
15 Awareness Plates, the department shall deliver the plates to the county  
16 treasurer of the county in which the motor vehicle or trailer is  
17 registered. The county treasurer shall issue plates under this section in  
18 lieu of regular license plates when the applicant complies with the other  
19 provisions of the Motor Vehicle Registration Act for registration of the  
20 motor vehicle or trailer. If Breast Cancer Awareness Plates are lost,  
21 stolen, or mutilated, the licensee shall be issued replacement license  
22 plates upon request pursuant to section 60-3,157.

23 (4) The owner of a motor vehicle or trailer bearing Breast Cancer  
24 Awareness Plates may apply to the county treasurer to have such plates  
25 transferred to a motor vehicle or trailer other than the motor vehicle or  
26 trailer for which such plates were originally purchased if such motor  
27 vehicle or trailer is owned by the owner of the plates. The owner may  
28 have the unused portion of the fee for the plates credited to the other  
29 motor vehicle or trailer which will bear the plates at the rate of eight  
30 and one-third percent per month for each full month left in the  
31 registration period. Application for such transfer shall be accompanied

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

4       Sec. 11. Section 60-3,186, Revised Statutes Cumulative Supplement,  
5 2014, is amended to read:

6       60-3,186 (1) The department shall annually determine the motor  
7 vehicle tax on each motor vehicle registered pursuant to section 60-3,187  
8 and shall cause a notice of the amount to be delivered to the registrant.  
9 The notice may be delivered to the registrant at the address shown upon  
10 his or her registration certificate or the registrant's most recent  
11 address according to information received by the department from the  
12 National Change of Address program of the United States Postal Service or  
13 delivered electronically to the registrant if the registrant has provided  
14 electronic contact information to the department. The notice shall be  
15 provided on or before the first day of the last month of the registration  
16 period.

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

25       (b) After retaining one percent of the motor vehicle tax proceeds  
26 collected for costs incurred by the county treasurer, and after  
27 transferring one percent of the motor vehicle tax proceeds collected to  
28 the State Treasurer for credit to the Vehicle Title and Registration  
29 System Replacement and Maintenance Cash Fund, the remaining motor vehicle  
30 tax proceeds shall be allocated to each county, local school system,  
31 school district, city, and village in the tax district in which the motor

1 vehicle has situs.

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

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

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

15 Sec. 12. Section 60-3,202, Revised Statutes Cumulative Supplement,  
16 2014, is amended to read:

17 60-3,202 (1) As registration fees are received by the Division of  
18 Motor Carrier Services of the department pursuant to section 60-3,198,  
19 the division shall remit the fees to the State Treasurer, less a  
20 collection fee of three percent of thirty percent of the registration  
21 fees collected. The collection fee shall be credited to the Department of  
22 Revenue Property Assessment Division Cash Fund. The State Treasurer shall  
23 credit the remainder of the thirty percent of the fees collected to the  
24 Motor Vehicle Tax Fund and the remaining seventy percent of the fees  
25 collected to the Highway Trust Fund.

26 (2) On or before the last day of each quarter of the calendar year,  
27 the State Treasurer shall distribute all funds in the Motor Vehicle Tax  
28 Fund to the county treasurer of each county in the same proportion as the  
29 number of original ~~motor~~ apportionable vehicle registrations in each  
30 county bears to the total of all original registrations within the state  
31 in the registration year immediately preceding.

1 (3) Upon receipt of motor vehicle tax funds from the State  
2 Treasurer, the county treasurer shall distribute such funds to taxing  
3 agencies within the county in the same proportion that the levy of each  
4 such taxing agency bears to the total of such levies of all taxing  
5 agencies in the county.

6 (4) In the event any taxing district has been annexed, merged,  
7 dissolved, or in any way absorbed into another taxing district, any  
8 apportionment of motor vehicle tax funds to which such taxing district  
9 would have been entitled shall be apportioned to the successor taxing  
10 district which has assumed the functions of the annexed, merged,  
11 dissolved, or absorbed taxing district.

12 (5) On or before March 1 of each year, the department shall furnish  
13 to the State Treasurer a tabulation showing the total number of original  
14 ~~motor apportionable~~ vehicle registrations in each county for the  
15 immediately preceding calendar year, which shall be the basis for  
16 computing the distribution of motor vehicle tax funds as provided in  
17 subsection (2) of this section.

18 (6) The Motor Vehicle Tax Fund is created. Any money in the fund  
19 available for investment shall be invested by the state investment  
20 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
21 State Funds Investment Act.

22 Sec. 13. Section 60-462, Revised Statutes Supplement, 2015, is  
23 amended to read:

24 60-462 Sections 60-462 to 60-4,189 and section 15 of this act shall  
25 be known and may be cited as the Motor Vehicle Operator's License Act.

26 Sec. 14. Section 60-4,131, Revised Statutes Cumulative Supplement,  
27 2014, is amended to read:

28 60-4,131 ~~(1)(a) This subsection applies until July 8, 2015.~~  
29 ~~Sections 60-462.01 and 60-4,132 to 60-4,172 shall apply to the operation~~  
30 ~~of any commercial motor vehicle.~~

31 ~~(b) For purposes of such sections:~~

1           ~~(i) Disqualification means:~~

2           ~~(A) The suspension, revocation, cancellation, or any other~~  
3 ~~withdrawal by a state of a person's privilege to operate a commercial~~  
4 ~~motor vehicle;~~

5           ~~(B) A determination by the Federal Motor Carrier Safety~~  
6 ~~Administration, under the rules of practice for motor carrier safety~~  
7 ~~contained in 49 C.F.R. part 386, that a person is no longer qualified to~~  
8 ~~operate a commercial motor vehicle under 49 C.F.R. part 391; or~~

9           ~~(C) The loss of qualification which automatically follows conviction~~  
10 ~~of an offense listed in 49 C.F.R. 383.51;~~

11           ~~(ii) Downgrade means the state:~~

12           ~~(A) Allows the driver of a commercial motor vehicle to change his or~~  
13 ~~her self-certification to interstate, but operating exclusively in~~  
14 ~~transportation or operation excepted from 49 C.F.R. part 391, as provided~~  
15 ~~in 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3;~~

16           ~~(B) Allows the driver of a commercial motor vehicle to change his or~~  
17 ~~her self-certification to intrastate only, if the driver qualifies under~~  
18 ~~a state's physical qualification requirements for intrastate only;~~

19           ~~(C) Allows the driver of a commercial motor vehicle to change his or~~  
20 ~~her certification to intrastate, but operating exclusively in~~  
21 ~~transportation or operations excepted from all or part of a state driver~~  
22 ~~qualification requirement; or~~

23           ~~(D) Removes the commercial driver's license privilege from the~~  
24 ~~operator's license;~~

25           ~~(iii) Employee means any operator of a commercial motor vehicle,~~  
26 ~~including full time, regularly employed drivers; casual, intermittent, or~~  
27 ~~occasional drivers; and leased drivers and independent, owner-operator~~  
28 ~~contractors, while in the course of operating a commercial motor vehicle,~~  
29 ~~who are either directly employed by or under lease to an employer;~~

30           ~~(iv) Employer means any person, including the United States, a~~  
31 ~~state, the District of Columbia, or a political subdivision of a state,~~

1 ~~that owns or leases a commercial motor vehicle or assigns employees to~~  
2 ~~operate a commercial motor vehicle;~~

3 ~~(v) Endorsement means an authorization to an individual's commercial~~  
4 ~~driver's license required to permit the individual to operate certain~~  
5 ~~types of commercial motor vehicles;~~

6 ~~(vi) Medical examiner means for medical examinations conducted on~~  
7 ~~and after May 21, 2014, an individual certified by the Federal Motor~~  
8 ~~Carrier Safety Administration and listed on the National Registry of~~  
9 ~~Certified Medical Examiners in accordance with 49 C.F.R. part 390,~~  
10 ~~subpart D;~~

11 ~~(vii) Medical examiner's certificate means a form meeting the~~  
12 ~~requirements of 49 C.F.R. 391.43 issued by a medical examiner in~~  
13 ~~compliance with such regulation;~~

14 ~~(viii) Medical variance means the Federal Motor Carrier Safety~~  
15 ~~Administration has provided a driver with either an exemption letter~~  
16 ~~permitting operation of a commercial motor vehicle pursuant to 49 C.F.R.~~  
17 ~~381, subpart C, or 49 C.F.R. 391.64 or a Skill Performance Evaluation~~  
18 ~~Certificate permitting operation of a commercial motor vehicle pursuant~~  
19 ~~to 49 C.F.R. 391.49;~~

20 ~~(ix) Representative vehicle means a motor vehicle which represents~~  
21 ~~the type of motor vehicle that a driver applicant operates or expects to~~  
22 ~~operate;~~

23 ~~(x) State means a state of the United States and the District of~~  
24 ~~Columbia;~~

25 ~~(xi) State of domicile means that state where a person has his or~~  
26 ~~her true, fixed, and permanent home and principal residence and to which~~  
27 ~~he or she has the intention of returning whenever he or she is absent;~~

28 ~~(xii) Tank vehicle means any commercial motor vehicle that is~~  
29 ~~designed to transport any liquid or gaseous materials within a tank that~~  
30 ~~is either permanently or temporarily attached to the vehicle or the~~  
31 ~~chassis. Such vehicle includes, but is not limited to, a cargo tank and a~~

1 ~~portable tank, as defined in 49 C.F.R. part 171. However, this definition~~  
2 ~~does not include a portable tank that has a rated capacity under one~~  
3 ~~thousand gallons;~~

4 ~~(xiii) United States means the fifty states and the District of~~  
5 ~~Columbia; and~~

6 ~~(xiv) Vehicle group means a class or type of vehicle with certain~~  
7 ~~operating characteristics.~~

8 ~~(1) (2)(a) This subsection applies beginning July 8, 2015. Sections~~  
9 ~~60-462.01 and 60-4,132 to 60-4,172 and section 15 of this act shall apply~~  
10 ~~to the operation of any commercial motor vehicle.~~

11 ~~(2 b) For purposes of such sections:~~

12 ~~(a i) Disqualification means:~~

13 ~~(i A) The suspension, revocation, cancellation, or any other~~  
14 ~~withdrawal by a state of a person's privilege to operate a commercial~~  
15 ~~motor vehicle;~~

16 ~~(ii B) A determination by the Federal Motor Carrier Safety~~  
17 ~~Administration, under the rules of practice for motor carrier safety~~  
18 ~~contained in 49 C.F.R. part 386, that a person is no longer qualified to~~  
19 ~~operate a commercial motor vehicle under 49 C.F.R. part 391; or~~

20 ~~(iii C) The loss of qualification which automatically follows~~  
21 ~~conviction of an offense listed in 49 C.F.R. 383.51;~~

22 ~~(b ii) Downgrade means the state:~~

23 ~~(i A) Allows the driver of a commercial motor vehicle to change his~~  
24 ~~or her self-certification to interstate, but operating exclusively in~~  
25 ~~transportation or operation excepted from 49 C.F.R. part 391, as provided~~  
26 ~~in 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3;~~

27 ~~(ii B) Allows the driver of a commercial motor vehicle to change his~~  
28 ~~or her self-certification to intrastate only, if the driver qualifies~~  
29 ~~under a state's physical qualification requirements for intrastate only;~~

30 ~~(iii C) Allows the driver of a commercial motor vehicle to change~~  
31 ~~his or her certification to intrastate, but operating exclusively in~~

1 transportation or operations excepted from all or part of a state driver  
2 qualification requirement; or

3 (iv ~~Ø~~) Removes the commercial driver's license privilege from the  
4 operator's license;

5 (c ~~iii~~) Employee means any operator of a commercial motor vehicle,  
6 including full time, regularly employed drivers; casual, intermittent, or  
7 occasional drivers; and leased drivers and independent, owner-operator  
8 contractors, while in the course of operating a commercial motor vehicle,  
9 who are either directly employed by or under lease to an employer;

10 (d ~~iv~~) Employer means any person, including the United States, a  
11 state, the District of Columbia, or a political subdivision of a state,  
12 that owns or leases a commercial motor vehicle or assigns employees to  
13 operate a commercial motor vehicle;

14 (e ~~v~~) Endorsement means an authorization to an individual's CLP-  
15 commercial learner's permit or commercial driver's license required to  
16 permit the individual to operate certain types of commercial motor  
17 vehicles;

18 (f ~~vi~~) Foreign means outside the fifty United States and the  
19 District of Columbia;

20 (g ~~vii~~) Imminent hazard means the existence of a condition relating  
21 to hazardous material that presents a substantial likelihood that death,  
22 serious illness, severe personal injury, or a substantial endangerment to  
23 health, property, or the environment may occur before the reasonably  
24 foreseeable completion date of a formal proceeding begun to lessen the  
25 risk of that death, illness, injury, or endangerment;

26 (h ~~viii~~) Issue and issuance means initial issuance, transfer,  
27 renewal, or upgrade of a CLP-commercial learner's permit, commercial  
28 driver's license, nondomiciled CLP-commercial learner's permit, or  
29 nondomiciled commercial driver's license, as described in 49 C.F.R.  
30 383.73;

31 (i ~~ix~~) Medical examiner means an individual certified by the Federal

1 Motor Carrier Safety Administration and listed on the National Registry  
2 of Certified Medical Examiners in accordance with 49 C.F.R. part 390,  
3 subpart D;

4 (j ~~x~~) Medical examiner's certificate means a form meeting the  
5 requirements of 49 C.F.R. 391.43 issued by a medical examiner in  
6 compliance with such regulation;

7 (k ~~xi~~) Medical variance means the Federal Motor Carrier Safety  
8 Administration has provided a driver with either an exemption letter  
9 permitting operation of a commercial motor vehicle pursuant to 49 C.F.R.  
10 381, subpart C, or 49 C.F.R. 391.64 or a Skill Performance Evaluation  
11 Certificate permitting operation of a commercial motor vehicle pursuant  
12 to 49 C.F.R. 391.49;

13 (l ~~xii~~) Nondomiciled CLP-commercial learner's permit or nondomiciled  
14 commercial driver's license means a CLP-commercial learner's permit or  
15 commercial driver's license, respectively, issued by this state or other  
16 jurisdiction under either of the following two conditions:

17 (i A) To an individual domiciled in a foreign country meeting the  
18 requirements of 49 C.F.R. 383.23(b)(1); and

19 (ii B) To an individual domiciled in another state meeting the  
20 requirements of 49 C.F.R. 383.23(b)(2);

21 (m ~~xiii~~) Representative vehicle means a motor vehicle which  
22 represents the type of motor vehicle that a driver applicant operates or  
23 expects to operate;

24 (n ~~xiv~~) State means a state of the United States and the District of  
25 Columbia;

26 (o ~~xv~~) State of domicile means that state where a person has his or  
27 her true, fixed, and permanent home and principal residence and to which  
28 he or she has the intention of returning whenever he or she is absent;

29 (p ~~xvi~~) Tank vehicle means any commercial motor vehicle that is  
30 designed to transport any liquid or gaseous materials within a tank or  
31 tanks that have an individual rated capacity of more than one hundred

1 nineteen gallons and an aggregate rated capacity of one thousand gallons  
2 or more and that are either permanently or temporarily attached to the  
3 vehicle or the chassis. A commercial motor vehicle transporting an empty  
4 storage container tank, not designed for transportation, with a rated  
5 capacity of one thousand gallons or more that is temporarily attached to  
6 a flatbed trailer is not considered a tank vehicle;

7 (q ~~xvii~~) Third-party skills test examiner means a person employed by  
8 a third-party tester who is authorized by this state to administer the  
9 commercial driver's license skills tests specified in 49 C.F.R. part 383,  
10 subparts G and H;

11 (r ~~xviii~~) Third-party tester means a person, including, but not  
12 limited to, another state, a motor carrier, a private driver training  
13 facility or other private institution, or a department, agency, or  
14 instrumentality of a local government, authorized by this state to employ  
15 skills test examiners to administer the commercial driver's license  
16 skills tests specified in 49 C.F.R. part 383, subparts G and H;

17 (s ~~xix~~) United States means the fifty states and the District of  
18 Columbia; and

19 (t ~~xx~~) Vehicle group means a class or type of vehicle with certain  
20 operating characteristics.

21 Sec. 15. (1) The department may develop and offer methods for  
22 successful applicants to obtain commercial drivers' licenses  
23 electronically and for the electronic renewal and replacement of  
24 commercial drivers' licenses and CLP-commercial learners' permits.

25 (2)(a) An applicant who has successfully passed the knowledge and  
26 skills tests for a commercial driver's license pursuant to section  
27 60-4,149 and who has a digital image and digital signature preserved in  
28 the digital system that is not more than ten years old may obtain a  
29 commercial driver's license using the preserved digital image and digital  
30 signature by electronic means in a manner prescribed by the department  
31 pursuant to this subsection.

1       (b) To be eligible to obtain a license pursuant to this subsection:

2       (i) There must have been no changes to the applicant's name since  
3 his or her most recent application for a CLP-commercial learner's permit;

4       (ii) The new license must not contain a hazardous materials  
5 endorsement;

6       (iii) The applicant must meet the requirements of section 60-4,144  
7 and submit the information and documentation and make the certifications  
8 required under section 60-4,144; and

9       (iv) The applicant must satisfy any other eligibility criteria that  
10 the department may prescribe pursuant to subsection (6) of this section.

11       (c) The successful applicant shall pay the fee and surcharge  
12 prescribed in section 60-4,115. Upon receipt of such fee and surcharge  
13 and an application it deems satisfactory, the department shall deliver  
14 the license by mail.

15       (3)(a) An applicant whose commercial driver's license or CLP-  
16 commercial learner's permit expires prior to his or her seventy-second  
17 birthday and who has a digital image and digital signature preserved in  
18 the digital system may, once every ten years, renew such license or  
19 permit using the preserved digital image and digital signature by  
20 electronic means in a manner prescribed by the department pursuant to  
21 this subsection.

22       (b) To be eligible for renewal under this subsection:

23       (i) The renewal must be prior to or within one year after expiration  
24 of such license or permit;

25       (ii) The driving record abstract maintained in the department's  
26 computerized records must show that such license or permit is not  
27 suspended, revoked, canceled, or disqualified;

28       (iii) There must be no changes to the applicant's name or to the  
29 class, endorsements, or restrictions on such license or permit;

30       (iv) The applicant must not hold a hazardous materials endorsement  
31 or must relinquish such endorsement;

1       (v) The applicant must meet the requirements of section 60-4,144 and  
2 submit the information and documentation and make the certifications  
3 required under section 60-4,144; and

4       (vi) The applicant must satisfy any other eligibility criteria that  
5 the department may prescribe pursuant to subsection (6) of this section.

6       (c) Every applicant seeking renewal of his or her commercial  
7 driver's license or CLP-commercial learner's permit must apply for  
8 renewal in person at least once every ten years and have a new digital  
9 image and digital signature captured.

10       (d) An applicant seeking renewal under this subsection (3) shall pay  
11 the fee and surcharge prescribed in section 60-4,115. Upon receipt of  
12 such fee and surcharge and an application it deems satisfactory, the  
13 department shall deliver the renewal license or permit by mail.

14       (4)(a) Any person holding a commercial driver's license or CLP-  
15 commercial learner's permit who has a digital image and digital signature  
16 not more than ten years old preserved in the digital system and who loses  
17 his or her license or permit, who requires issuance of a replacement  
18 license or permit because of a change of address, or whose license or  
19 permit is mutilated or unreadable may obtain a replacement commercial  
20 driver's license or CLP-commercial learner's permit using the preserved  
21 digital image and digital signature by electronic means in a manner  
22 prescribed by the department pursuant to this subsection.

23       (b) To be eligible to obtain a replacement license or permit  
24 pursuant to this subsection:

25       (i) There must be no changes to the applicant's name and no changes  
26 to the class, endorsements, or restrictions on such license or permit;

27       (ii) The applicant must meet the requirements of section 60-4,144  
28 and submit the information and documentation and make the certifications  
29 required under section 60-4,144; and

30       (iii) The applicant must satisfy any other eligibility criteria that  
31 the department may prescribe pursuant to subsection (6) of this section.

1       (c) An application for a replacement license or permit because of a  
2 change of address shall be made within sixty days after the change of  
3 address.

4       (d) An applicant seeking replacement under this subsection (4) shall  
5 pay the fee and surcharge prescribed in section 60-4,115. Upon receipt of  
6 such fee and surcharge and an application it deems satisfactory, the  
7 department shall deliver the replacement license or permit by mail. The  
8 replacement license or permit shall be subject to the provisions of  
9 subsection (4) of section 60-4,150.

10       (5) An application to obtain a commercial driver's license or to  
11 renew or replace a commercial driver's license or CLP-commercial  
12 learner's permit because of a change of name may not be made  
13 electronically pursuant to this section and shall be made in person at a  
14 licensing station within sixty days after the change of name.

15       (6) The department may adopt and promulgate rules and regulations  
16 governing eligibility for the use of electronic methods for successful  
17 applicants to obtain commercial drivers' licenses and for the renewal and  
18 replacement of commercial drivers' licenses and CLP-commercial learners'  
19 permits, taking into consideration medical and vision requirements,  
20 safety concerns, and any other factors consistent with the purposes of  
21 the Motor Vehicle Operator's License Act that the director deems  
22 relevant.

23       Sec. 16. Section 60-4,146, Revised Statutes Cumulative Supplement,  
24 2014, is amended to read:

25       60-4,146 (1) In addition to certifying himself or herself under this  
26 section, an applicant shall also certify himself or herself under section  
27 60-4,144.01.

28       (2) Upon making application pursuant to section 60-4,144 or section  
29 15 of this act, any applicant who operates or expects to operate a  
30 commercial motor vehicle in interstate or foreign commerce and who is not  
31 subject to 49 C.F.R. part 391 shall certify that he or she is not subject

1 to 49 C.F.R. part 391. Any applicant making certification pursuant to  
2 this subsection shall meet the physical and vision requirements  
3 established in section 60-4,118 and shall be subject to the provisions of  
4 such section relating to the Health Advisory Board.

5 (3) Upon making application pursuant to section 60-4,144 or section  
6 15 of this act, any applicant who operates or expects to operate a  
7 commercial motor vehicle solely in intrastate commerce and who is subject  
8 to 49 C.F.R. part 391 adopted pursuant to section 75-363 shall certify  
9 that the applicant meets the qualification requirements of 49 C.F.R. part  
10 391.

11 (4) Upon making application for a CLP-commercial learner's permit or  
12 commercial driver's license, any applicant who operates or expects to  
13 operate a commercial motor vehicle solely in intrastate commerce and who  
14 is not subject to 49 C.F.R. part 391 adopted pursuant to section 75-363  
15 shall certify that he or she is not subject to 49 C.F.R. part 391. Any  
16 applicant making certification pursuant to this subsection shall meet the  
17 physical and vision requirements established in section 60-4,118 and  
18 shall be subject to the provisions of such section relating to the Health  
19 Advisory Board.

20 (5) An applicant who certifies that he or she is not subject to 49  
21 C.F.R. part 391 under subsection (2) or (4) of this section shall answer  
22 the following questions on the application:

23 (a) Have you within the last three months (e.g. due to diabetes,  
24 epilepsy, mental illness, head injury, stroke, heart condition,  
25 neurological disease, etc.):

26 (i) lost voluntary control or consciousness ... yes ... no

27 (ii) experienced vertigo or multiple episodes of dizziness or  
28 fainting ... yes ... no

29 (iii) experienced disorientation ... yes ... no

30 (iv) experienced seizures ... yes ... no

31 (v) experienced impairment of memory, memory loss ... yes ... no

1 Please explain: .....

2 (b) Do you experience any condition which affects your ability to  
3 operate a motor vehicle? (e.g. due to loss of, or impairment of, foot,  
4 leg, hand, arm; neurological or neuromuscular disease, etc.) ... yes ...  
5 no

6 Please explain: .....

7 (c) Since the issuance of your last driver's license/permit has your  
8 health or medical condition changed or worsened? ... yes ... no

9 Please explain, including how the above affects your ability to  
10 drive: .....

11 Sec. 17. Section 60-4,148, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 60-4,148 (1) All commercial drivers' licenses shall be issued by the  
14 department as provided in section 60-4,149 and section 15 of this act.  
15 Successful applicants shall pay the fee and surcharge prescribed in  
16 section 60-4,115.

17 (2) Any person making application to add or remove a class of  
18 commercial motor vehicle, any endorsement, or any restriction to or from  
19 a previously issued and outstanding commercial driver's license shall pay  
20 the fee and surcharge prescribed in section 60-4,115. The fee for an  
21 original or renewal seasonal permit to revalidate the restricted  
22 commercial motor vehicle operating privilege to a previously issued and  
23 outstanding restricted commercial driver's license shall be the fee and  
24 surcharge prescribed in section 60-4,115.

25 Sec. 18. Section 60-4,149, Revised Statutes Cumulative Supplement,  
26 2014, is amended to read:

27 60-4,149 (1) The examination for commercial drivers' licenses by the  
28 department shall occur in and for each county of the State of Nebraska.  
29 Each county shall furnish office space for the administration of the  
30 examinations, except that two or more counties may, with the permission  
31 of the director, establish a separate facility to jointly conduct the

1 examinations for such licenses.

2 (2)(a) The segments of the driving skills examination shall be  
3 administered and successfully completed in the following order: Pre-trip  
4 inspection, basic vehicle control skills, and on-road skills. If an  
5 applicant fails one segment of the driving skills examination:

6 (i) The applicant cannot continue to the next segment of the  
7 examination; and

8 (ii) Scores for the passed segments of the examination are only  
9 valid during initial issuance of a CLP-commercial learner's permit. If a  
10 CLP-commercial learner's permit is renewed, all three segments of the  
11 skills examination must be retaken.

12 (b) Passing scores for the knowledge and skills tests must meet the  
13 standards contained in 49 C.F.R. 383.135.

14 (3) Except as provided for in sections 60-4,157 and 60-4,158, all  
15 commercial driver's license examinations shall be conducted by department  
16 personnel designated by the director. Each successful applicant shall be  
17 issued a certificate entitling the applicant to secure a commercial  
18 driver's license. If department personnel refuse to issue such  
19 certificate for cause, he or she shall state such cause in writing and  
20 deliver the same to the applicant. Department personnel shall not be  
21 required to hold a commercial driver's license to administer a driving  
22 skills examination and occupy the seat beside an applicant for a  
23 commercial driver's license.

24 (4) The successful applicant shall, within ten days after renewal or  
25 within twenty-four hours after initial issuance, present his or her  
26 issuance certificate and pay the fee and surcharge as provided in section  
27 60-4,115. A receipt with driving privileges which is valid for up to  
28 thirty days shall be issued. The commercial driver's license shall be  
29 delivered to the applicant as provided in section 60-4,113.

30 (5) In lieu of proceeding under subsection (4) of this section, the  
31 successful applicant may pay the fee and surcharge as provided in section

1 60-4,115 and electronically submit an application prescribed by the  
2 department in a manner prescribed by the department pursuant to section  
3 15 of this act.

4 Sec. 19. Section 60-4,150, Revised Statutes Cumulative Supplement,  
5 2014, is amended to read:

6 60-4,150 (1) Any person holding a commercial driver's license or  
7 CLP-commercial learner's permit who loses his or her license or permit,  
8 who requires issuance of a replacement license or permit because of a  
9 change of name or address, or whose license or permit is mutilated or  
10 unreadable may obtain a replacement commercial driver's license or CLP-  
11 commercial learner's permit by filing an application pursuant to this  
12 section and by furnishing proof of identification in accordance with  
13 section 60-4,144. Any person seeking a replacement license or permit for  
14 such reasons, except because of a change of name, may also obtain a  
15 replacement license or permit by submitting an electronic application  
16 pursuant to section 15 of this act.

17 (2) ~~An~~ The application for a replacement license or permit because  
18 of a change of name or address shall be made within sixty days after the  
19 change of name or address.

20 (3) A replacement commercial driver's license or CLP-commercial  
21 learner's permit issued pursuant to this section shall be delivered to  
22 the applicant as provided in section 60-4,113 after the county treasurer  
23 collects the fee and surcharge prescribed in section 60-4,115 and issues  
24 the applicant a receipt with driving privileges which is valid for up to  
25 thirty days.

26 ~~(4)~~ Replacement commercial drivers' licenses or CLP-commercial learners'  
27 permits issued pursuant to this section shall be issued in the manner  
28 provided for the issuance of original and renewal commercial drivers'  
29 licenses or permits as provided for by section 60-4,149.

30 (4) Upon issuance of any replacement commercial driver's license or  
31 permit, the commercial driver's license or CLP-commercial learner's

1 permit for which the replacement license or permit is issued shall be  
2 void.

3 ~~(5)~~ Each replacement commercial driver's license shall be issued with the  
4 same expiration date as the license for which the replacement is issued.  
5 The replacement license shall also state the new issuance date.

6 Sec. 20. Section 60-601, Revised Statutes Supplement, 2015, is  
7 amended to read:

8 60-601 Sections 60-601 to 60-6,382 and section 22 of this act shall  
9 be known and may be cited as the Nebraska Rules of the Road.

10 Sec. 21. Section 60-681, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 60-681 Local authorities may by ordinance or resolution prohibit the  
13 operation of vehicles upon any highway or impose restrictions as to the  
14 weight of vehicles, for a total period not to exceed one hundred eighty  
15 ~~ninety~~ days in any one calendar year, when operated upon any highway  
16 under the jurisdiction of and for the maintenance of which such local  
17 authorities are responsible whenever any such highway by reason of  
18 deterioration, rain, snow, or other climatic condition will be seriously  
19 damaged or destroyed unless the use of vehicles thereon is prohibited or  
20 the permissible weight thereof reduced. Such local authorities enacting  
21 any such ordinance or resolution shall erect or cause to be erected and  
22 maintained signs designating the provisions of the ordinance or  
23 resolution at each end of that portion of any highway affected thereby,  
24 and the ordinance or resolution shall not be effective until such signs  
25 are erected and maintained.

26 Local authorities may also, by ordinance or resolution, prohibit the  
27 operation of trucks or other commercial vehicles or impose limitations as  
28 to the weight thereof on designated highways, which prohibitions and  
29 limitations shall be designated by appropriate signs placed on such  
30 highways.

31 Sec. 22. (1) An implement of husbandry being operated on any

1 highway of this state, except the National System of Interstate and  
2 Defense Highways, shall be exempt from the weight and load limitations of  
3 subsections (2), (3), and (4) of section 60-6,294 but shall be subject to  
4 any ordinances or resolutions enacted by local authorities pursuant to  
5 section 60-681.

6 (2) An implement of husbandry being operated on any highway of this  
7 state shall not cross any bridge or culvert if the vehicle axle, axle  
8 groupings, or gross weight exceeds the limits established in subsections  
9 (2), (3), and (4) of section 60-6,294 or weight limits established by  
10 bridge postings.

11 (3) For purposes of this section, an implement of husbandry includes  
12 (a) a farm tractor with or without a towed farm implement, (b) a self-  
13 propelled farm implement, (c) self-propelled equipment designed and used  
14 exclusively to carry and apply fertilizer, chemicals, or related products  
15 to agricultural soil or crops, (d) an agricultural floater-spreader  
16 implement as defined in section 60-303, (e) a fertilizer spreader, nurse  
17 tank, or truck permanently mounted with a spreader used for spreading or  
18 injecting water, dust, or liquid fertilizers or agricultural chemicals,  
19 (f) a truck mounted with a spreader used or manufactured to spread or  
20 inject animal manure, and (g) a mixer-feed truck owned and used by a  
21 livestock-raising operation designed for and used for the feeding of  
22 livestock.

23 Sec. 23. Section 60-6,144, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 60-6,144 Use of a freeway and entry thereon by the following shall  
26 be prohibited at all times except by permit from the Department of Roads  
27 or from the local authority in the case of freeways not under the  
28 jurisdiction of the department:

29 (1) Pedestrians except in areas specifically designated for that  
30 purpose;

31 (2) Hitchhikers or walkers;

1 (3) Vehicles not self-propelled;

2 (4) Bicycles, motor-driven cycles, motor scooters not having motors  
3 of more than ten horsepower, and electric personal assistive mobility  
4 devices;

5 (5) Animals led, driven on the hoof, ridden, or drawing a vehicle;

6 (6) Funeral processions;

7 (7) Parades or demonstrations;

8 (8) Vehicles, except emergency vehicles, unable to maintain minimum  
9 speed as provided in the Nebraska Rules of the Road;

10 (9) Construction equipment;

11 (10) Implements of husbandry, whether self-propelled or towed,  
12 except as provided in section 22 of this act;

13 (11) Vehicles with improperly secured attachments or loads;

14 (12) Vehicles in tow, when the connection consists of a chain, rope,  
15 or cable, except disabled vehicles which shall be removed from such  
16 freeway at the nearest interchange;

17 (13) Vehicles with deflated pneumatic, metal, or solid tires or  
18 continuous metal treads except maintenance vehicles;

19 (14) Any person standing on or near a roadway for the purpose of  
20 soliciting or selling to an occupant of any vehicle; or

21 (15) Overdimensional vehicles.

22 Sec. 24. Section 60-6,230, Revised Statutes Supplement, 2015, is  
23 amended to read:

24 60-6,230 (1) Except as provided in this section and sections  
25 ~~60-6,231 to 60-6,233 and subsections (4) and (5) of this section~~, no  
26 person shall operate any motor vehicle or any equipment of any  
27 description on any highway in this state with any rotating or flashing  
28 light.

29 (2) Except for stop lights and directional signals, which may be  
30 red, yellow, or amber, no person shall display any color of light other  
31 than red on the rear of any motor vehicle or any equipment of any kind on

1 any highway within this state.

2 (3) Amber rotating or flashing lights shall be displayed on vehicles  
3 of the Military Department for purpose of convoy control when on any  
4 state emergency mission.

5 (4) A single flashing white light may be displayed on the roof of  
6 school transportation vehicles during extremely adverse weather  
7 conditions.

8 (5) Blue and amber rotating or flashing lights may be displayed on  
9 (a) ~~vehicles used for the movement of snow~~ when operated by the  
10 Department of Roads or any local authority for the inspection,  
11 construction, repair, or maintenance of highways, roads, or streets or  
12 (b) vehicles owned and operated by any public utility for the  
13 construction, maintenance, and repair of utility infrastructure on or  
14 near any highway.

15 Sec. 25. Section 60-6,294, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 60-6,294 (1) Every vehicle, whether operated singly or in a  
18 combination of vehicles, and every combination of vehicles shall comply  
19 with subsections (2) and (3) of this section except as provided in  
20 sections 60-6,294.01 and 60-6,297 and section 22 of this act. The  
21 limitations imposed by this section shall be supplemental to all other  
22 provisions imposing limitations upon the size and weight of vehicles.

23 (2) No wheel of a vehicle or trailer equipped with pneumatic or  
24 solid rubber tires shall carry a gross load in excess of ten thousand  
25 pounds on any highway nor shall any axle carry a gross load in excess of  
26 twenty thousand pounds on any highway. An axle load shall be defined as  
27 the total load transmitted to the highway by all wheels the centers of  
28 which may be included between two parallel transverse vertical planes  
29 forty inches apart extending across the full width of the vehicle.

30 (3) No group of two or more consecutive axles shall carry a load in  
31 pounds in excess of the value given in the following table corresponding

1 to the distance in feet between the extreme axles of the group, measured  
 2 longitudinally to the nearest foot, except that the maximum load carried  
 3 on any group of two or more axles shall not exceed eighty thousand pounds  
 4 on the National System of Interstate and Defense Highways unless the  
 5 Director-State Engineer pursuant to section 60-6,295 authorizes a greater  
 6 weight.

7	Distance in feet	Maximum load in pounds carried					
8	between the	on any group of two or more					
9	extremes of	consecutive axles					
10	any group of						
11	two or more						
12	consecutive	Two	Three	Four	Five	Six	Seven
13	axles	Axles	Axles	Axles	Axles	Axles	Axles
14	4	34,000					
15	5	34,000					
16	6	34,000					
17	7	34,000					
18	8	34,000	42,000				
19	9	39,000	42,500				
20	10	40,000	43,500				
21	11		44,000				
22	12		45,000	50,000			
23	13		45,500	50,500			
24	14		46,500	51,500			
25	15		47,000	52,000			
26	16		48,000	52,500	58,000		
27	17		48,500	53,500	58,500		
28	18		49,500	54,000	59,000		
29	19		50,000	54,500	60,000		
30	20		51,000	55,500	60,500		

1	21	51,500	56,000	61,000		
2	22	52,500	56,500	61,500		
3	23	53,000	57,500	62,500		
4	24	54,000	58,000	63,000		
5	25	54,500	58,500	63,500	69,000	
6	26	55,500	59,500	64,000	69,500	
7	27	56,000	60,000	65,000	70,000	
8	28	57,000	60,500	65,500	71,000	
9	29	57,500	61,500	66,000	71,500	
10	30	58,500	62,000	66,500	72,000	
11	31	59,000	62,500	67,500	72,500	
12	32	60,000	63,500	68,000	73,000	
13	33		64,000	68,500	74,000	
14	34		64,500	69,000	74,500	
15	35		65,500	70,000	75,000	
16	36		66,000	70,500	75,500	
17	37		66,500	71,000	76,000	81,500
18	38		67,500	72,000	77,000	82,000
19	39		68,000	72,500	77,500	82,500
20	40		68,500	73,000	78,000	83,500
21	41		69,500	73,500	78,500	84,000
22	42		70,000	74,000	79,000	84,500
23	43		70,500	75,000	80,000	85,000
24	44		71,500	75,500	80,500	85,500
25	45		72,000	76,000	81,000	86,000
26	46		72,500	76,500	81,500	87,000
27	47		73,500	77,500	82,000	87,500
28	48		74,000	78,000	83,000	88,000
29	49		74,500	78,500	83,500	88,500
30	50		75,500	79,000	84,000	89,000

1	51	76,000	80,000	84,500	89,500
2	52	76,500	80,500	85,000	90,500
3	53	77,500	81,000	86,000	91,000
4	54	78,000	81,500	86,500	91,500
5	55	78,500	82,500	87,000	92,000
6	56	79,500	83,000	87,500	92,500
7	57	80,000	83,500	88,000	93,000
8	58		84,000	89,000	94,000
9	59		85,000	89,500	94,500
10	60		85,500	90,000	95,000

11 (4) The distance between axles shall be measured to the nearest  
12 foot. When a fraction is exactly one-half foot, the next larger whole  
13 number shall be used, except that:

14 (a) Any group of three axles shall be restricted to a maximum load  
15 of thirty-four thousand pounds unless the distance between the extremes  
16 of the first and third axles is at least ninety-six inches in fact; and

17 (b) The maximum gross load on any group of two axles, the distance  
18 between the extremes of which is more than eight feet but less than eight  
19 feet six inches, shall be thirty-eight thousand pounds.

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

25 (6) The weight limitations of wheel and axle loads as defined in  
26 subsections (2) through (4) of this section shall be restricted to the  
27 extent deemed necessary by the Department of Roads for a reasonable  
28 period when road subgrades or pavements are weak or are materially  
29 weakened by climatic conditions.

30 (7) Two consecutive sets of tandem axles may carry a gross load of  
31 thirty-four thousand pounds each when the overall distance between the

1 first and last axles of such consecutive sets of tandem axles is thirty-  
2 six, thirty-seven, or thirty-eight feet except as provided in section  
3 60-6,297. Such vehicles shall be subject to section 60-6,301.

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

8 (9) Vehicles equipped with a greater number of axles than provided  
9 in the tables in subsection (3) of this section shall be legal if they do  
10 not exceed the maximum load upon any wheel or axle, the maximum load upon  
11 any group of two or more consecutive axles, and the total gross weight,  
12 or any of such weights as provided in subsections (2) and (3) of this  
13 section.

14 (10) Subsections (1) through (9) of this section shall not apply to  
15 a vehicle which has been issued a permit pursuant to section 60-6,299,  
16 self-propelled specialized mobile equipment with a fixed load when the  
17 requirements of subdivision (2)(i) of section 60-6,288 are met, or an  
18 emergency vehicle when the requirements of subdivision (1)(a)(v) of  
19 section 60-6,298 are met.

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

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

1 thousand pounds or eight percent of the gross weight of the vehicle or  
2 vehicle combination.

3 (13) The maximum gross weight limit and the axle weight limit for  
4 any vehicle or combination of vehicles equipped with idle reduction  
5 technology may be increased by an amount necessary to compensate for the  
6 additional weight of the idle reduction technology as provided in 23  
7 U.S.C. 127(a)(12), as such section existed on July 18, 2008. The  
8 additional amount of weight allowed by this subsection shall not exceed  
9 four hundred pounds and shall not be construed to be in addition to the  
10 five-percent-in-excess-of-maximum-load provision of subdivision (1) of  
11 section 60-6,301.

12 Sec. 26. Section 60-1403, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 60-1403 (1) The board may:

15 (a) Regulate the issuance and revocation of licenses in accordance  
16 with and subject to the Motor Vehicle Industry Regulation Act;

17 (b) Perform all acts and duties provided for in the act necessary to  
18 the administration and enforcement of the act; and

19 (c) Make and enforce rules and regulations relating to the  
20 administration of but not inconsistent with the act.

21 (2) The board shall adopt a seal, which may be either an engraved or  
22 ink stamp seal, with the words Nebraska Motor Vehicle Industry Licensing  
23 Board and such other devices as the board may desire included on the seal  
24 by which it shall authenticate the acts of its office. Copies of all  
25 records and papers in the office of the board under the hand and seal of  
26 its office shall be received in evidence in all cases equally and with  
27 like effect as the original.

28 (3) Investigators employed by the board may enter upon and inspect  
29 the facilities, the required records, and any vehicles, trailers, or  
30 motorcycles found in any licensed motor vehicle, motorcycle, or trailer  
31 dealer's established place or places of business.

1           (4) With respect to any action taken by the board, if a controlling  
2 number of the members of the board are active participants in the vehicle  
3 market in which the action is taken, the chairperson shall review the  
4 action taken and, upon completion of such review, modify, alter, approve,  
5 or reject the board's action.

6           Sec. 27. Section 60-1438.01, Revised Statutes Cumulative Supplement,  
7 2014, is amended to read:

8           60-1438.01 (1) For purposes of this section, manufacturer or  
9 distributor includes (a) a factory representative or a distributor  
10 representative or (b) a person who is affiliated with a manufacturer or  
11 distributor or who, directly or indirectly through an intermediary, is  
12 controlled by, or is under common control with, the manufacturer or  
13 distributor. A person is controlled by a manufacturer or distributor if  
14 the manufacturer or distributor has the authority directly or indirectly,  
15 by law or by agreement of the parties, to direct or influence the  
16 management and policies of the person. A franchise agreement with a  
17 Nebraska-licensed dealer which conforms to and is subject to the Motor  
18 Vehicle Industry Regulation Act is not control for purposes of this  
19 section.

20           (2) Except as provided in this section, a manufacturer or  
21 distributor shall not directly or indirectly:

22           (a) Own an interest in a franchise, franchisee, or consumer care or  
23 service facility, except that a manufacturer or distributor may hold  
24 stock in a publicly held franchise, franchisee, or consumer care or  
25 service facility so long as the manufacturer or distributor does not by  
26 virtue of holding such stock operate or control the franchise,  
27 franchisee, or consumer care or service facility;

28           (b) Operate or control a franchise, franchisee, or consumer care or  
29 service facility; or

30           (c) Act in the capacity of a franchisee or motor vehicle dealer.

31           (3) A manufacturer or distributor may own an interest in a

1 franchisee or otherwise control a franchise for a period not to exceed  
2 twelve months after the date the manufacturer or distributor acquires the  
3 franchise if:

4 (a) The person from whom the manufacturer or distributor acquired  
5 the franchise was a franchisee; and

6 (b) The franchise is for sale by the manufacturer or distributor.

7 (4) For purposes of broadening the diversity of its franchisees and  
8 enhancing opportunities for qualified persons who lack the resources to  
9 purchase a franchise outright, but for no other purpose, a manufacturer  
10 or distributor may temporarily own an interest in a franchise if the  
11 manufacturer's or distributor's participation in the franchise is in a  
12 bona fide relationship with a franchisee and the franchisee:

13 (a) Has made a significant investment in the franchise, which  
14 investment is subject to loss;

15 (b) Has an ownership interest in the franchise; and

16 (c) Operates the franchise under a plan to acquire full ownership of  
17 the franchise within a reasonable time and under reasonable terms and  
18 conditions.

19 (5) On a showing of good cause by a manufacturer or distributor, the  
20 board may extend the time limit set forth in subsection (3) of this  
21 section. An extension may not exceed twelve months. An application for an  
22 extension after the first extension is granted is subject to protest by a  
23 franchisee of the same line-make whose franchise is located in the same  
24 community as the franchise owned or controlled by the manufacturer or  
25 distributor.

26 (6) The prohibition in subdivision (2)(b) of this section shall not  
27 apply to any manufacturer of manufactured housing, recreational vehicles,  
28 or trailers.

29 (7) The prohibitions set forth in subsection (2) of this section  
30 shall not apply to a manufacturer that:

31 (a) Does not own or operate more than two such dealers or dealership

1 locations in this state;

2 (b) Owned, operated, or controlled a warranty repair or service  
3 facility in this state as of January 1, 2016;

4 (c) Manufactures engines for installation in a motor-driven vehicle  
5 with a gross vehicle weight rating of more than sixteen thousand pounds  
6 for which motor-driven vehicle evidence of title is required as a  
7 condition precedent to registration under the laws of this state, if the  
8 manufacturer is not otherwise a manufacturer of motor vehicles; and

9 (d) Provides to dealers on substantially equal terms access to all  
10 support for completing repairs, including, but not limited to, parts and  
11 assemblies, training and technical service bulletins, and other  
12 information concerning repairs that the manufacturer provides to  
13 facilities owned, operated, or controlled by the manufacturer.

14 Sec. 28. Section 60-1505, Revised Statutes Cumulative Supplement,  
15 2014, is amended to read:

16 60-1505 The Vehicle Title and Registration System Replacement and  
17 Maintenance Cash Fund is hereby created. The fund shall be administered  
18 by the Department of Motor Vehicles. Revenue credited to the fund shall  
19 include fees collected by the department from participation in any  
20 multistate electronic data security program, except as otherwise  
21 specifically provided by law, and funds transferred as provided in  
22 section 60-3,186. The fund shall be used by the department to pay for  
23 costs associated with the acquisition, implementation, maintenance,  
24 support, upgrades, and replacement of the vehicle titling and  
25 registration computer system. Any money in the fund available for  
26 investment shall be invested by the state investment officer pursuant to  
27 the Nebraska Capital Expansion Act and the Nebraska State Funds  
28 Investment Act.

29 Sec. 29. Sections 11, 28, and 31 of this act become operative on  
30 July 1, 2016. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16,  
31 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 30 of this act become

1 operative three calendar months after the adjournment of this legislative  
2 session. The other sections of this act become operative on their  
3 effective date.

4       Sec. 30. Original sections 13-1209, 13-1210, 13-1212, 60-3,104.02,  
5 60-4,148, 60-681, 60-6,144, 60-6,294, and 60-1403, Reissue Revised  
6 Statutes of Nebraska, sections 60-3,202, 60-4,131, 60-4,146, 60-4,149,  
7 60-4,150, and 60-1438.01, Revised Statutes Cumulative Supplement, 2014,  
8 and sections 23-187, 60-301, 60-3,104, 60-3,130.04, 60-462, 60-601, and  
9 60-6,230, Revised Statutes Supplement, 2015, are repealed.

10       Sec. 31. Original sections 60-3,186 and 60-1505, Revised Statutes  
11 Cumulative Supplement, 2014, are repealed.

12       Sec. 32. Since an emergency exists, this act takes effect when  
13 passed and approved according to law.