

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 287

Introduced by Transportation and Telecommunications
Committee: Fischer, 43, Chairperson; Aguilar, 35;
Hudkins, 21; Louden, 49; Mines, 18; Pedersen, 39;
Schimek, 27; Stuthman, 22;

Read first time January 10, 2007

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections
2 60-101, 60-102, 60-117, 60-123, 60-134, 60-137, 60-145,
3 60-146, 60-152, 60-153, 60-164, 60-166, 60-168, 60-173,
4 60-301, 60-302, 60-325, 60-333, 60-339, 60-345, 60-395,
5 60-397, 60-3,104, 60-3,107, 60-3,118, 60-3,122, 60-3,123,
6 60-3,124, 60-3,125, 60-3,126, 60-3,128, 60-3,130.04,
7 60-3,141, 60-3,145, 60-3,147, 60-3,150, 60-3,184,
8 60-3,186, 60-3,188, and 60-3,190, Revised Statutes
9 Cumulative Supplement, 2006; to change and eliminate
10 provisions relating to vehicle titling and registration;
11 to define terms; to provide for cancellation of a
12 certificate of title as prescribed; to harmonize
13 provisions; to repeal the original sections; and to

LB 287

LB 287

1 outright repeal sections 60-157 and 60-3,191, Revised
2 Statutes Cumulative Supplement, 2006.
3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-101, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 60-101 Sections 60-101 to 60-197 and sections 4, 7, and
4 16 of this act shall be known and may be cited as the Motor Vehicle
5 Certificate of Title Act.

6 Sec. 2. Section 60-102, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 60-102 For purposes of the Motor Vehicle Certificate of
9 Title Act, unless the context otherwise requires, the definitions
10 found in sections 60-103 to 60-136 and sections 4 and 7 of this act
11 shall be used.

12 Sec. 3. Section 60-117, Revised Statutes Cumulative
13 Supplement, 2006, is amended to read:

14 60-117 Historical vehicle means a motor vehicle or
15 trailer ~~of any age~~ which is thirty or more years old, which
16 is essentially unaltered from the original manufacturer's
17 specifications, and which is, because of its significance, ~~is~~ being
18 collected, preserved, restored, or maintained by a collector as a
19 leisure pursuit.

20 Sec. 4. Low-speed vehicle means a vehicle that (1) cannot
21 travel more than twenty-five miles per hour on a paved, level
22 surface, (2) complies with 49 C.F.R. part 571, as such part existed
23 on January 1, 2007, or (3) is designated by the manufacturer as an
24 off-road or low-speed vehicle.

25 Sec. 5. Section 60-123, Revised Statutes Cumulative

1 Supplement, 2006, is amended to read:

2 60-123 Motor vehicle means any vehicle propelled
3 by any power other than muscular power except (1) mopeds,
4 (2) farm tractors, (3) self-propelled equipment designed and
5 used exclusively to carry and apply fertilizer, chemicals, or
6 related products to agricultural soil and crops, agricultural
7 floater-spreader implements, and other implements of husbandry
8 designed for and used primarily for tilling the soil and harvesting
9 crops or feeding livestock, (4) power unit hay grinders or a
10 combination which includes a power unit and a hay grinder when
11 operated without cargo, (5) vehicles which run only on rails or
12 tracks, (6) off-road designed vehicles, including, but not limited
13 to, golf carts, go-carts, riding lawnmowers, garden tractors,
14 all-terrain vehicles, snowmobiles registered or exempt from
15 registration under sections 60-3,207 to 60-3,219, and minibikes,
16 (7) road and general-purpose construction and maintenance machinery
17 not designed or used primarily for the transportation of persons or
18 property, including, but not limited to, ditchdigging apparatus,
19 asphalt spreaders, bucket loaders, leveling graders, earthmoving
20 carryalls, power shovels, earthmoving equipment, and crawler
21 tractors, (8) self-propelled chairs used by persons who are
22 disabled, ~~and~~ (9) electric personal assistive mobility devices, and
23 (10) low-speed vehicles.

24 Sec. 6. Section 60-134, Revised Statutes Cumulative
25 Supplement, 2006, is amended to read:

1 60-134 Truck means any motor vehicle designed, used,
2 or maintained primarily for the transportation of property or
3 designated as a truck by the manufacturer.

4 Sec. 7. Vehicle identification number means a series of
5 English letters or Arabic or Roman numerals assigned to a vehicle
6 for identification purposes.

7 Sec. 8. Section 60-137, Revised Statutes Cumulative
8 Supplement, 2006, is amended to read:

9 60-137 (1) The Motor Vehicle Certificate of Title Act
10 applies to all vehicles as defined in the act, except:

11 (a) Farm trailers;

12 (b) Low-speed vehicles;

13 ~~(b)~~ (c) Well-boring apparatus, backhoes, bulldozers, and
14 front-end loaders; and

15 ~~(e)~~ (d) Trucks and buses from other jurisdictions
16 required to pay registration fees under the Motor Vehicle
17 Registration Act, except a vehicle registered or eligible to be
18 registered as part of a fleet of apportionable vehicles under
19 section 60-3,198.

20 (2) All new all-terrain vehicles and minibikes sold on or
21 after January 1, 2004, shall be required to have a certificate of
22 title. An owner of an all-terrain vehicle or minibike sold prior to
23 such date may apply for a certificate of title for such all-terrain
24 vehicle or minibike as provided in rules and regulations of the
25 department.

1 (3) An owner of a utility trailer may apply for a
2 certificate of title upon compliance with the Motor Vehicle
3 Certificate of Title Act.

4 Sec. 9. Section 60-145, Revised Statutes Cumulative
5 Supplement, 2006, is amended to read:

6 60-145 For any motor vehicle which is to be used as a
7 taxi or limousine, the application and the certificate of title
8 shall show on the face thereof that such vehicle is being used
9 or has been used as a taxi or limousine and such subsequent
10 certificates of title shall show the same information.

11 Sec. 10. Section 60-146, Revised Statutes Cumulative
12 Supplement, 2006, is amended to read:

13 60-146 (1) An application for a certificate of title
14 for a vehicle shall include a statement that an identification
15 inspection has been conducted on the vehicle unless (a) the
16 title sought is a salvage branded certificate of title or a
17 nontransferable certificate of title, (b) the surrendered ownership
18 document is a Nebraska certificate of title, a manufacturer's
19 statement of origin, an importer's statement of origin, a United
20 States Government Certificate of Release of a vehicle, or a
21 nontransferable certificate of title, (c) the application contains
22 a statement that the vehicle is to be registered under section
23 60-3,198, (d) the vehicle is a cabin trailer, (e) the title
24 sought is the first title for the vehicle sold directly by
25 the manufacturer of the vehicle to a dealer franchised by the

1 manufacturer, or (f) the vehicle was sold at an auction authorized
2 by the manufacturer and purchased by a dealer franchised by the
3 manufacturer of the vehicle.

4 (2) The department shall prescribe a form to be executed
5 by a dealer and submitted with an application for a certificate of
6 title for vehicles exempt from inspection pursuant to subdivision
7 (1)(e) or (f) of this section. The form shall clearly identify the
8 vehicle and state under penalty of law that the vehicle is exempt
9 from inspection.

10 (3) The statement that an identification inspection has
11 been conducted shall be furnished by the county sheriff of any
12 county or by any other holder of a certificate of training issued
13 pursuant to section 60-183, shall be in a format as determined by
14 the department, and shall expire ninety days after the date of the
15 inspection. The county clerk or designated county official shall
16 accept a certificate of inspection, approved by the superintendent,
17 from an officer of a state police agency of another state.

18 (4) The identification inspection shall include
19 examination and notation of the then current odometer reading,
20 if any, and a comparison of the vehicle identification number
21 with the number listed on the ownership records, except that
22 if a lien is registered against a vehicle and recorded on the
23 vehicle's ownership records, the county clerk or designated county
24 official shall provide a copy of the ownership records for use
25 in making such comparison. If such numbers are not identical,

1 if there is reason to believe further inspection is necessary,
2 or if the inspection is for a Nebraska assigned number, the
3 person performing the inspection shall make a further inspection
4 of the vehicle which may include, but shall not be limited to,
5 examination of other identifying numbers placed on the vehicle by
6 the manufacturer and an inquiry into the numbering system used by
7 the state issuing such ownership records to determine ownership
8 of a vehicle. The identification inspection shall also include a
9 statement that the vehicle identification number has been checked
10 for entry in the National Crime Information Center and the Nebraska
11 Crime Information Service. In the case of an assembled vehicle, the
12 identification inspection shall include, but not be limited to, an
13 examination of the records showing the date of receipt and source
14 of each major component part. No identification inspection shall be
15 conducted unless all major component parts are properly attached to
16 the vehicle in the correct location.

17 (5) If there is cause to believe that odometer fraud
18 exists, written notification shall be given to the office of the
19 Attorney General. If after such inspection the sheriff or his
20 or her designee determines that the vehicle is not the vehicle
21 described by the ownership records, no statement shall be issued.

22 (6) The department, county clerk, or designated county
23 official may also request an identification inspection of a vehicle
24 to determine if it meets the definition of motor vehicle as defined
25 in section 60-123.

1 Sec. 11. Section 60-152, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 60-152 (1) The county clerk or designated county official
4 shall issue a certificate of title for a vehicle in duplicate and
5 retain one copy in his or her office. An electronic copy, in a form
6 prescribed by the department, shall be transmitted on the day of
7 issuance to the department. The county clerk or designated county
8 official shall sign and affix the appropriate seal to the original
9 certificate of title and, if there are no liens on the vehicle,
10 deliver the certificate to the applicant. If there are one or more
11 liens on the vehicle, the certificate of title shall be delivered
12 or mailed to the holder of the first lien on the day of issuance.

13 (2) The county clerks or county treasurers of the various
14 counties shall adopt a circular seal with the words County Clerk of
15 (insert name) County or County Treasurer of
16 (insert name) County thereon. Such seal shall be used by the county
17 clerk or county treasurer or the deputy or legal authorized
18 agent of such officer, without charge to the applicant, on
19 any certificate of title, application for certificate of title,
20 duplicate copy, assignment or reassignment, power of attorney,
21 statement, or affidavit pertaining to the issuance of a Nebraska
22 certificate of title. The designated county official or the deputy
23 or legal authorized agent of such officer shall use the seal of the
24 county, without charge to the applicant, on any such document.

25 (3) The department shall prescribe a uniform method of

1 numbering certificates of title.

2 (4) The county clerk or designated county official
3 shall (a) file all certificates of title according to rules
4 and regulations adopted and promulgated by the department, (b)
5 maintain in the office indices for such certificates of title,
6 (c) be authorized to destroy all previous records five years after
7 a subsequent transfer has been made on a vehicle, and (d) be
8 authorized to destroy all certificates of title and all supporting
9 records and documents which have been on file for a period of five
10 years or more from the date of filing the certificate or a notation
11 of lien, whichever occurs later. ~~Any person holding a certificate
12 of title to a vehicle may refile the same with the county clerk
13 or designated county official to prevent destruction of the records
14 thereof pursuant to this subsection.~~

15 Sec. 12. Section 60-153, Revised Statutes Cumulative
16 Supplement, 2006, is amended to read:

17 60-153 (1) A certificate of title shall be printed
18 upon safety security paper to be selected by the department.
19 The certificate of title, manufacturer's statement of origin,
20 and assignment of manufacturer's certificate shall be upon forms
21 prescribed by the department and may include, but shall not be
22 limited to, county of issuance, date of issuance, certificate
23 of title number, previous certificate of title number, vehicle
24 identification number, year, make, model, and body type of the
25 vehicle, name and residential and mailing address of the owner,

1 acquisition date, issuing county clerk's or designated county
2 official's signature and official seal, and sufficient space for
3 the notation and release of liens, mortgages, or encumbrances,
4 if any. A certificate of title issued on or after the effective
5 date of this act shall include the words "void if altered". A
6 certificate of title that is altered shall be deemed a mutilated
7 certificate of title. The certificate of title of an all-terrain
8 vehicle or minibike shall include the words "not to be registered
9 for road use".

10 (2) An assignment of certificate of title shall appear
11 on each certificate of title and shall include, but not be limited
12 to, a statement that the owner of the vehicle assigns all his
13 or her right, title, and interest in the vehicle, the name and
14 address of the assignee, the name and address of the lienholder
15 or secured party, if any, and the signature of the owner or the
16 owner's parent, legal guardian, foster parent, or agent in the case
17 of an owner who is a handicapped or disabled person as defined in
18 section 18-1738.

19 (3) A reassignment by a dealer shall appear on each
20 certificate of title and shall include, but not be limited to,
21 a statement that the dealer assigns all his or her right,
22 title, and interest in the vehicle, the name and address of
23 the assignee, the name and address of the lienholder or secured
24 party, if any, and the signature of the dealer or designated
25 representative. Reassignments shall be printed on the reverse side

1 of each certificate of title as many times as convenient.

2 (4) The department may prescribe a secure
3 power-of-attorney form and may contract with one or more persons
4 to develop, provide, sell, and distribute secure power-of-attorney
5 forms in the manner authorized or required by the federal Truth in
6 Mileage Act of 1986 and any other federal law or regulation. Any
7 secure power-of-attorney form authorized pursuant to a contract
8 shall conform to the terms of the contract and be in strict
9 compliance with the requirements of the department.

10 Sec. 13. Section 60-164, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 60-164 (1) Except as provided in section 60-165, the
13 provisions of article 9, Uniform Commercial Code, shall never be
14 construed to apply to or to permit or require the deposit, filing,
15 or other record whatsoever of a security agreement, conveyance
16 intended to operate as a mortgage, trust receipt, conditional sales
17 contract, or similar instrument or any copy of the same covering a
18 vehicle. Any mortgage, conveyance intended to operate as a security
19 agreement as provided by article 9, Uniform Commercial Code, trust
20 receipt, conditional sales contract, or other similar instrument
21 covering a vehicle, if such instrument is accompanied by delivery
22 of such manufacturer's or importer's certificate and followed by
23 actual and continued possession of the same by the holder of
24 such instrument or, in the case of a certificate of title, if a
25 notation of the same has been made by the county clerk, designated

1 county official, or department on the face thereof, shall be
2 valid as against the creditors of the debtor, whether armed with
3 process or not, and subsequent purchasers, secured parties, and
4 other lienholders or claimants but otherwise shall not be valid
5 against them, except that during any period in which a vehicle is
6 inventory, as defined in section 9-102, Uniform Commercial Code,
7 held for sale by a person or corporation that is required to be
8 licensed as provided in Chapter 60, article 14, and is in the
9 business of selling such vehicles, the filing provisions of article
10 9, Uniform Commercial Code, as applied to inventory, shall apply
11 to a security interest in such vehicle created by such person
12 or corporation as debtor without the notation of lien on the
13 instrument of title. A buyer of a vehicle at retail from a dealer
14 required to be licensed as provided in Chapter 60, article 14,
15 shall take such vehicle free of any security interest.

16 (2) Subject to subsection (1) of this section, all liens,
17 security agreements, and encumbrances noted upon a certificate of
18 title shall take priority according to the order of time in which
19 the same are noted thereon by the county clerk, designated county
20 official, or department. Exposure for sale of any vehicle by the
21 owner thereof with the knowledge or with the knowledge and consent
22 of the holder of any lien, security agreement, or encumbrance on
23 such vehicle shall not render the same void or ineffective as
24 against the creditors of such owner or holder of subsequent liens,
25 security agreements, or encumbrances upon such vehicle.

1 (3) The holder of a security agreement, trust
2 receipt, conditional sales contract, or similar instrument,
3 upon presentation of such instrument to the department, if the
4 certificate of title was issued by the department, or to any county
5 clerk or designated county official, together with the certificate
6 of title and the fee prescribed for notation of lien, may have
7 a notation of such lien made on the face of such certificate
8 of title. The county clerk or designated county official or the
9 department shall enter the notation and the date thereof over the
10 signature of such officer and the official seal. If noted by a
11 county clerk or designated county official, he or she shall on that
12 day notify the department which shall note the lien on its records.
13 The county clerk or designated county official or the department
14 shall also indicate by appropriate notation and on such instrument
15 itself the fact that such lien has been noted on the certificate
16 of title.

17 (4) A transaction does not create a sale or a security
18 interest in a vehicle, other than an all-terrain vehicle or a
19 minibike, merely because it provides that the rental price is
20 permitted or required to be adjusted under the agreement either
21 upward or downward by reference to the amount realized upon sale or
22 other disposition of the vehicle.

23 (5) The county clerk or designated county official or
24 the department, upon receipt of a lien instrument duly signed by
25 the owner in the manner prescribed by law governing such lien

1 instruments together with the fee prescribed for notation of lien,
2 shall notify the first lienholder to deliver to the county clerk or
3 designated county official or the department, within fifteen days
4 ~~from~~ after the date of notice, the certificate of title to permit
5 notation of such ~~junior~~ other lien and, after ~~such~~ notation of
6 such other lien, the county clerk or designated county official or
7 the department shall deliver the certificate of title to the first
8 lienholder. The holder of a certificate of title who refuses to
9 deliver a certificate of title to the county clerk or designated
10 county official or the department for the purpose of showing a
11 ~~junior~~ such other lien on such certificate of title within fifteen
12 days ~~from~~ after the date ~~when notified to do so~~ of notice shall be
13 liable for damages to such ~~junior~~ other lienholder for the amount
14 of damages such ~~junior~~ other lienholder suffered by reason of the
15 holder of the certificate of title refusing to permit the showing
16 of such lien on the certificate of title.

17 (6) When ~~such~~ a lien is discharged, the holder shall,
18 within fifteen days after payment is received, note a cancellation
19 of the lien on the certificate of title over his, her, or its
20 signature and deliver the certificate of title to the county clerk
21 or designated county official or the department, which shall note
22 the cancellation of the lien on the face of the certificate of
23 title and on the records of such office. If delivered to a county
24 clerk or designated county official, he or she shall on that day
25 notify the department which shall note the cancellation on its

1 records. The county clerk or designated county official or the
2 department shall then return the certificate of title to the owner
3 or as otherwise directed by the owner. The cancellation of lien
4 shall be noted on the certificate of title without charge. If the
5 holder of the title cannot locate a lienholder, a lien may be
6 discharged ten years after the date of filing by presenting proof
7 that thirty days have passed since the mailing of a written notice
8 by certified mail, return receipt requested, to the last-known
9 address of the lienholder.

10 Sec. 14. Section 60-166, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 60-166 (1) In the event of (a) the transfer of ownership
13 of a vehicle by operation of law as upon inheritance, devise, or
14 bequest, order in bankruptcy, insolvency, replevin, or execution
15 sale or as provided in sections 30-24,125, 52-601.01 to 52-605,
16 60-1901 to 60-1911, and 60-2401 to 60-2411, (b) the engine of a
17 vehicle being replaced by another engine, (c) a vehicle being sold
18 to satisfy storage or repair charges, or (d) repossession being had
19 upon default in performance of the terms of a chattel mortgage,
20 trust receipt, conditional sales contract, or other like agreement,
21 the county clerk or designated county official of ~~the~~ any county
22 ~~in which the last certificate of title to such vehicle was issued~~
23 or the department, if the last certificate of title was issued
24 by the department, upon the surrender of the prior certificate
25 of title or the manufacturer's or importer's certificate, or when

1 that is not possible, upon presentation of satisfactory proof of
2 ownership and right of possession to such vehicle, and upon payment
3 of the appropriate fee and the presentation of an application for
4 certificate of title, may issue to the applicant a certificate of
5 title thereto. If the prior certificate of title issued for such
6 vehicle provided for joint ownership with right of survivorship, a
7 new certificate of title shall be issued to a subsequent purchaser
8 upon the assignment of the prior certificate of title by the
9 surviving owner and presentation of satisfactory proof of death
10 of the deceased owner. Only an affidavit by the person or agent
11 of the person to whom possession of such vehicle has so passed,
12 setting forth facts entitling him or her to such possession and
13 ownership, together with a copy of the journal entry, court order,
14 or instrument upon which such claim of possession and ownership
15 is founded, shall be considered satisfactory proof of ownership
16 and right of possession, except that if the applicant cannot
17 produce such proof of ownership, he or she may submit to the
18 department such evidence as he or she may have, and the department
19 may thereupon, if it finds the evidence sufficient, issue the
20 certificate of title or authorize the county clerk or designated
21 county official to issue a certificate of title, as the case
22 may be. If the county in which the last certificate of title to
23 such vehicle was issued cannot be determined, the application for
24 title shall be processed by the county clerk or designated county
25 official of the county where the court entering the journal entry

1 ~~or order is located or the county where the instrument was executed~~
2 ~~upon which such claim of possession and ownership is founded,~~ as
3 ~~the case may be.~~

4 (2) If from the records in the office of the county clerk
5 or designated county official or the department there appear to be
6 any liens on such vehicle, such certificate of title shall contain
7 a statement of such liens unless the application is accompanied by
8 proper evidence of their satisfaction or extinction.

9 Sec. 15. Section 60-168, Revised Statutes Cumulative
10 Supplement, 2006, is amended to read:

11 60-168 (1) In the event of a lost or ~~destroyed~~ mutilated
12 certificate of title, the owner of the vehicle or the holder
13 of a lien on the vehicle shall apply, upon a form prescribed
14 by the department, to the department, if the certificate of
15 title was issued by the department, or to any county clerk
16 or designated county official for a duplicate certificate of
17 title and shall pay the fee prescribed by section 60-156. The
18 application shall be signed and sworn to by the person making
19 the application or a person authorized to sign under section
20 60-151. Thereupon the county clerk or designated county official,
21 with the approval of the department, or the department shall
22 issue a duplicate certificate of title to the person entitled to
23 receive the certificate of title. If the records of the title
24 have been destroyed pursuant to section 60-152, the county clerk
25 or designated county official shall issue a duplicate certificate

1 of title to the person entitled to receive the same upon such
2 showing as the county clerk or designated county official may
3 deem sufficient. If the applicant cannot produce such proof of
4 ownership, he or she may apply directly to the department and
5 submit such evidence as he or she may have, and the department may,
6 if it finds the evidence sufficient, authorize the county clerk
7 or designated county official to issue a duplicate certificate
8 of title. A duplicate certificate of title so issued shall show
9 only those unreleased liens of record. The new purchaser shall
10 be entitled to receive an original certificate of title upon
11 presentation of the assigned duplicate copy of the certificate of
12 title, properly assigned to the new purchaser, to the county clerk
13 or designated county official prescribed in section 60-144.

14 (2) Any purchaser of a vehicle for which a certificate
15 of title was lost or ~~destroyed~~ mutilated may at the time of
16 purchase require the seller of the same to indemnify him or her
17 and all subsequent purchasers of the vehicle against any loss which
18 he, she, or they may suffer by reason of any claim presented
19 upon the original certificate. In the event of the recovery of
20 the original certificate of title by the owner, he or she shall
21 forthwith surrender the same to the county clerk or designated
22 county official or the department for cancellation.

23 Sec. 16. The department, upon receipt of clear and
24 convincing evidence of a failure to note a required brand or
25 failure to note a lien on a certificate of title, shall notify the

1 holder of such certificate of title to deliver to the county clerk,
2 designated county official, or the department, within fifteen days
3 after the date on the notice, such certificate of title to permit
4 the noting of such brand or lien. After notation, the county clerk,
5 designated county official, or the department shall deliver the
6 corrected certificate of title to the holder as provided by section
7 60-152. If a holder fails to deliver a certificate of title to
8 the county clerk, designated county official, or to the department,
9 within fifteen days after the date on the notice, for the purpose
10 of noting such brand or lien on the certificate of title, the
11 department shall cancel the certificate of title. This section does
12 not apply when noting a lien in accordance with subsection (5) of
13 section 60-164.

14 Sec. 17. Section 60-173, Revised Statutes Cumulative
15 Supplement, 2006, is amended to read:

16 60-173 When an insurance company acquires a salvage
17 vehicle through payment of a total loss settlement on account of
18 damage, the company shall obtain the certificate of title from
19 the owner, surrender such certificate of title to the county
20 clerk or designated county official, and make application for
21 a salvage branded certificate of title which shall be assigned
22 when the company transfers ownership. An insurer shall take title
23 to a salvage vehicle for which a total loss settlement is made
24 unless the owner of the salvage vehicle elects to retain the
25 salvage vehicle. If the owner elects to retain the salvage vehicle,

1 the insurance company shall notify the department of such fact
2 in a format prescribed by the department. The department shall
3 immediately enter the salvage brand onto the computerized record
4 of the vehicle. The insurance company shall also notify the owner
5 of the owner's responsibility to comply with this section. The
6 owner shall, within thirty days after the settlement of the loss,
7 ~~ten days after settlement of the loss in the case of a salvage~~
8 ~~all-terrain vehicle or minibike,~~ forward the properly endorsed
9 acceptable certificate of title to the county clerk or designated
10 county official in the county designated in section 60-144. The
11 county clerk or designated county official shall, upon receipt of
12 the certificate of title, issue a salvage branded certificate of
13 title for the vehicle.

14 Sec. 18. Section 60-301, Revised Statutes Cumulative
15 Supplement, 2006, is amended to read:

16 60-301 Sections 60-301 to 60-3,220 and sections 22 and 25
17 of this act shall be known and may be cited as the Motor Vehicle
18 Registration Act.

19 Sec. 19. Section 60-302, Revised Statutes Cumulative
20 Supplement, 2006, is amended to read:

21 60-302 For purposes of the Motor Vehicle Registration
22 Act, unless the context otherwise requires, the definitions found
23 in sections 60-303 to 60-360 and sections 22 and 25 of this act
24 shall be used.

25 Sec. 20. Section 60-325, Revised Statutes Cumulative

1 Supplement, 2006, is amended to read:

2 60-325 Farm truck means a truck or sport utility vehicle,
3 including any combination of a truck, ~~or~~ truck-tractor or sport
4 utility vehicle, and trailer or semitrailer, of a farmer or rancher
5 (1) used exclusively to carry a farmer's or rancher's own supplies,
6 farm equipment, and household goods to or from the owner's farm or
7 ranch, (2) used by the farmer or rancher to carry his or her own
8 agricultural products to or from storage or market, (3) used by a
9 farmer or rancher in exchange of ~~service~~ services in such hauling
10 of ~~such~~ supplies or agricultural products, or (4) used occasionally
11 to carry camper units, to tow boats or cabin trailers, or to carry
12 or tow museum pieces or historical vehicles, without compensation,
13 to events for public display or educational purposes.

14 Sec. 21. Section 60-333, Revised Statutes Cumulative
15 Supplement, 2006, is amended to read:

16 60-333 Historical vehicle means a motor vehicle or
17 trailer ~~of any age~~ which is thirty or more years old, which
18 is essentially unaltered from the original manufacturer's
19 specifications, and which is, because of its significance, ~~is~~ being
20 collected, preserved, restored, or maintained by a collector as a
21 leisure pursuit.

22 Sec. 22. Low-speed vehicle means a vehicle that (1)
23 cannot travel more than twenty-five miles per hour on a paved,
24 level surface, (2) complies with 49 C.F.R. part 571, as such
25 part existed on January 1, 2007, or (3) is designated by the

1 manufacturer as an off-road or low-speed vehicle.

2 Sec. 23. Section 60-339, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 60-339 Motor vehicle means any vehicle propelled
5 by any power other than muscular power except (1) mopeds,
6 (2) farm tractors, (3) self-propelled equipment designed and
7 used exclusively to carry and apply fertilizer, chemicals, or
8 related products to agricultural soil and crops, agricultural
9 floater-spreader implements, and other implements of husbandry
10 designed for and used primarily for tilling the soil and harvesting
11 crops or feeding livestock, (4) power unit hay grinders or a
12 combination which includes a power unit and a hay grinder when
13 operated without cargo, (5) vehicles which run only on rails
14 or tracks, (6) off-road designed vehicles, including, but not
15 limited to, golf carts, go-carts, riding lawnmowers, garden
16 tractors, all-terrain vehicles, snowmobiles registered or exempt
17 from registration under sections ~~60-3,208 to 60-3,216~~, 60-3,207 to
18 60-3,219, and minibikes, (7) road and general-purpose construction
19 and maintenance machinery not designed or used primarily for the
20 transportation of persons or property, including, but not limited
21 to, ditchdigging apparatus, asphalt spreaders, bucket loaders,
22 leveling graders, earthmoving carryalls, power shovels, earthmoving
23 equipment, and crawler tractors, (8) self-propelled chairs used
24 by persons who are disabled, ~~and~~ (9) electric personal assistive
25 mobility devices, and (10) low-speed vehicles.

1 Sec. 24. Section 60-345, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 60-345 Passenger car means a motor vehicle designed and
4 used to carry ten passengers or less and not used for hire.
5 Passenger car may include a sport utility vehicle.

6 Sec. 25. Sport utility vehicle means a high-performance
7 motor vehicle weighing six thousand pounds or less designed to
8 carry ten passengers or less or designated as a sport utility
9 vehicle by the manufacturer.

10 Sec. 26. Section 60-395, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 60-395 (1) Except as otherwise provided in subsection
13 (2) of this section and sections 60-3,121 and 60-3,128, (1) upon
14 transfer of ownership of any motor vehicle or trailer, (2) in case
15 of loss of possession because of fire, theft, dismantlement, or
16 junking, (3) when a salvage branded certificate of title is issued,
17 (4) whenever a type or class of motor vehicle or trailer previously
18 registered is subsequently declared by legislative act or court
19 decision to be illegal or ineligible to be operated or towed on the
20 public roads and no longer subject to registration fees, the motor
21 vehicle tax imposed in section 60-3,185, and the motor vehicle
22 fee imposed in section 60-3,190, or (5) in case of a change in
23 the situs of a motor vehicle or trailer to a location outside of
24 this state, the registration shall expire and the registered owner
25 may, by returning the registration certificate, the license plates,

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

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

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

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

19 (d) Whenever a type or class of motor vehicle or trailer
20 previously registered is subsequently declared by legislative act
21 or court decision to be illegal or ineligible to be operated or
22 towed on the public roads and no longer subject to registration
23 fees, the motor vehicle tax imposed in section 60-3,185, and the
24 motor vehicle fee imposed in section 60-3,190;

25 (e) Upon a trade-in or surrender of a motor vehicle under

1 a lease; or

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

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

7 (3) If the transferor or lessee acquires another motor
 8 vehicle at the time of the transfer, trade-in, or surrender, the
 9 transferor or lessee shall have the credit provided for in this
 10 section applied toward payment of the motor vehicle fees and taxes
 11 then owing. Otherwise, the transferor or lessee shall file a claim
 12 for refund with the county treasurer or designated county official
 13 upon an application form prescribed by the department.

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

19 (5) For purposes of this section, the date of the event
 20 shall be: In 7 in the case of a transfer or loss, the date of
 21 the transfer or loss; 7 in the case of a change in the situs, the
 22 date of registration in another state; in the case of a trade-in or
 23 surrender under a lease, the date of trade-in or surrender; 7 in
 24 the case of a legislative act, the effective date of the act; 7 and
 25 in the case of a court decision, the date the decision is rendered.

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

5 (7) The county treasurer or designated county official
6 shall refund the motor vehicle fee and registration fee from
7 the fees which have not been transferred to the State Treasurer.
8 The county treasurer shall make payment to the claimant from the
9 undistributed motor vehicle taxes of the taxing unit where the
10 tax money was originally distributed. No refund of less than two
11 dollars shall be paid.

12 Sec. 27. Section 60-397, Revised Statutes Cumulative
13 Supplement, 2006, is amended to read:

14 60-397 If a motor vehicle or trailer has a salvage
15 branded certificate of title issued as a result of an insurance
16 company acquiring the motor vehicle or trailer through a total loss
17 settlement, the prior owner of the motor vehicle or trailer who
18 is a party to the settlement may receive a ~~credit or~~ refund or
19 credit of unused fees and taxes by (1) filing an application with
20 the county treasurer or designated county official within ~~thirty~~
21 sixty days after the date of the settlement stating that title
22 to the motor vehicle or trailer was transferred as a result of
23 the settlement and (2) returning the registration certificate, the
24 license plates, and, when appropriate, the validation decals or,
25 in the case of the unavailability of the registration certificate,

1 license plates, or validation decals, filing an affidavit with
2 the county treasurer or designated county official regarding the
3 transfer of title due to the settlement and the unavailability of
4 the certificate, license plates, or validation decals. The owner
5 may receive a refund or credit of the registration fees and motor
6 vehicle taxes and fees for the unexpired months remaining in the
7 registration year determined based on the date when the motor
8 vehicle or trailer was damaged and became unavailable for service.
9 ~~The owner may receive a credit for motor vehicle taxes and fees for~~
10 ~~the unexpired months remaining in the registration year determined~~
11 ~~based on the date when the motor vehicle or trailer was damaged and~~
12 ~~became unavailable for service. If the motor vehicle or trailer was~~
13 ~~damaged and became unavailable for service during the same month in~~
14 ~~which it was registered, no refund or credit shall be allowed for~~
15 ~~such month. When the owner registers a replacement motor vehicle~~
16 ~~or trailer at the time of filing such affidavit, the credit may~~
17 ~~be immediately applied against the registration fee and the motor~~
18 ~~vehicle tax and fee for the replacement motor vehicle or trailer.~~
19 ~~When no such replacement motor vehicle or trailer is so registered,~~
20 ~~the county treasurer or designated county official shall refund the~~
21 ~~unused registration fees, or forward the application and affidavit,~~
22 ~~if any, to the State Treasurer who shall determine the amount,~~
23 ~~if any, of the allowable credit for the registration fee and~~
24 ~~issue a credit certificate to the owner. For the motor vehicle~~
25 ~~tax and fee, the county treasurer or designated county official~~

1 shall determine the amount, if any, of the allowable credit and
2 issue a credit certificate to the owner. If the motor vehicle
3 or trailer was damaged and became unavailable for service during
4 the same month in which it was registered, no refund or credit
5 shall be allowed for such month. When any such motor vehicle or
6 trailer is reregistered within the same registration year in which
7 its registration has been canceled, the taxes and fees shall be
8 that portion of the registration fee and the motor vehicle tax
9 and fee for the remainder of the registration year. The credits
10 may be applied against taxes and fees for new or replacement motor
11 vehicles or trailers incurred within one year after the date of the
12 settlement.

13 Sec. 28. Section 60-3,104, Revised Statutes Cumulative
14 Supplement, 2006, is amended to read:

15 60-3,104 The department shall issue the following types
16 of license plates:

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

19 (2) Boat dealer license plates issued pursuant to section
20 60-379;

21 (3) Bus license plates issued pursuant to section
22 60-3,144;

23 (4) Commercial ~~truck and truck-tractor~~ motor vehicle
24 license plates issued pursuant to section 60-3,147;

25 (5) Dealer or manufacturer license plates issued pursuant

1 to sections 60-3,114 and 60-3,115;

2 (6) Disabled veteran license plates issued pursuant to
3 section 60-3,124;

4 (7) Farm trailer license plates issued pursuant to
5 section 60-3,151;

6 (8) Farm truck license plates issued pursuant to section
7 60-3,146;

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

10 (10) Fertilizer trailer license plates issued pursuant to
11 section 60-3,151;

12 (11) Film vehicle license plates issued pursuant to
13 section 60-383;

14 (12) Apportionable vehicle Fleets of apportionable
15 ~~commercial vehicles~~ license plates issued pursuant to section
16 60-3,203;

17 (13) Handicapped or disabled person license plates issued
18 pursuant to section 60-3,113;

19 (14) Historical vehicle license plates issued pursuant to
20 sections 60-3,130 to 60-3,134;

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

23 (16) Motor vehicle license plates for motor vehicles
24 owned or operated by the state, counties, municipalities, or school
25 districts issued pursuant to section 60-3,105;

- 1 (17) Motor vehicles exempt pursuant to section 60-3,107;
- 2 (18) Motorcycle license plates issued pursuant to section
3 60-3,100;
- 4 (19) Nebraska Cornhusker Spirit Plates issued pursuant to
5 sections 60-3,127 to 60-3,129;
- 6 (20) Nonresident owner thirty-day license plates issued
7 pursuant to section 60-382;
- 8 (21) Passenger car having a seating capacity of ten
9 persons or less and not used for hire issued pursuant to section
10 60-3,100;
- 11 (22) Passenger car having a seating capacity of ten
12 persons or less and used for hire issued pursuant to section
13 60-3,100;
- 14 (23) Pearl Harbor license plates issued pursuant to
15 section 60-3,122;
- 16 (24) Personal-use dealer license plates issued pursuant
17 to section 60-3,116;
- 18 (25) Personalized message license plates for motor
19 vehicles and cabin trailers, except commercial ~~trucks~~ motor
20 vehicles registered for over ten tons gross weight, issued pursuant
21 to sections 60-3,118 to 60-3,121;
- 22 (26) Prisoner-of-war license plates issued pursuant to
23 section 60-3,123;
- 24 (27) Purple Heart license plates issued pursuant to
25 section 60-3,125;

1 (28) Recreational vehicle license plates issued pursuant
2 to section 60-3,151;

3 (29) Repossession license plates issued pursuant to
4 section 60-375;

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

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

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

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

13 (34) 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 (35) Utility trailer license plates issued pursuant to
20 section 60-3,151; and

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

23 Sec. 29. Section 60-3,107, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 60-3,107 The department may provide distinctive license

1 plates issued for use on motor vehicles which are tax exempt
2 pursuant to subdivision (6) of section 60-3,185. License plates
3 on such motor vehicles shall display, in addition to the license
4 number, the ~~word~~ words tax exempt, ~~which shall appear at the bottom~~
5 ~~of the license plates.~~

6 Sec. 30. Section 60-3,118, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 60-3,118 (1) In lieu of the license plates provided
9 for by section 60-3,100, the department shall issue personalized
10 message license plates for motor vehicles, trailers, semitrailers,
11 or cabin trailers, ~~except commercial trucks registered for over ten~~
12 ~~tens gross weight,~~ for motor vehicles and trailers registered under
13 section 60-3,198, to all applicants who meet the requirements of
14 sections 60-3,119 to 60-3,121. Personalized message license plates
15 shall be the same size and of the same basic design as regular
16 license plates issued pursuant to section 60-3,100. The characters
17 used shall consist only of letters and numerals of the same size
18 and design and shall comply with the requirements of subdivision
19 (1)(a) of section 60-3,100. A maximum of seven characters may be
20 used, except that for motorcycles, a maximum of six characters may
21 be used.

22 (2) The following conditions apply to all personalized
23 message license plates:

24 (a) County prefixes shall not be allowed except
25 in counties using the alphanumeric system for motor vehicle

1 registration. The numerals in the county prefix shall be the
2 numerals assigned to the county, pursuant to subsection (2) of
3 section 60-370, in which the motor vehicle or cabin trailer
4 is registered. Renewal of a personalized message license plate
5 containing a county prefix shall be conditioned upon the motor
6 vehicle or cabin trailer being registered in such county. The
7 numerals in the county prefix, including the hyphen or any other
8 unique design for an existing license plate style, count against
9 the maximum number of characters allowed under this section;

10 (b) The characters in the order used shall not conflict
11 with or duplicate any number used or to be used on the regular
12 license plates or any number or license plate already approved
13 pursuant to sections 60-3,118 to 60-3,121;

14 (c) The characters in the order used shall not
15 express, connote, or imply any obscene or objectionable words or
16 abbreviations; and

17 (d) An applicant receiving a personalized message license
18 plate for a farm truck with a gross weight of over sixteen tons
19 or a commercial truck or truck-tractor with a gross weight of five
20 tons or over shall affix the appropriate tonnage decal to such
21 license plate.

22 (3) The department shall have sole authority to determine
23 if the conditions prescribed in subsection (2) of this section have
24 been met.

25 Sec. 31. Section 60-3,122, Revised Statutes Cumulative

1 Supplement, 2006, is amended to read:

2 60-3,122 (1) Any ~~resident of this state~~ person may,
3 in addition to the application required by section 60-385, ~~make~~
4 ~~application~~ apply to the department for a ~~set of~~ license plates
5 designed by the department to indicate that he or she is a survivor
6 of the Japanese attack on Pearl Harbor if he or she:

7 (a) Was a member of the United States Armed Forces on
8 December 7, 1941;

9 (b) Was on station on December 7, 1941, during the hours
10 of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island
11 of Oahu, or offshore at a distance not to exceed three miles;

12 (c) Was discharged or otherwise separated with a
13 characterization of honorable from the United States Armed Forces;
14 and

15 (d) Holds a current membership in a Nebraska Chapter of
16 the Pearl Harbor Survivors Association.

17 (2) The license plates shall be issued upon the applicant
18 paying the regular license fee and an additional fee of five
19 dollars and furnishing proof satisfactory to the department that
20 the applicant fulfills the requirements provided by subsection (1)
21 of this section. The additional fee shall be remitted to the State
22 Treasurer for credit to the Highway Trust Fund. Only one motor
23 vehicle, ~~or trailer, semitrailer, or cabin trailer~~ owned by the
24 applicant shall be so licensed at any one time. Motor vehicles
25 and trailers registered under section 60-3,198 shall not be so

1 licensed.

2 (3) If the license plates issued pursuant to this section
3 are lost, stolen, or mutilated, the recipient of the ~~license~~ plates
4 shall be issued replacement license plates upon request and without
5 charge.

6 Sec. 32. Section 60-3,123, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 60-3,123 (1) Any ~~resident of this state~~ person who was
9 captured and incarcerated by an enemy of the United States during
10 a period of conflict with such enemy and who was discharged
11 or otherwise separated with a characterization of honorable from
12 or is currently serving in the United States Armed Forces may,
13 in addition to the application required in section 60-385, ~~make~~
14 ~~application~~ apply to the department for a set of license plates
15 designed to indicate that he or she is a former prisoner of war.

16 (2) The license plates shall be issued upon the applicant
17 paying the regular license fee and an additional fee of five
18 dollars and furnishing proof satisfactory to the department that
19 the applicant was formerly a prisoner of war. The additional fee
20 shall be remitted to the State Treasurer for credit to the Highway
21 Trust Fund. Only one motor vehicle, ~~or~~ trailer, semitrailer, or
22 cabin trailer owned by an applicant shall be so licensed at any one
23 time. Motor vehicles and trailers registered under section 60-3,198
24 shall not be so licensed.

25 ~~(2)~~ (3) If the license plates issued under this section

1 are lost, stolen, or mutilated, the recipient of the license plates
2 shall be issued replacement license plates upon request and without
3 charge.

4 Sec. 33. Section 60-3,124, Revised Statutes Cumulative
5 Supplement, 2006, is amended to read:

6 60-3,124 (1) Any ~~resident of this state~~ person who is
7 a veteran of the United States Armed Forces, who was discharged
8 or otherwise separated with a characterization of honorable or
9 general (under honorable conditions), and who is classified by the
10 United States Department of Veterans Affairs as one hundred percent
11 service-connected disabled may, in addition to the application
12 required in section 60-385, apply to the Department of Motor
13 Vehicles for a ~~set of~~ license plates designed by the department to
14 indicate that the applicant ~~for the plates~~ is a disabled veteran.
15 The inscription on the license plates shall be D.A.V. immediately
16 below the license plate number to indicate that the holder of the
17 license plates is a disabled veteran.

18 (2) The plates shall be issued upon the applicant paying
19 the regular license fee and an additional fee of five dollars and
20 furnishing proof satisfactory to the department that the applicant
21 is a disabled veteran. The additional fee shall be remitted to
22 the State Treasurer for credit to the Highway Trust Fund. Only one
23 motor vehicle, ~~or trailer, semitrailer, or cabin trailer~~ owned by
24 the applicant shall be so licensed at any one time. Motor vehicles
25 and trailers registered under section 60-3,198 shall not be so

1 licensed.

2 ~~(2)~~ (3) If the license plates issued under this section
3 are lost, stolen, or mutilated, the recipient of the plates
4 shall be issued replacement license plates as provided in section
5 60-3,157.

6 Sec. 34. Section 60-3,125, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 60-3,125 (1) Any ~~resident of this state~~ person may,
9 in addition to the application required by section 60-385, ~~make~~
10 ~~application~~ apply to the department for a set of license plates
11 designed by the department to indicate that the applicant ~~for the~~
12 ~~license plates~~ has received from the federal government an award of
13 a Purple Heart. The inscription of the plates shall be designed so
14 as to include a facsimile of the award and beneath any numerical
15 designation upon the plates pursuant to section 60-370 the words
16 Purple Heart separately on one line and the words Combat Wounded on
17 the line below.

18 (2) The license plates shall be issued upon payment of
19 the regular license fee and an additional fee of five dollars and
20 furnishing proof satisfactory to the department that the applicant
21 was awarded the Purple Heart. The additional fee shall be remitted
22 to the State Treasurer for credit to the Highway Trust Fund. Only
23 one motor vehicle, ~~or trailer, semitrailer, or cabin trailer~~ owned
24 by the applicant shall be so licensed at any one time. Motor
25 vehicles and trailers registered under section 60-3,198 shall not

1 be so licensed.

2 (3) If license plates issued pursuant to this section are
3 lost, stolen, or mutilated, the recipient of the plates shall be
4 issued replacement license plates upon request and without charge.

5 Sec. 35. Section 60-3,126, Revised Statutes Cumulative
6 Supplement, 2006, is amended to read:

7 60-3,126 (1) Any person who ~~(a)~~ holds an unrevoked and
8 unexpired amateur radio station license issued by the Federal
9 Communications Commission, ~~(b)~~ is a resident of this state, and
10 ~~(c)~~ and is the owner of a ~~passenger car, recreational vehicle, or~~
11 ~~commercial motor vehicle, trailer, semitrailer, or cabin trailer,~~
12 except for motor vehicles and trailers registered under section
13 60-3,198, may, in addition to the application required by section
14 60-385, ~~make application~~ apply to the department for a license
15 plate ~~or a set of~~ license plates upon which shall be inscribed the
16 official amateur radio call letters of such applicant.

17 (2) Such license plates shall be issued, in lieu of
18 the usual numbers and letters, to such an applicant upon payment
19 of the regular license fee and the payment of an additional fee
20 of five dollars and furnishing proof that the applicant holds
21 such an unrevoked and unexpired amateur radio station license. The
22 additional fee shall be remitted to the State Treasurer for credit
23 to the Highway Trust Fund. Only one such motor vehicle or trailer
24 owned by an applicant shall be so registered at any one time.

25 ~~(2)~~ (3) An applicant applying for renewal of amateur

1 radio station license plates shall again furnish proof that he or
2 she holds an unrevoked and unexpired amateur radio station license
3 issued by the Federal Communications Commission.

4 ~~(3)~~ (4) The department shall prescribe the size and
5 design of the license plates and furnish such plates to the persons
6 applying for and entitled to the same upon the payment of the
7 required fee.

8 Sec. 36. Section 60-3,128, Revised Statutes Cumulative
9 Supplement, 2006, is amended to read:

10 60-3,128 (1) A ~~resident of Nebraska~~ person may apply to
11 the department for Nebraska Cornhusker Spirit Plates in lieu of
12 regular license plates on an application prescribed and provided
13 by the department for any motor vehicle, trailer, semitrailer, or
14 cabin trailer, except for a ~~commercial truck registered for over~~
15 ~~ten tons gross weight or a motorcycle.~~ motor vehicles or trailers
16 registered under section 60-3,198. An applicant receiving a spirit
17 plate for a farm truck with a gross weight of over sixteen tons
18 or for a commercial ~~truck or truck-tractor~~ motor vehicle registered
19 for a gross weight of five tons or over shall affix the appropriate
20 tonnage decal to the spirit plate. The department shall make forms
21 available for such applications through the county treasurers or
22 designated county officials. Each application for initial issuance
23 or renewal of spirit plates shall be accompanied by a fee of
24 seventy dollars. Fees collected pursuant to this subsection shall
25 be remitted to the State Treasurer. The State Treasurer shall

1 credit forty-three percent of the fees for initial issuance and
2 renewal of spirit plates to the Department of Motor Vehicles Cash
3 Fund and fifty-seven percent of the fees to the Spirit Plate
4 Proceeds Fund.

5 (2) When the department receives an application for
6 spirit plates, it shall deliver the plates to the county treasurer
7 or designated county official of the county in which the motor
8 vehicle or cabin trailer is registered. The county treasurer or
9 designated county official shall issue spirit plates in lieu of
10 regular license plates when the applicant complies with the other
11 provisions of law for registration of the motor vehicle or cabin
12 trailer. If spirit plates are lost, stolen, or mutilated, the
13 licensee shall be issued replacement license plates pursuant to
14 section 60-3,157.

15 (3) (a) The owner of a motor vehicle or cabin trailer
16 bearing spirit plates may make application to the county
17 treasurer or designated county official to have such spirit
18 plates transferred to a motor vehicle or cabin trailer other than
19 the motor vehicle or cabin trailer for which such plates were
20 originally purchased if such motor vehicle or cabin trailer is
21 owned by the owner of the spirit plates.

22 (b) The owner may have the unused portion of the spirit
23 plate fee credited to the other motor vehicle or cabin trailer
24 which will bear the spirit plate at the rate of eight and one-third
25 percent per month for each full month left in the registration

1 period.

2 (c) Application for such transfer shall be accompanied by
3 a fee of three dollars. Fees collected pursuant to this subsection
4 shall be remitted to the State Treasurer for credit to the
5 Department of Motor Vehicles Cash Fund.

6 Sec. 37. Section 60-3,130.04, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 60-3,130.04 (1) An owner of a historical vehicle eligible
9 for registration under section 60-3,130 may use a license plate
10 or plates designed by this state in the year corresponding to the
11 model year when the vehicle was manufactured in lieu of the plates
12 designed pursuant to section 60-3,130.03 subject to the approval of
13 the department. The department shall inspect the plate or plates
14 and may approve the plate or plates if it is determined that the
15 model-year license plate or plates are legible and serviceable and
16 that the license plate numbers do not conflict with or duplicate
17 other numbers assigned and in use. An original-issued license plate
18 or plates that have been restored to original condition may be used
19 when approved by the department.

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

24 (3) If only one license plate is used on the vehicle, the
25 license plate shall be placed on the rear of the vehicle. The owner

1 of a historical vehicle may use only one plate on the vehicle even
2 for years in which two license plates were issued for vehicles in
3 general.

4 (4) License plates used pursuant to this section
5 corresponding to the year of manufacture of the vehicle shall
6 not be personalized message plates, Pearl Harbor license plates,
7 prisoner of war license plates, disabled veteran license plates,
8 Purple Heart license plates, amateur radio license plates, Nebraska
9 Cornhusker Spirit Plates, or handicapped parking license plates.

10 Sec. 38. Section 60-3,141, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 60-3,141 (1) The various county treasurers or designated
13 county officials shall act as agents for the department in the
14 collection of all motor vehicle taxes, motor vehicle fees, and
15 registration fees.

16 (2) While acting as agents pursuant to subsection (1) of
17 this section, the county treasurers or designated county officials
18 shall in addition to the taxes and registration fees collect and
19 retain for the county two dollars for each registration of a motor
20 vehicle or trailer of a resident of the State of Nebraska and five
21 dollars for each registration of a motor vehicle or trailer of a
22 nonresident from the funds collected for the registration issued.
23 Such fees collected by the county shall be remitted to the county
24 treasurer for credit to the county general fund.

25 (3) The county treasurers or designated county officials

1 shall transmit all motor vehicle fees and registration fees
2 collected to the State Treasurer on or before the twenty-fifth
3 day of each month and at such other times as the State Treasurer
4 requires for credit to the Motor Vehicle Fee Fund and the Highway
5 Trust Fund, respectively, except as provided in section 60-3,156.
6 Any county treasurer or designated county official who fails to
7 transfer to the State Treasurer the amount due the state at the
8 times required in this section shall pay interest at the rate
9 specified in section 45-104.02, as such rate may be adjusted from
10 time to time, from the time the motor vehicle fees and registration
11 fees become due until paid.

12 Sec. 39. Section 60-3,145, Revised Statutes Cumulative
13 Supplement, 2006, is amended to read:

14 60-3,145 (1) The registration fee on local trucks shall
15 be based on the gross vehicle weight as provided in section
16 60-3,147, and local trucks shall be registered at a fee of thirty
17 percent of the commercial motor vehicle registration fee, except
18 that (a) no local truck shall be registered for a fee of less
19 than eighteen dollars, (b) the registration fee for each truck
20 with a factory-rated capacity of one ton or less shall be eighteen
21 dollars, and (c) commercial pickup trucks with a gross load of over
22 three tons shall be registered for the fee provided for commercial
23 ~~trucks.~~ motor vehicles.

24 (2) Local truck license plates shall display, in addition
25 to the registration number, the designation of local truck.

1 Sec. 40. Section 60-3,147, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 60-3,147 (1) The registration fee on commercial ~~trucks~~
4 motor vehicles, except those ~~trucks~~ motor vehicles registered under
5 section 60-3,198, shall be based upon the gross vehicle weight, not
6 to exceed the maximum authorized by section 60-6,294.

7 (2) The registration fee on commercial ~~truck-tractors~~
8 motor vehicles, except for motor vehicles and trailers registered
9 under section 60-3,198, shall be based on the gross vehicle
10 weight on such ~~truck-tractors~~ commercial motor vehicles plus the
11 gross vehicle weight of any trailer or combination with which
12 it is operated, except that for the purpose of determining
13 the registration fee, the gross vehicle weight of a ~~truck~~ ~~or~~
14 ~~truck-tractor~~ commercial motor vehicle towing or hauling a disabled
15 or wrecked motor vehicle properly registered for use on the
16 highways shall be only the gross vehicle weight of the towing ~~truck~~
17 ~~or truck-tractor~~ commercial motor vehicle fully equipped and not
18 including the weight of the motor vehicle being towed or hauled.

19 (3) Except as provided in subsection (4) of this section,
20 the registration fee on such commercial ~~trucks~~ and ~~truck-tractors~~
21 motor vehicles shall be at the following rates:

22 (a) For a gross vehicle weight of three tons or less,
23 eighteen dollars;

24 (b) For a gross vehicle weight exceeding three tons and
25 not exceeding four tons, twenty-five dollars;

1 (c) For a gross vehicle weight exceeding four tons and
2 not exceeding five tons, thirty-five dollars;

3 (d) For a gross vehicle weight exceeding five tons and
4 not exceeding six tons, sixty dollars;

5 (e) For a gross vehicle weight exceeding six tons but not
6 exceeding seven tons, eighty-five dollars;

7 (f) For a gross vehicle weight in excess of seven tons,
8 the fee shall be that for a ~~truck~~ commercial motor vehicle having
9 a gross vehicle weight of seven tons and, in addition thereto,
10 twenty-five dollars for each ton of gross vehicle weight over seven
11 tons.

12 (4) (a) For fractional tons in excess of the twenty
13 percent or the tolerance of one thousand pounds, as provided in
14 section 60-6,300, the fee shall be computed on the basis of the
15 next higher bracket.

16 (b) The fees provided by this section shall be
17 reduced ten percent for motor vehicles used exclusively for the
18 transportation of ~~livestock, poultry, unprocessed milk, grain,~~
19 ~~sugar beets, potatoes, and hay.~~ agricultural products.

20 (c) Fees for ~~trucks~~ commercial motor vehicles with a
21 gross vehicle weight in excess of thirty-six tons shall be
22 increased by twenty percent for all such ~~trucks~~ commercial motor
23 vehicles operated on any highway not a part of the National System
24 of Interstate and Defense Highways.

25 (5) (a) Such fee may be paid one-half at the time of

1 registration and one-half on the first day of the seventh month of
2 the registration period when the license fee exceeds two hundred
3 ten dollars. When the second half is paid, the county treasurer or
4 designated county official shall furnish a registration certificate
5 and license plates issued by the department which shall be
6 displayed on such ~~truck or truck-tractor~~ commercial motor vehicle
7 in the manner provided by law. In addition to the registration fee,
8 the department shall collect a sufficient fee to cover the cost of
9 issuing the certificate and license plates.

10 (b) If such second half is not paid within thirty days
11 following the first day of the seventh month, the registration
12 of such ~~truck or truck-tractor~~ commercial motor vehicle shall be
13 canceled and the registration certificate and license plates shall
14 be returned to the county treasurer or designated county official.

15 (c) Such fee shall be paid prior to any subsequent
16 registration or renewal of registration.

17 (6) License plates issued under this section shall be the
18 same size and of the same basic design as regular license plates
19 issued under section 60-3,100.

20 (7) A license plate or plates issued to a commercial
21 ~~truck or truck-tractor~~ motor vehicle with a gross weight of five
22 tons or over shall display, in addition to the registration number,
23 the weight that the commercial ~~truck or truck-tractor~~ motor vehicle
24 is licensed for, using a decal on the license plate or plates of
25 the commercial ~~truck or truck-tractor~~ motor vehicle in letters and

1 numerals of such size and design as shall be determined and issued
2 by the department.

3 Sec. 41. Section 60-3,150, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 60-3,150 For registration purposes, a truck-tractor and
6 semitrailer unit and a commercial trailer shall be considered as
7 separate units. The registration fee of the truck-tractor shall be
8 the fee provided for ~~trucks and truck-tractors.~~ commercial motor
9 vehicles. Each semitrailer and each commercial trailer shall be
10 registered upon the payment of a fee of one dollar. The department
11 shall provide an appropriate license plate or, when appropriate,
12 validation decal to identify such semitrailers. If any truck or
13 truck-tractor, operated under the classification designated as
14 local, farm, or A or with plates issued under section 60-3,113 is
15 operated outside of the limits of its respective classification, it
16 shall thereupon come under the classification of commercial ~~truck-~~
17 motor vehicle.

18 Sec. 42. Section 60-3,184, Revised Statutes Cumulative
19 Supplement, 2006, is amended to read:

20 60-3,184 For purposes of sections 60-3,184 to ~~60-3,191:~~
21 60-3,190:

22 (1) Automobile means passenger cars, trucks, utility
23 vehicles, and vans up to and including seven tons;

24 (2) Motor vehicle means every motor vehicle and trailer
25 subject to the payment of registration fees or permit fees under

1 the laws of this state and every cabin trailer registered for
2 operation upon the highways of this state;

3 (3) Motor vehicle fee means the fee imposed upon motor
4 vehicles under section 60-3,190;

5 (4) Motor vehicle tax means the tax imposed upon motor
6 vehicles under section 60-3,185; and

7 (5) Registration period means the period from the date
8 of registration pursuant to section 60-392 to the first day of the
9 month following one year after such date.

10 Sec. 43. Section 60-3,186, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 60-3,186 (1) The county treasurer or designated county
13 official shall annually determine the motor vehicle tax on each
14 motor vehicle registered in the county based on the age of the
15 motor vehicle pursuant to section 60-3,187 and cause a notice of
16 the amount of the tax to be mailed to the registrant at the
17 address shown upon his or her registration certificate. The notice
18 shall be printed on a ~~prenumbered statement~~ form prescribed by the
19 department and shall be mailed on or before the first day of the
20 last month of the registration period.

21 (2)(a) The motor vehicle tax, motor vehicle fee,
22 registration fee, sales tax, and any other applicable taxes and
23 fees shall be paid to the county treasurer or designated county
24 official prior to the registration of the motor vehicle for
25 the following registration period. If the motor vehicle being

1 registered has been transferred as a gift or for a nominal amount,
2 any sales tax owed by the transferor on the purchase of the motor
3 vehicle shall have been paid or be paid to the county treasurer or
4 designated county official prior to the registration of the motor
5 vehicle for the following registration period.

6 (b) After retaining one percent of the motor vehicle
7 tax proceeds collected for costs, the remaining motor vehicle tax
8 proceeds shall be allocated to each county, local school system,
9 school district, city, and village in the tax district in which the
10 motor vehicle has situs.

11 (c) (i) Twenty-two percent of the remaining motor vehicle
12 tax proceeds shall be allocated to the county, (ii) sixty percent
13 shall be allocated to the local school system or school district,
14 and (iii) eighteen percent shall be allocated to the city or
15 village, except that (A) if the tax district is not in a city or
16 village, forty percent shall be allocated to the county, and (B)
17 in counties containing a city of the metropolitan class, eighteen
18 percent shall be allocated to the county and twenty-two percent
19 shall be allocated to the city or village.

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

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

1 Sec. 44. Section 60-3,188, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 60-3,188 (1) The department shall determine motor vehicle
4 manufacturers' suggested retail prices, and gross vehicle weight
5 ratings, and vehicle identification numbers using appropriate
6 commercially available electronic information on a system
7 designated by the department.

8 (2) For purposes of section 60-3,187, the department
9 shall ~~(a)~~ determine the value when new of automobiles, ~~(b)~~ and
10 determine the gross vehicle weight ratings of motor vehicles over
11 seven tons, and ~~(c)~~ certify such determinations to the county
12 treasurer or designated county official of each county by November
13 15 of the prior year. The department shall make a determination
14 for such makes and models of automobiles and motor vehicles already
15 manufactured or being manufactured and shall, as new makes and
16 models of such automobiles and motor vehicles become available to
17 Nebraska residents, continue to make such determinations. The value
18 when new is the manufacturer's suggested retail price for such new
19 automobile or motor vehicle of that year using the manufacturer's
20 body type and model with standard equipment and not including
21 transportation or delivery cost.

22 (3) Any person or taxing official may, within ten days
23 after a determination has been certified by the department,
24 file objections in writing with the department stating why the
25 determination is incorrect.

1 (4) Any affected person may file an objection to the
2 determination of the department not more than fifteen days before
3 and not later than thirty days after the registration date. The
4 objection must be filed in writing with the department and state
5 why the determination is incorrect.

6 (5) Upon the filing of objections the department shall
7 fix a time for a hearing. Any party may introduce evidence in
8 reference to the objections, and the department shall act upon the
9 objections and make a written order, mailed to the objector within
10 seven days after the order. The final decision by the department
11 may be appealed. The appeal shall be to the Tax Equalization
12 and Review Commission in accordance with the Tax Equalization and
13 Review Commission Act within thirty days after the written order.
14 In an appeal, the department's determination of the manufacturer's
15 suggested retail price shall be presumed to be correct and the
16 party challenging the determination shall bear the burden of
17 proving it incorrect.

18 Sec. 45. Section 60-3,190, Revised Statutes Cumulative
19 Supplement, 2006, is amended to read:

20 60-3,190 (1) A motor vehicle fee is imposed on all motor
21 vehicles registered for operation in this state. An owner of a
22 motor vehicle which is exempt from the imposition of a motor
23 vehicle tax pursuant to section 60-3,185 shall also be exempt from
24 the imposition of the motor vehicle fee imposed pursuant to this
25 section.

1 (2) The county treasurer or designated county official
 2 shall annually determine the motor vehicle fee on each motor
 3 vehicle registered in the county based on the age of the motor
 4 vehicle pursuant to this section and cause a notice of the amount
 5 of the fee to be mailed to the registrant at the address shown upon
 6 his or her registration certificate. The notice shall be printed
 7 on a ~~prenumbered statement~~ form prescribed by the department, shall
 8 be combined with the notice of the motor vehicle tax, and shall
 9 be mailed on or before the first day of the last month of the
 10 registration period.

11 (3) The motor vehicle fee schedules are set out in
 12 this subsection and subsection (4) of this section. Except for
 13 automobiles with a value when new of less than \$20,000, and for
 14 assembled automobiles, the fee shall be calculated by multiplying
 15 the base fee times the fraction which corresponds to the age
 16 category of the automobile as shown in the following table:

17	YEAR	FRACTION
18	First through fifth	1.00
19	Sixth through tenth	.70
20	Eleventh and over	.35

21 (4) The base fee shall be:
 22 (a) Automobiles, with a value when new of less than
 23 \$20,000, and assembled automobiles - \$5
 24 (b) Automobiles, with a value when new of \$20,000 through

1 \$39,999 - \$20

2 (c) Automobiles, with a value when new of \$40,000 or more
3 - \$30

4 (d) Motorcycles - \$10

5 (e) Recreational vehicles and cabin trailers - \$10

6 (f) Trucks over seven tons and buses - \$30

7 (g) Trailers other than semitrailers - \$10

8 (h) Semitrailers - \$30.

9 (5) The motor vehicle tax, motor vehicle fee, and
10 registration fee shall be paid to the county treasurer or
11 designated official prior to the registration of the motor vehicle
12 for the following registration period. After retaining one percent
13 of the motor vehicle fee collected for costs, the remaining
14 proceeds shall be remitted to the State Treasurer for credit to
15 the Motor Vehicle Fee Fund. The State Treasurer shall return funds
16 from the Motor Vehicle Fee Fund remitted by a county treasurer or
17 designated county official which are needed for refunds or credits
18 authorized by law.

19 (6)(a) The Motor Vehicle Fee Fund is created. On or
20 before the last day of each calendar quarter, the State Treasurer
21 shall distribute all funds in the Motor Vehicle Fee Fund as
22 follows: (i) Fifty percent to the county treasurer of each county,
23 amounts in the same proportion as the most recent allocation
24 received by each county from the Highway Allocation Fund; and
25 (ii) fifty percent to the treasurer of each municipality, amounts

1 in the same proportion as the most recent allocation received by
2 each municipality from the Highway Allocation Fund. Any money in
3 the fund available for investment shall be invested by the state
4 investment officer pursuant to the Nebraska Capital Expansion Act
5 and the Nebraska State Funds Investment Act.

6 (b) Funds from the Motor Vehicle Fee Fund shall be
7 considered local revenue available for matching state sources.

8 (c) All receipts by counties and municipalities from the
9 Motor Vehicle Fee Fund shall be used for road, bridge, and street
10 purposes.

11 (7) For purposes of subdivisions (4)(a), (b), (c), and
12 (f) of this section, automobiles or trucks includes all trucks
13 and combinations of trucks or truck-tractors, except those trucks,
14 trailers, or semitrailers registered under section 60-3,198, and
15 the fee is based on the gross vehicle weight rating as reported by
16 the manufacturer.

17 (8) Current model year vehicles are designated as
18 first-year motor vehicles for purposes of the schedules.

19 (9) When a motor vehicle is registered which is newer
20 than the current model year by the manufacturer's designation, the
21 motor vehicle is subject to the initial motor vehicle fee for six
22 registration periods.

23 (10) Assembled vehicles other than assembled automobiles
24 shall follow the schedules for the motor vehicle body type.

25 Sec. 46. Original sections 60-101, 60-102, 60-117,

LB 287

LB 287

1 60-123, 60-134, 60-137, 60-145, 60-146, 60-152, 60-153, 60-164,
2 60-166, 60-168, 60-173, 60-301, 60-302, 60-325, 60-333, 60-339,
3 60-345, 60-395, 60-397, 60-3,104, 60-3,107, 60-3,118, 60-3,122,
4 60-3,123, 60-3,124, 60-3,125, 60-3,126, 60-3,128, 60-3,130.04,
5 60-3,141, 60-3,145, 60-3,147, 60-3,150, 60-3,184, 60-3,186,
6 60-3,188, and 60-3,190, Revised Statutes Cumulative Supplement,
7 2006, are repealed.

8 Sec. 47. The following sections are outright repealed:
9 Sections 60-157 and 60-3,191, Revised Statutes Cumulative
10 Supplement, 2006.