

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 355

Introduced by Bolz, 29.

Read first time January 13, 2017

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301,
- 2 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes
- 3 Cumulative Supplement, 2016; to provide for Native American Cultural
- 4 Awareness and History Plates; to create a fund and provide for its
- 5 use; to harmonize provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-301, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 60-301 Sections 60-301 to 60-3,231 and sections 7 and 8 of this act
4 shall be known and may be cited as the Motor Vehicle Registration Act.

5 Sec. 2. Section 60-393, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 60-393 Any owner who has two or more motor vehicles or trailers
8 required to be registered under the Motor Vehicle Registration Act may
9 register all such motor vehicles or trailers on a calendar-year basis or
10 on an annual basis for the same registration period beginning in a month
11 chosen by the owner. When electing to establish the same registration
12 period for all such motor vehicles or trailers, the owner shall pay the
13 registration fee, the motor vehicle tax imposed in section 60-3,185, the
14 motor vehicle fee imposed in section 60-3,190, and the alternative fuel
15 fee imposed in section 60-3,191 on each motor vehicle for the number of
16 months necessary to extend its current registration period to the
17 registration period under which all such motor vehicles or trailers will
18 be registered. Credit shall be given for registration paid on each motor
19 vehicle or trailer when the motor vehicle or trailer has a later
20 expiration date than that chosen by the owner except as otherwise
21 provided in sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,
22 60-3,224, and 60-3,227 and section 8 of this act. Thereafter all such
23 motor vehicles or trailers shall be registered on an annual basis
24 starting in the month chosen by the owner.

25 Sec. 3. Section 60-395, Revised Statutes Cumulative Supplement,
26 2016, is amended to read:

27 60-395 (1) Except as otherwise provided in subsection (2) of this
28 section and sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,
29 60-3,224, and 60-3,227 and section 8 of this act, the registration shall
30 expire and the registered owner or lessee may, by returning the
31 registration certificate, the license plates, and, when appropriate, the

1 validation decals and by either making application on a form prescribed
2 by the department to the county treasurer of the occurrence of an event
3 described in subdivisions (a) through (e) of this subsection or, in the
4 case of a change in situs, displaying to the county treasurer the
5 registration certificate of such other state as evidence of a change in
6 situs, receive a refund of that part of the unused fees and taxes on
7 motor vehicles or trailers based on the number of unexpired months
8 remaining in the registration period from the date of any of the
9 following events:

10 (a) Upon transfer of ownership of any motor vehicle or trailer;

11 (b) In case of loss of possession because of fire, theft,
12 dismantlement, or junking;

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

14 (d) Whenever a type or class of motor vehicle or trailer previously
15 registered is subsequently declared by legislative act or court decision
16 to be illegal or ineligible to be operated or towed on the public roads
17 and no longer subject to registration fees, the motor vehicle tax imposed
18 in section 60-3,185, the motor vehicle fee imposed in section 60-3,190,
19 and the alternative fuel fee imposed in section 60-3,191;

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

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

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

27 (3) If the transferor or lessee acquires another motor vehicle at
28 the time of the transfer, trade-in, or surrender, the transferor or
29 lessee shall have the credit provided for in this section applied toward
30 payment of the motor vehicle fees and taxes then owing. Otherwise, the
31 transferor or lessee shall file a claim for refund with the county

1 treasurer upon an application form prescribed by the department.

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

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

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

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

16 (7) If a motor vehicle or trailer was reported stolen under section
17 60-178, a refund under this section shall not be reduced for a lost plate
18 charge and a credit under this section may be reduced for a lost plate
19 charge but the applicant shall not be required to pay the plate fee for
20 new plates.

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

27 Sec. 4. Section 60-396, Revised Statutes Cumulative Supplement,
28 2016, is amended to read:

29 60-396 Whenever the registered owner files an application with the
30 county treasurer showing that a motor vehicle or trailer is disabled and
31 has been removed from service, the registered owner may, by returning the

1 registration certificate, the license plates, and, when appropriate, the
2 validation decals or, in the case of the unavailability of such
3 registration certificate or certificates, license plates, or validation
4 decals, then by making an affidavit to the county treasurer of such
5 disablement and removal from service, receive a credit for a portion of
6 the registration fee from the fee deposited with the State Treasurer at
7 the time of registration based upon the number of unexpired months
8 remaining in the registration year except as otherwise provided in
9 sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128, 60-3,224, and
10 60-3,227 and section 8 of this act. The owner shall also receive a credit
11 for the unused portion of the motor vehicle tax and fee based upon the
12 number of unexpired months remaining in the registration year. When the
13 owner registers a replacement motor vehicle or trailer at the time of
14 filing such affidavit, the credit may be immediately applied against the
15 registration fee and the motor vehicle tax and fee for the replacement
16 motor vehicle or trailer. When no such replacement motor vehicle or
17 trailer is so registered, the county treasurer shall forward the
18 application and affidavit, if any, to the State Treasurer who shall
19 determine the amount, if any, of the allowable credit for the
20 registration fee and issue a credit certificate to the owner. For the
21 motor vehicle tax and fee, the county treasurer shall determine the
22 amount, if any, of the allowable credit and issue a credit certificate to
23 the owner. When such motor vehicle or trailer is removed from service
24 within the same month in which it was registered, no credits shall be
25 allowed for such month. The credits may be applied against taxes and fees
26 for new or replacement motor vehicles or trailers incurred within one
27 year after cancellation of registration of the motor vehicle or trailer
28 for which the credits were allowed. When any such motor vehicle or
29 trailer is reregistered within the same registration year in which its
30 registration has been canceled, the taxes and fees shall be that portion
31 of the registration fee and the motor vehicle tax and fee for the

1 remainder of the registration year.

2 Sec. 5. Section 60-3,104, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 60-3,104 The department shall issue the following types of license
5 plates:

6 (1) Amateur radio station license plates issued pursuant to section
7 60-3,126;

8 (2) Apportionable vehicle license plates issued pursuant to section
9 60-3,203;

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

11 (4) Boat dealer license plates issued pursuant to section 60-379;

12 (5) Breast Cancer Awareness Plates issued pursuant to sections
13 60-3,230 and 60-3,231;

14 (6) Bus license plates issued pursuant to section 60-3,144;

15 (7) Commercial motor vehicle license plates issued pursuant to
16 section 60-3,147;

17 (8) Dealer or manufacturer license plates issued pursuant to
18 sections 60-3,114 and 60-3,115;

19 (9) Disabled veteran license plates issued pursuant to section
20 60-3,124;

21 (10) Farm trailer license plates issued pursuant to section
22 60-3,151;

23 (11) Farm truck license plates issued pursuant to section 60-3,146;

24 (12) Farm trucks with a gross weight of over sixteen tons license
25 plates issued pursuant to section 60-3,146;

26 (13) Fertilizer trailer license plates issued pursuant to section
27 60-3,151;

28 (14) Gold Star Family license plates issued pursuant to sections
29 60-3,122.01 and 60-3,122.02;

30 (15) Handicapped or disabled person license plates issued pursuant
31 to section 60-3,113;

1 (16) Historical vehicle license plates issued pursuant to sections
2 60-3,130 to 60-3,134;

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

4 (18) Military Honor Plates issued pursuant to sections 60-3,122.03
5 and 60-3,122.04;

6 (19) Minitruck license plates issued pursuant to section 60-3,100;

7 (20) Motor vehicle license plates for motor vehicles owned or
8 operated by the state, counties, municipalities, or school districts
9 issued pursuant to section 60-3,105;

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

11 (22) Motorcycle license plates issued pursuant to section 60-3,100;

12 (23) Mountain Lion Conservation Plates issued pursuant to sections
13 60-3,226 and 60-3,227;

14 (24) Native American Cultural Awareness and History Plates issued
15 pursuant to sections 7 and 8 of this act;

16 (25) (24) Nebraska Cornhusker Spirit Plates issued pursuant to
17 sections 60-3,127 to 60-3,129;

18 (26) (25) Nebraska 150 Sesquicentennial Plates issued pursuant to
19 sections 60-3,223 to 60-3,225;

20 (27) (26) Nonresident owner thirty-day license plates issued
21 pursuant to section 60-382;

22 (28) (27) Passenger car having a seating capacity of ten persons or
23 less and not used for hire issued pursuant to section 60-3,143 other than
24 autocycles;

25 (29) (28) Passenger car having a seating capacity of ten persons or
26 less and used for hire issued pursuant to section 60-3,143 other than
27 autocycles;

28 (30) (29) Pearl Harbor license plates issued pursuant to section
29 60-3,122;

30 (31) (30) Personal-use dealer license plates issued pursuant to
31 section 60-3,116;

1 ~~(32)~~ ~~(31)~~ Personalized message license plates for motor vehicles and
2 cabin trailers, except commercial motor vehicles registered for over ten
3 tons gross weight, issued pursuant to sections 60-3,118 to 60-3,121;

4 ~~(33)~~ ~~(32)~~ Prisoner-of-war license plates issued pursuant to section
5 60-3,123;

6 ~~(34)~~ ~~(33)~~ Public power district license plates issued pursuant to
7 section 60-3,228;

8 ~~(35)~~ ~~(34)~~ Purple Heart license plates issued pursuant to section
9 60-3,125;

10 ~~(36)~~ ~~(35)~~ Recreational vehicle license plates issued pursuant to
11 section 60-3,151;

12 ~~(37)~~ ~~(36)~~ Repossession license plates issued pursuant to section
13 60-375;

14 ~~(38)~~ ~~(37)~~ Special interest motor vehicle license plates issued
15 pursuant to section 60-3,135.01;

16 ~~(39)~~ ~~(38)~~ Specialty license plates issued pursuant to sections
17 60-3,104.01 and 60-3,104.02;

18 ~~(40)~~ ~~(39)~~ Trailer license plates issued for trailers owned or
19 operated by the state, counties, municipalities, or school districts
20 issued pursuant to section 60-3,106;

21 ~~(41)~~ ~~(40)~~ Trailer license plates issued pursuant to section
22 60-3,100;

23 ~~(42)~~ ~~(41)~~ Trailer license plates issued for trailers owned or
24 operated by a public power district pursuant to section 60-3,228;

25 ~~(43)~~ ~~(42)~~ Trailers exempt pursuant to section 60-3,108;

26 ~~(44)~~ ~~(43)~~ Transporter license plates issued pursuant to section
27 60-378;

28 ~~(45)~~ ~~(44)~~ Trucks or combinations of trucks, truck-tractors, or
29 trailers which are not for hire and engaged in soil and water
30 conservation work and used for the purpose of transporting pipe and
31 equipment exclusively used by such contractors for soil and water

1 conservation construction license plates issued pursuant to section
2 60-3,149;

3 ~~(46)~~ (45) Utility trailer license plates issued pursuant to section
4 60-3,151; and

5 ~~(47)~~ (46) Well-boring apparatus and well-servicing equipment license
6 plates issued pursuant to section 60-3,109.

7 Sec. 6. Section 60-3,130.04, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 60-3,130.04 (1) An owner of a historical vehicle eligible for
10 registration under section 60-3,130 may use a license plate or plates
11 designed by this state in the year corresponding to the model year when
12 the vehicle was manufactured in lieu of the plates designed pursuant to
13 section 60-3,130.03 subject to the approval of the department. The
14 department shall inspect the plate or plates and may approve the plate or
15 plates if it is determined that the model-year license plate or plates
16 are legible and serviceable and that the license plate numbers do not
17 conflict with or duplicate other numbers assigned and in use. An
18 original-issued license plate or plates that have been restored to
19 original condition may be used when approved by the department.

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

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

27 (4) License plates used pursuant to this section corresponding to
28 the year of manufacture of the vehicle shall not be personalized message
29 license plates, Pearl Harbor license plates, prisoner-of-war license
30 plates, disabled veteran license plates, Purple Heart license plates,
31 amateur radio station license plates, Nebraska Cornhusker Spirit Plates,

1 handicapped or disabled person license plates, specialty license plates,
2 special interest motor vehicle license plates, Military Honor Plates,
3 Nebraska 150 Sesquicentennial Plates, Breast Cancer Awareness Plates, or
4 Mountain Lion Conservation Plates, or Native American Cultural Awareness
5 and History Plates.

6 Sec. 7. (1) The department shall design license plates to be known
7 as Native American Cultural Awareness and History Plates. The department
8 shall create designs reflecting the unique culture and history of Native
9 American tribes historically and currently located in Nebraska. The
10 design shall be selected on the basis of limiting the manufacturing cost
11 of each plate to an amount less than or equal to the amount charged for
12 license plates pursuant to section 60-3,102. The department shall make
13 applications available for this type of plate by October 1, 2017. The
14 department may adopt and promulgate rules and regulations to carry out
15 this section and section 8 of this act.

16 (2) One type of Native American Cultural Awareness and History
17 Plates shall be alphanumeric plates.

18 The department shall:

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

20 (b) Not use a county designation.

21 (3) One type of Native American Cultural Awareness and History
22 Plates shall be personalized message plates. Such plates shall be issued
23 subject to the same conditions specified for personalized message license
24 plates in section 60-3,118, except that a maximum of five characters may
25 be used.

26 Sec. 8. (1) Beginning October 1, 2017, a person may apply to the
27 department for Native American Cultural Awareness and History Plates in
28 lieu of regular license plates on an application prescribed and provided
29 by the department for any motor vehicle or trailer, except for a motor
30 vehicle or trailer registered under section 60-3,198. An applicant
31 receiving a Native American Cultural Awareness and History Plate for a

1 farm truck with a gross weight of over sixteen tons shall affix the
2 appropriate tonnage decal to the plate. The department shall make forms
3 available for such applications through the county treasurers. The
4 license plates shall be issued upon payment of the license fee described
5 in subsection (2) of this section.

6 (2)(a) In addition to all other fees required for registration under
7 the Motor Vehicle Registration Act, each application for initial issuance
8 or renewal of alphanumeric Native American Cultural Awareness and History
9 Plates shall be accompanied by a fee of five dollars. County treasurers
10 collecting fees pursuant to this subdivision shall remit them to the
11 State Treasurer. The State Treasurer shall credit five dollars of the fee
12 to the Native American Scholarship and Leadership Fund.

13 (b) In addition to all other fees required for registration under
14 the Motor Vehicle Registration Act, each application for initial issuance
15 or renewal of personalized message Native American Cultural Awareness and
16 History Plates shall be accompanied by a fee of forty dollars. County
17 treasurers collecting fees pursuant to this subdivision shall remit them
18 to the State Treasurer. The State Treasurer shall credit twenty-five
19 percent of the fee for initial issuance and renewal of such plates to the
20 Department of Motor Vehicles Cash Fund and seventy-five percent of the
21 fee to the Native American Scholarship and Leadership Fund.

22 (3) When the department receives an application for Native American
23 Cultural Awareness and History Plates, the department shall deliver the
24 plates to the county treasurer of the county in which the motor vehicle
25 or trailer is registered. The county treasurer shall issue Native
26 American Cultural Awareness and History Plates in lieu of regular license
27 plates when the applicant complies with the other provisions of the Motor
28 Vehicle Registration Act for registration of the motor vehicle or
29 trailer. If Native American Cultural Awareness and History Plates are
30 lost, stolen, or mutilated, the licensee shall be issued replacement
31 license plates upon request pursuant to section 60-3,157.

1 (4) The owner of a motor vehicle or trailer bearing Native American
2 Cultural Awareness and History Plates may apply to the county treasurer
3 to have such plates transferred to a motor vehicle or trailer other than
4 the motor vehicle or trailer for which such plates were originally
5 purchased if such motor vehicle or trailer is owned by the owner of the
6 plates. The owner may have the unused portion of the fee for the plates
7 credited to the other motor vehicle or trailer which will bear the plates
8 at the rate of eight and one-third percent per month for each full month
9 left in the registration period. Application for such transfer shall be
10 accompanied by a fee of three dollars. Fees collected pursuant to this
11 subsection shall be remitted to the State Treasurer for credit to the
12 Department of Motor Vehicles Cash Fund.

13 (5) If the cost of manufacturing Native American Cultural Awareness
14 and History Plates at any time exceeds the amount charged for license
15 plates pursuant to section 60-3,102, any money to be credited to the
16 Native American Scholarship and Leadership Fund shall instead be credited
17 first to the Highway Trust Fund in an amount equal to the difference
18 between the manufacturing costs of Native American Cultural Awareness and
19 History Plates and the amount charged pursuant to section 60-3,102 with
20 respect to such plates and the remainder shall be credited to the Native
21 American Scholarship and Leadership Fund.

22 Sec. 9. The Native American Scholarship and Leadership Fund is
23 created. The fund shall be administered by the Commission on Indian
24 Affairs and shall consist of money credited to the fund pursuant to
25 section 8 of this act. The commission shall use the fund to provide
26 scholarships to Native Americans to attend a postsecondary educational
27 institution in this state and to provide other leadership opportunities
28 to Native Americans as determined by the commission. Any money in the
29 fund available for investment shall be invested by the state investment
30 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
31 State Funds Investment Act.

1 Sec. 10. Original sections 60-301, 60-393, 60-395, 60-396,
2 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2016,
3 are repealed.