

AMENDMENTS TO LB 488

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 "Section 1. Section 60-302, Revised Statutes Supplement,
4 2001, is amended to read:

5 60-302. (1) No motor vehicle, trailer, semitrailer, or
6 cabin trailer, unless otherwise expressly provided, shall be
7 operated or parked on the highways of this state unless the vehicle
8 is registered in accordance with Chapter 60, article 3. There
9 shall be a rebuttable presumption that any vehicle stored and kept
10 more than thirty days in the state is being operated or parked on
11 the highways of this state and shall be registered in accordance
12 with Chapter 60, article 3, from the date of title of the motor
13 vehicle or, if no transfer in ownership of the motor vehicle has
14 occurred, from the expiration of the last registration period for
15 which the motor vehicle was registered. Every owner of a vehicle
16 required to be registered shall make application for registration
17 to the county treasurer of the county in which the vehicle has
18 situs as defined in section 60-3001. The application shall be a
19 copy of a certificate of title or, in the case of a renewal of a
20 registration, the application shall be the previous registration
21 period's certificate. A salvage certificate of title as defined in
22 section 60-129 and a nontransferable certificate of title provided
23 for in section 60-131 shall not be valid for registration purposes.

24 (2) An application for registration of a motor vehicle

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

20 (3) Any nonresident owner who desires to register a
21 vehicle or vehicles in this state shall register in the county
22 where the vehicle is domiciled or where the owner conducts a bona
23 fide business.

24 (4) Each new application shall contain, in addition to
25 other information as may be required by the department, the name
26 and post office address of the applicant and a description of the
27 vehicle, including the color, the manufacturer, the identification

1 number, and the weight of the vehicle required by Chapter 60,
2 article 3. With the application the applicant shall pay the proper
3 registration fee as provided in sections 60-305.08 to 60-339 and
4 shall state whether the vehicle is propelled by alternative fuel as
5 defined in section 66-686 and, if alternative fuel, the type of
6 fuel. The form shall also contain a notice that bulk fuel
7 purchasers may be subject to federal excise tax liability. The
8 department shall prescribe a form, containing the notice, for
9 supplying the information for vehicles to be registered. The
10 county treasurer shall include the form in each mailing made
11 pursuant to section 60-3003. The county treasurer or his or her
12 agent shall notify the Motor Fuel Tax Enforcement and Collection
13 Division of the Department of Revenue whenever a vehicle powered by
14 an alternative fuel as defined in section 66-686 is registered.
15 The notification shall include the name and address of the
16 registrant, the date of registration, the type of motor vehicle
17 registered, and the type of alternative fuel used to propel the
18 vehicle as indicated on the registration application.

19 (5) The county treasurer or his or her agent shall
20 collect, in addition to the registration fees, one dollar and fifty
21 cents for each certificate issued and shall remit one dollar and
22 fifty cents of each additional fee collected to the State Treasurer
23 for credit to the Department of Motor Vehicles Cash Fund.

24 (6) The county treasurer or his or her agent shall
25 collect, in addition to other registration fees, fifty cents for
26 each certificate issued and shall remit the fee to the State
27 Treasurer for credit to the Nebraska Emergency Medical System

1 Operations Fund.

2 (7) The county treasurer or his or her agent shall
3 collect, in addition to other registration fees, one dollar and
4 fifty cents for each certificate issued and shall remit the fee to
5 the State Treasurer for credit to the State Recreation Road Fund.

6 (8) If a citation is issued to an owner or operator of a
7 vehicle for a violation of this section and the owner properly
8 registers and licenses the vehicle not in compliance and pays all
9 taxes and fees due and the owner or operator provides proof of such
10 registration to the prosecuting attorney within ten days after the
11 issuance of the citation, no prosecution for the offense cited
12 shall occur.

13 (9) If a county board consolidates services under the
14 office of a designated county official other than the county
15 treasurer pursuant to section 23-186, the powers and duties of the
16 county treasurer relating to registration under sections 60-301 to
17 60-347 and sections 2 to 5 of this act shall be performed by the
18 designated county official.

19 (10) A county treasurer or county official or his or her
20 agent may accept credit cards, charge cards, or debit cards as a
21 means of payment for registration pursuant to section 13-609.

22 (11) Commencing January 1, 2003, the county treasurer or
23 his or her agent shall collect, in addition to the other
24 registration fees, twenty-five cents for each certificate issued to
25 pay for the costs of the motor vehicle insurance data base created
26 under section 2 of this act and shall remit such additional fee to
27 the State Treasurer for credit to the Department of Motor Vehicles

1 Cash Fund.

2 Sec. 2. (1) (a) The motor vehicle insurance data base is
3 created. The Department of Motor Vehicles shall develop and
4 administer the motor vehicle insurance data base which shall
5 include the information provided by insurance companies as required
6 by the department pursuant to sections 2 to 5 of this act. The
7 motor vehicle insurance data base shall be used to facilitate
8 registration of motor vehicles in this state by the department and
9 its agents. The department shall implement the motor vehicle
10 insurance data base no later than July 1, 2004. The Director of
11 Motor Vehicles shall designate the date for the department's
12 implementation of the motor vehicle insurance data base.

13 (b) The department shall adopt and promulgate rules and
14 regulations to carry out sections 2 to 5 of this act. The rules
15 and regulations shall include specifications for the information to
16 be transmitted by the insurance companies to the department for
17 inclusion in the motor vehicle insurance data base, and
18 specifications for the form and manner of transmission of data for
19 inclusion in the motor vehicle insurance data base, as recommended
20 by the Motor Vehicle Insurance Data Base Task Force created in
21 subsection (2) of this section in its report to the department.

22 (2) (a) The Motor Vehicle Insurance Data Base Task Force
23 is created. The Motor Vehicle Insurance Data Base Task Force shall
24 investigate the best practices of the industry and recommend
25 specifications for the information to be transmitted by the
26 insurance companies to the Department of Motor Vehicles for
27 inclusion in the motor vehicle insurance data base and

1 specifications for the form and manner of transmission of data for
2 inclusion in the motor vehicle insurance data base. The Motor
3 Vehicle Insurance Data Base Task Force shall complete a written
4 report of its recommendations and submit the report to the
5 department and file a copy with the Clerk of the Legislature no
6 later than September 30, 2003.

7 (b) The Motor Vehicle Insurance Data Base Task Force
8 shall consist of:

9 (i) The Director of Motor Vehicles or his or her
10 designee;

11 (ii) The Director of Insurance or his or her designee;

12 (iii) The following members who shall be selected by the
13 Director of Insurance:

14 (A) One representative of a domestic automobile insurance
15 company or domestic automobile insurance companies;

16 (B) One representative of an admitted foreign automobile
17 insurance company or admitted foreign automobile insurance
18 companies; and

19 (C) One representative of insurance producers licensed
20 under the laws of this state; and

21 (iv) Four members to be selected by the Director of Motor
22 Vehicles.

23 (c) The requirements of this subsection shall expire on
24 July 1, 2004.

25 Sec. 3. Each insurance company doing business in this
26 state shall provide information shown on each automobile liability
27 policy issued in this state as required by the department pursuant

1 to sections 2 to 5 of this act for inclusion in the motor vehicle
2 insurance data base in a form and manner acceptable to the
3 department. Any person who qualifies as a self-insurer under
4 sections 60-562 to 60-564 or any person who provides financial
5 responsibility under sections 75-348 to 75-358 shall not be
6 required to provide information to the department for inclusion in
7 the motor vehicle insurance data base.

8 Sec. 4. Information provided to the Department of Motor
9 Vehicles by insurance companies for inclusion in the motor vehicle
10 insurance data base created under section 2 of this act is the
11 property of the insurance company and the department, as the case
12 may be. The department may disclose whether an individual has the
13 required insurance coverage pursuant to the Uniform Motor Vehicle
14 Records Disclosure Act, but in no case shall the department provide
15 any person's insurance coverage information for purposes of resale,
16 for purposes of solicitation, or as bulk listings.

17 Sec. 5. (1) The state shall not be liable to any person
18 for gathering, managing, or using information in the motor vehicle
19 insurance data base created under section 2 of this act.

20 (2) No insurance company shall be liable to any person
21 for performing its duties under sections 2 to 4 of this act, unless
22 and to the extent the insurance company commits a willful and
23 wanton act or omission.

24 Sec. 6. Section 60-1515, Revised Statutes Supplement,
25 2001, is amended to read:

26 60-1515. (1) The Legislature hereby finds and declares
27 that a statewide system for the collection, storage, and transfer

1 of data on vehicle titles and registration and the cooperation of
2 state and local government in implementing such a system is
3 essential to the efficient operation of state and local government
4 in vehicle titling and registration. The Legislature hereby finds
5 and declares that the electronic issuance of operators' licenses
6 and state identification cards using a digital system as described
7 in section 60-484.01 and the cooperation of state and local
8 government in implementing such a system is essential to the
9 efficient operation of state and local government in issuing
10 operators' licenses and state identification cards.

11 (2) It is therefor the intent of the Legislature that the
12 Department of Motor Vehicles shall use a portion of the fees
13 appropriated by the Legislature to the Department of Motor Vehicles
14 Cash Fund as follows:

15 (a) To pay for the cost of issuing motor vehicle titles
16 and registrations on a system designated by the department. The
17 costs shall include, but not be limited to, software and software
18 maintenance, programming, processing charges, and equipment
19 including such terminals, printers, or other devices as deemed
20 necessary by the department after consultation with the county to
21 support the issuance of motor vehicle titles and registrations.
22 The costs shall not include the cost of county personnel or
23 physical facilities provided by the counties;

24 (b) To furnish to the counties the certificate of
25 registration forms specified in section 60-312. The certificate of
26 registration form shall be prescribed by the department; ~~and~~

27 (c) To pay for the costs of an operator's license system

1 as specified in section 60-4,119 and section 60-484.01 and
2 designated by the department. The costs shall be limited to such
3 terminals, printers, software, programming, and other equipment or
4 devices as deemed necessary by the department to support the
5 issuance of such licenses and state identification cards in the
6 counties and by the department; and

7 (d) To pay for the motor vehicle insurance data base
8 created under section 2 of this act.

9 Sec. 7. (1) Beginning on the date for the Department of
10 Motor Vehicle's implementation of the motor vehicle insurance data
11 base created under section 2 of this act as designated by the
12 Director of Motor Vehicles pursuant to section 2 of this act, each
13 insurance company doing business in this state shall provide the
14 information as required by the Department of Motor Vehicles
15 pursuant to section 3 of this act for inclusion in the motor
16 vehicle insurance data base created under section 2 of this act.

17 (2) (a) The Director of Insurance shall assess a fine of
18 not more than two hundred fifty dollars against an insurance
19 company for each day such insurance company fails to comply with
20 this section and section 3 of this act.

21 (b) The Director of Insurance shall waive the fine if an
22 insurance company provides proof that its failure to comply with
23 this section and section 3 of this act was inadvertent, accidental,
24 or the result of excusable neglect.

25 Sec. 8. The Revisor of Statutes shall assign sections 2
26 to 5 of this act to Chapter 60, article 3, and section 7 of this
27 act to Chapter 44.

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- 1 Sec. 9. Original sections 60-302 and 60-1515, Revised
- 2 Statutes Supplement, 2001, are repealed.".