

LEGISLATURE OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 488

FINAL READING

Introduced by Landis, 46; Kruse, 13; Redfield, 12

Read first time January 10, 2001

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections 60-302 and
2 60-1515, Revised Statutes Supplement, 2001; to provide
3 for additional registration fees; to create the motor
4 vehicle insurance data base; to provide duties; to
5 provide immunity; to create an unfair insurance trade
6 practice; to create a task force; to harmonize
7 provisions; to provide a duty for the Revisor of
8 Statutes; and to repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-302, Revised Statutes Supplement,
2 2001, is amended to read:

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

22 (2) An application for registration of a motor vehicle
23 shall be accompanied by proof of financial responsibility or
24 evidence of insurance covering the motor vehicle. Proof of
25 financial responsibility shall be evidenced by a copy of proof of
26 financial responsibility filed pursuant to subdivision (2), (3), or
27 (4) of section 60-528 bearing the seal of the Department of Motor
28 Vehicles. Evidence of insurance shall give the effective dates of

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

14 (3) Any nonresident owner who desires to register a
15 vehicle or vehicles in this state shall register in the county
16 where the vehicle is domiciled or where the owner conducts a bona
17 fide business.

18 (4) Each new application shall contain, in addition to
19 other information as may be required by the department, the name
20 and post office address of the applicant and a description of the
21 vehicle, including the color, the manufacturer, the identification
22 number, and the weight of the vehicle required by Chapter 60,
23 article 3. With the application the applicant shall pay the proper
24 registration fee as provided in sections 60-305.08 to 60-339 and
25 shall state whether the vehicle is propelled by alternative fuel as
26 defined in section 66-686 and, if alternative fuel, the type of
27 fuel. The form shall also contain a notice that bulk fuel
28 purchasers may be subject to federal excise tax liability. The

1 department shall prescribe a form, containing the notice, for
2 supplying the information for vehicles to be registered. The
3 county treasurer shall include the form in each mailing made
4 pursuant to section 60-3003. The county treasurer or his or her
5 agent shall notify the Motor Fuel Tax Enforcement and Collection
6 Division of the Department of Revenue whenever a vehicle powered by
7 an alternative fuel as defined in section 66-686 is registered.
8 The notification shall include the name and address of the
9 registrant, the date of registration, the type of motor vehicle
10 registered, and the type of alternative fuel used to propel the
11 vehicle as indicated on the registration application.

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

17 (6) The county treasurer or his or her agent shall
18 collect, in addition to other registration fees, fifty cents for
19 each certificate issued and shall remit the fee to the State
20 Treasurer for credit to the Nebraska Emergency Medical System
21 Operations Fund.

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

26 (8) If a citation is issued to an owner or operator of a
27 vehicle for a violation of this section and the owner properly
28 registers and licenses the vehicle not in compliance and pays all

1 taxes and fees due and the owner or operator provides proof of such
2 registration to the prosecuting attorney within ten days after the
3 issuance of the citation, no prosecution for the offense cited
4 shall occur.

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

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

14 (11) For the period January 1, 2003, through December 31,
15 2005, the county treasurer or his or her agent shall collect, in
16 addition to the other registration fees, twenty-five cents for each
17 certificate issued to pay for the costs of the motor vehicle
18 insurance data base created under section 2 of this act and shall
19 remit such additional fee to the State Treasurer for credit to the
20 Department of Motor Vehicles Cash Fund.

21 Sec. 2. (1) (a) The motor vehicle insurance data base is
22 created. The Department of Motor Vehicles shall develop and
23 administer the motor vehicle insurance data base which shall
24 include the information provided by insurance companies as required
25 by the department pursuant to sections 2 to 5 of this act. The
26 motor vehicle insurance data base shall be used to facilitate
27 registration of motor vehicles in this state by the department and
28 its agents. The Director of Motor Vehicles may contract with a

1 designated agent for the purpose of establishing and operating the
2 motor vehicle insurance data base and monitoring compliance with
3 the financial responsibility requirements of sections 2 to 5 of
4 this act. The department shall implement the motor vehicle
5 insurance data base no later than July 1, 2004. The director shall
6 designate the date for the department's implementation of the motor
7 vehicle insurance data base.

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

17 (2) (a) The Motor Vehicle Insurance Data Base Task Force
18 is created. The Motor Vehicle Insurance Data Base Task Force shall
19 investigate the best practices of the industry and recommend
20 specifications for the information to be transmitted by the
21 insurance companies to the Department of Motor Vehicles for
22 inclusion in the motor vehicle insurance data base and
23 specifications for the form and manner of transmission of data for
24 inclusion in the motor vehicle insurance data base. The Motor
25 Vehicle Insurance Data Base Task Force shall complete a written
26 report of its recommendations and submit the report to the
27 department and file a copy with the Clerk of the Legislature no
28 later than September 30, 2003.

1 (b) The Motor Vehicle Insurance Data Base Task Force
2 shall consist of:

3 (i) The Director of Motor Vehicles or his or her
4 designee;

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

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

8 (A) One representative of a domestic automobile insurance
9 company or domestic automobile insurance companies;

10 (B) One representative of an admitted foreign automobile
11 insurance company or admitted foreign automobile insurance
12 companies; and

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

15 (iv) Four members to be selected by the Director of Motor
16 Vehicles.

17 (c) The requirements of this subsection shall expire on
18 July 1, 2004, except that the Director of Motor Vehicles may
19 reconvene the task force at any time thereafter if he or she deems
20 it necessary.

21 Sec. 3. Each insurance company doing business in this
22 state shall provide information shown on each automobile liability
23 policy issued in this state as required by the Department of Motor
24 Vehicles pursuant to sections 2 to 5 of this act for inclusion in
25 the motor vehicle insurance data base in a form and manner
26 acceptable to the department. Any person who qualifies as a
27 self-insurer under sections 60-562 to 60-564 or any person who
28 provides financial responsibility under sections 75-348 to 75-358

1 shall not be required to provide information to the department for
2 inclusion in the motor vehicle insurance data base.

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

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

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

19 Sec. 6. Section 60-1515, Revised Statutes Supplement,
20 2001, is amended to read:

21 60-1515. (1) The Legislature hereby finds and declares
22 that a statewide system for the collection, storage, and transfer
23 of data on vehicle titles and registration and the cooperation of
24 state and local government in implementing such a system is
25 essential to the efficient operation of state and local government
26 in vehicle titling and registration. The Legislature hereby finds
27 and declares that the electronic issuance of operators' licenses
28 and state identification cards using a digital system as described

1 in section 60-484.01 and the cooperation of state and local
2 government in implementing such a system is essential to the
3 efficient operation of state and local government in issuing
4 operators' licenses and state identification cards.

5 (2) It is therefor the intent of the Legislature that the
6 Department of Motor Vehicles shall use a portion of the fees
7 appropriated by the Legislature to the Department of Motor Vehicles
8 Cash Fund as follows:

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

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

21 (c) To pay for the costs of an operator's license system
22 as specified in section 60-4,119 and section 60-484.01 and
23 designated by the department. The costs shall be limited to such
24 terminals, printers, software, programming, and other equipment or
25 devices as deemed necessary by the department to support the
26 issuance of such licenses and state identification cards in the
27 counties and by the department; and

28 (d) To pay for the motor vehicle insurance data base

1 created under section 2 of this act.

2 Sec. 7. Failure by an insurance company subject to
3 sections 2 to 5 of this act to comply with the requirements of such
4 sections and the rules and regulations adopted and promulgated
5 under such sections by the Director of Motor Vehicles shall be an
6 unfair trade practice in the business of insurance subject to the
7 Unfair Insurance Trade Practices Act.

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

11 Sec. 9. Original sections 60-302 and 60-1515, Revised
12 Statutes Supplement, 2001, are repealed.