

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -
2008**

COMMITTEE STATEMENT

LB756

Hearing Date: January 28, 2008

Committee On: Transportation and Telecommunications

Introducer(s): (Transportation and Telecommunications Committee)

Title: Change provisions relating to motor carriers

Roll Call Vote - Final Committee Action:

Placed on General File with Amendments

Vote Results:

8 Yes Senators Aguilar, Fischer, Hudkins, Lautenbaugh,
Louden, Pedersen, Schimek, Stuthman

0 No

0 Absent

0 Present, not voting

Proponents:

Dusty Vaughan, Introducer

Beverly Neth

Gerald Krolikowski

Representing:

Senator Deb Fischer, District 43

Department of Motor Vehicles

Nebraska State Patrol

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or change:

LB 756 updates several references to federal law in the Nebraska motor vehicle statutes.

The bill is an annual updating of dates that reference federal law in the motor vehicle statutes. These updates are necessary for Nebraska to remain in compliance with federal law.

LB 239 updates references to the International Registration Plan. These sections need to be updated to reflect the most recently adopted version of the IRP agreement which becomes effective on July 1, 2008. The current version of the IRP agreement will be in place until then.

Sections that govern occupant protection systems, commercial drivers' licenses, motor carrier safety and hazardous materials transportation are also updated to be adopted as Nebraska law as the federal regulations existed on January 1, 2008.

Explanation of amendments, if any:

The committee amendment, AM 1893, includes several bills that were before the Transportation & Telecommunications Committee. A summary of each bill follows:

LB 712

The bill provides for an exception from current law for vehicles equipped with daytime running lights designed to operate while the engine is running. Current statute makes it unlawful to drive with only parking lights turned on. The bill provides an exemption for vehicles designed by the manufacturer to operate with daytime lights.

AM 1893 replaces the bill and instead repeals § 60-6,227.

LB 827

The bill amends § 60-3,161 to reduce the time required to keep a paper record of a motor vehicle registration from six years to three years. This information is stored in the Department of Motor Vehicles' Vehicle, Title and Registration (VTR) system and the paper copy is redundant.

LB 834

The bill amends §§ 37-1282 and 60-164 to provide that an out-of-state title with a valid lien noted on its face is sufficient proof to have the lien noted on the issued Nebraska title when transferring ownership into Nebraska.

The bill applies to both motor vehicles and motorboats.

LB 841

The bill amends § 60-141 to authorize the attachment of a dealer assignment form to a manufacturer's statement of origin (MSO) when all reassignment spaces have been used on the MSO. The form will be prescribed by the Department of Motor Vehicles.

The reassignment of the MSO allows a dealer to transfer vehicles in stock to another dealer without having to apply for the certificate of title. LB 841 does not authorize a reassignment form to be attached to an issued certificate of title.

The bill also amends § 60-168.02 to correct a drafting error by striking confusing language.

LB 874

The bill amends §§ 60-6,288 to 60-6,290 and 60-6,294 by substituting "rubber-tired crane" with "self-propelled specialized mobile equipment" in the motor vehicle width, length and weight restriction statutes.

The definition for "self-propelled specialized mobile equipment" that the Department of Roads provides in its rules and regulations is equipment, including self-propelled oil well servicing units, designed to be on a short chassis to accommodate off-road usage and which cannot be broken down or is not divisible because of its original equipment design.

LB 917

The bill amends § 60-605 to insert a definition of idle reduction technology into the motor vehicle statutes. This technology allows a commercial truck driver to provide heat, air conditioning, or electricity without operating the main engine.

The bill amends § 60-6,294 to provide for an increase of up to 400 pounds for vehicles equipped with idle reduction technology from the maximum gross weight limit and the axle weight limit. This additional weight is not in addition to the five percent in excess of maximum load provision permitted in § 60-6,301.

LB 919

The bill amends § 60-3,198 to change registration fee refunds for apportioned vehicles so that the refund is calculated from the date of the event involving the vehicle that triggers the refund, instead of the date of the application for a refund. This has been the current practice regarding vehicles that are county plated in Nebraska.

Transactions that may trigger a refund include transfer of ownership, loss of possession due to fire or theft, the vehicle was wrecked, junked, or dismantled, or the vehicle was disabled and removed from service.

In addition, when a fleet owner adds a vehicle to the fleet, the proportionate registration fee shall be from the date the vehicle was placed into service, or if the vehicle was previously registered outside of Nebraska, the date the prior registration expired or the date Nebraska became the base jurisdiction for the fleet, whichever is first.

The bill also requires the fleet owner to make a claim for the refund within the registration period or shall forfeit the refund.

LB 1087

The bill amends § 60-376 to remove a certificate of title as satisfactory evidence of the right of possession to a newly purchased or sold motor vehicle.

Currently, upon proper demand by the authorities, a person in charge of the vehicle can show a duly executed bill of sale, a certificate of title, or other satisfactory evidence as proof that he or she has the right of possession during the thirty day grace period for licensing and registering the vehicle, or when the dealer is operating the vehicle.

AM 1893 adds a new section to the bill by amending § 60-365 and allowing either a certificate showing the date of transfer or a certificate of title as satisfactory proof of right of possession. This section allows for a thirty day grace period before a newly purchased vehicle must be properly registered.

Senator Deb Fischer, Chairperson