

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 919

Introduced by Fischer, 43.

Read first time January 14, 2008

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend section 60-3,198,
2 Revised Statutes Cumulative Supplement, 2006; to change
3 provisions relating to the Motor Vehicle Registration
4 Act; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-3,198, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 60-3,198 (1) Any owner engaged in operating a fleet of
4 apportionable vehicles in this state in interjurisdiction commerce
5 may, in lieu of registration of such apportionable vehicles under
6 the general provisions of the Motor Vehicle Registration Act,
7 register and license such fleet for operation in this state
8 by filing a statement and the application required by section
9 60-3,203 with the Division of Motor Carrier Services of the
10 department. The statement shall be in such form and contain such
11 information as the division requires, declaring the total mileage
12 operated by such vehicles in all jurisdictions and in this state
13 during the preceding year and describing and identifying each
14 such apportionable vehicle to be operated in this state during
15 the ensuing license year. Upon receipt of such statement and
16 application, the division shall determine the total fee payment,
17 which shall be equal to the amount of fees due pursuant to
18 section 60-3,203 and the amount obtained by applying the formula
19 provided in section 60-3,204 to a fee of thirty-two dollars per
20 ton based upon gross vehicle weight of the empty weights of a
21 truck or truck-tractor and the empty weights of any trailer or
22 combination thereof with which it is to be operated in combination
23 at any one time plus the weight of the maximum load to be
24 carried thereon at any one time, and shall notify the applicant
25 of the amount of payment required to be made. Mileage operated in

1 noncontracting reciprocity jurisdictions by apportionable vehicles
2 based in Nebraska shall be applied to the portion of the formula
3 for determining the Nebraska injurisdiction fleet distance.

4 Temporary authority which permits the operation of a
5 fleet or an addition to a fleet in this state while the application
6 is being processed may be issued upon application to the division
7 if necessary to complete processing of the application.

8 Upon completion of such processing and receipt of the
9 appropriate fees, the division shall issue to the applicant a
10 sufficient number of distinctive registration certificates which
11 provide a list of the jurisdictions in which the apportionable
12 vehicle has been apportioned, the weight for which registered,
13 and such other evidence of registration for display on the
14 apportionable vehicle as the division determines appropriate for
15 each of the apportionable vehicles of his or her fleet, identifying
16 it as a part of an interjurisdiction fleet proportionately
17 registered. All fees received as provided in this section shall be
18 remitted to the State Treasurer for credit to the Motor Carrier
19 Services Division Distributive Fund.

20 The apportionable vehicles so registered shall be exempt
21 from all further registration and license fees under the Motor
22 Vehicle Registration Act for movement or operation in the State of
23 Nebraska except as provided in section 60-3,203. The proportional
24 registration and licensing provision of this section shall apply
25 to apportionable vehicles added to such fleets and operated in

1 this state during the license year except with regard to permanent
2 license plates issued under section 60-3,203.

3 The right of applicants to proportional registration
4 under this section shall be subject to the terms and conditions
5 of any reciprocity agreement, contract, or consent made by the
6 division.

7 When a nonresident fleet owner has registered his or her
8 apportionable vehicles, his or her apportionable vehicles shall
9 be considered as fully registered for both interjurisdiction
10 and intrajurisdiction commerce when the jurisdiction of base
11 registration for such fleet accords the same consideration for
12 fleets with a base registration in Nebraska. Each apportionable
13 vehicle of a fleet registered by a resident of Nebraska ~~basis~~ shall
14 be considered as fully registered for both interjurisdiction and
15 intrajurisdiction commerce.

16 (2) Mileage proportions for interjurisdiction fleets
17 not operated in this state during the preceding year shall
18 be determined by the division upon the application of the
19 applicant on forms to be supplied by the division which shall
20 show the operations of the preceding year in other jurisdictions
21 and estimated operations in Nebraska or, if no operations were
22 conducted the previous year, a full statement of the proposed
23 method of operation.

24 (3) Any owner complying with and being granted
25 proportional registration shall preserve the records on which the

1 application is made for a period of three years following the
2 current registration year. Upon request of the division, the owner
3 shall make such records available to the division at its office for
4 audit as to accuracy of computation and payments or pay the costs
5 of an audit at the home office of the owner by a duly appointed
6 representative of the division if the office where the records
7 are maintained is not within the State of Nebraska. The division
8 may enter into agreements with agencies of other jurisdictions
9 administering motor vehicle registration laws for joint audits of
10 any such owner. All payments received to cover the costs of an
11 audit shall be remitted by the division to the State Treasurer
12 for credit to the Motor Carrier Division Cash Fund. No deficiency
13 shall be assessed and no claim for credit shall be allowed for
14 any license registration year for which records on which the
15 application was made are no longer required to be maintained.

16 (4) If the division claims that a greater amount of fee
17 is due under this section than was paid, the division shall notify
18 the owner of the additional amount claimed to be due. The owner may
19 accept such claim and pay the amount due, or he or she may dispute
20 the claim and submit to the division any information which he or
21 she may have in support of his or her position. If the dispute
22 cannot otherwise be resolved within the division, the owner may
23 petition for an appeal of the matter. The director shall appoint
24 a hearing officer who shall hear the dispute and issue a written
25 decision. Any appeal shall be in accordance with the Administrative

1 Procedure Act. Upon expiration of the time for perfecting an appeal
2 if no appeal is taken or upon final judicial determination if an
3 appeal is taken, the division shall deny the owner the right to
4 further registration for a fleet license until the amount finally
5 determined to be due, together with any costs assessed against the
6 owner, has been paid.

7 (5) Every applicant who licenses any apportionable
8 vehicles under this section and section 60-3,203 shall have his
9 or her registration certificates issued only after all fees under
10 such sections are paid and, if applicable, proof has been furnished
11 of payment, in the form prescribed by the director as directed by
12 the United States Secretary of the Treasury, of the federal heavy
13 vehicle use tax imposed by 26 U.S.C. 4481 of the Internal Revenue
14 Code as defined in section 49-801.01.

15 (6) In the event of the transfer of ownership of
16 any registered apportionable vehicle or in the case of loss of
17 possession because of fire or theft or because the apportionable
18 vehicle was wrecked, junked, or dismantled, its registration shall
19 expire, except that if the registered owner applies to the division
20 after such transfer or loss of possession and accompanies the
21 application with the fee of one dollar and fifty cents, he or
22 she may have assigned to another motor vehicle the registration
23 identification of the motor vehicle so transferred or lost. If the
24 assigned apportionable vehicle has a greater gross vehicle weight
25 than the transferred or lost apportionable vehicle, the owner of

1 the assigned apportionable vehicle shall additionally pay only the
2 registration fee for the increased gross vehicle weight for the
3 remaining months of the registration year based on the factors
4 determined by the division in the original fleet application.

5 (7) Whenever a Nebraska-based fleet owner files an
6 application with the division to delete a registered apportionable
7 vehicle from a fleet of registered apportionable vehicles because
8 of (a) the transfer of ownership or (b) the loss of possession
9 due to fire or theft or because the apportionable vehicle was
10 wrecked, junked, or dismantled, the registered owner may, by
11 returning the registration certificate or certificates and such
12 other evidence of registration used by the division or, if such
13 certificate or certificates or such other evidence of registration
14 is unavailable, then by making an affidavit to the division of
15 such transfer or loss, receive a refund of that portion of the
16 unused registration fee based upon the number of unexpired months
17 remaining in the registration year. No refund shall be allowed
18 for any fees paid under section 60-3,203. When such apportionable
19 vehicle is transferred or lost within the same month as acquired,
20 no refund shall be allowed for such month. Such refund may be in
21 the form of a credit against any registration fees that have been
22 incurred or are, at the time of the refund, being incurred by the
23 registered apportionable vehicle owner. The Nebraska-based fleet
24 owner shall make a claim for a refund under this subsection within
25 the registration period or shall be deemed to have forfeited his or

1 her right to the refund.

2 (8) Whenever a Nebraska-based fleet owner files an
3 application with the division to delete a registered apportionable
4 vehicle from a fleet of registered apportionable vehicles because
5 the apportionable vehicle is disabled and has been removed from
6 service, the registered owner may, by returning the registration
7 certificate or certificates and such other evidence of registration
8 used by the division or, in the case of the unavailability of such
9 certificate or certificates or such other evidence of registration,
10 then by making an affidavit to the division of such disablement
11 and removal from service, receive a credit for that portion
12 of the unused registration fee deposited in the Highway Trust
13 Fund based upon the number of unexpired months remaining in the
14 registration year. No credit shall be allowed for any fees paid
15 under section 60-3,203. When such apportionable vehicle is removed
16 from service within the same month in which it was registered,
17 no credit shall be allowed for such month. Such credit may be
18 applied against registration fees for new or replacement vehicles
19 incurred within one year after cancellation of registration of
20 the apportionable vehicle for which the credit was allowed. When
21 any such apportionable vehicle is reregistered within the same
22 registration year in which its registration has been canceled,
23 the fee shall be that portion of the registration fee provided
24 to be deposited in the Highway Trust Fund for the remainder of
25 the registration year. The Nebraska-based fleet owner shall make a

1 claim for a credit under this subsection within the registration
2 period or shall be deemed to have forfeited his or her right to the
3 credit.

4 (9) In case of addition to the registered fleet during
5 the registration year, the owner engaged in operating the fleet
6 shall pay the proportionate registration fee from the date of
7 the application the vehicle was placed into service or, if the
8 vehicle was previously registered outside of Nebraska, the date the
9 prior registration expired or the date Nebraska became the base
10 jurisdiction for the fleet, whichever is first, for the remaining
11 balance of the registration year. The fee for any permanent license
12 plate issued for such addition pursuant to section 60-3,203 shall
13 be the full fee required by such section, regardless of the number
14 of months remaining in the license year.

15 (10) In lieu of registration under subsections (1)
16 through (9) of this section, the title holder of record may
17 apply to the division for special registration, to be known as an
18 unladen-weight registration, for any commercial motor vehicle or
19 combination of vehicles. Such registration shall be valid only for
20 a period of thirty days and shall give no authority to operate the
21 vehicle except when empty. The fee for such registration shall be
22 twenty dollars for each vehicle, which fee shall be remitted to the
23 State Treasurer for credit to the Highway Trust Fund. The issuance
24 of such permits shall be governed by section 60-3,179.

25 (11) Any person may, in lieu of registration under

1 subsections (1) through (9) of this section or for other
2 jurisdictions as approved by the director, purchase a trip
3 permit for any nonresident truck, truck-tractor, bus, or truck
4 or truck-tractor combination. Such permit shall be valid for a
5 period of seventy-two hours. The fee for such permit shall be
6 twenty-five dollars for each truck, truck-tractor, bus, or truck
7 or truck-tractor combination. Such permit shall be available at
8 weighing stations operated by the carrier enforcement division and
9 at various vendor stations as determined appropriate by the carrier
10 enforcement division. The carrier enforcement division shall act as
11 an agent for the Division of Motor Carrier Services in collecting
12 such fees and shall remit all such fees collected to the State
13 Treasurer for credit to the Highway Cash Fund. Trip permits shall
14 be obtained at the first available location whether that is a
15 weighing station or a vendor station. The vendor stations shall be
16 entitled to collect and retain an additional fee of ten percent of
17 the fee collected pursuant to this subsection as reimbursement for
18 the clerical work of issuing the permits.

19 Sec. 2. Original section 60-3,198, Revised Statutes
20 Cumulative Supplement, 2006, is repealed.